

TO:

Members of the Committee on the Environment, Public Health, and Food Safety (ENVI)
Council delegates in the Working Party on the Environment
National officials in government departments responsible for the Nature Restoration Law

Brussels, 27 February 2023

Subject: Nature Restoration Law

Dear members of the ENVI Committee,

Dear members of the Council Working Party on the Environment,

We are writing to you following the publication of the amendments in the ENVI Committee to the proposal for a “Nature Restoration Law”.

FIEC – the European Construction Industry Federation and its 32 member federations in 27 European countries (24 EU + Norway, Switzerland, and Ukraine) strongly welcome the intention of the Commission to set binding nature restoration targets that will help the EU restore a broad range of ecosystems and stop the loss of biodiversity, thereby contributing to reach the objectives of the EU Green Deal.

However, we are very concerned about the potential impacts that the proposal could have on the development of many cities and towns in the short, medium, and long-term; on the construction of new and environmentally friendly buildings and infrastructure: or on the expansion of fossil-free energy production in the EU.

The proposed **Article 4** contains a de-facto “**deterioration ban**” for certain habitat types that are also located outside the Natura 2000 network. Subjecting these areas to the same obligations could have drastic consequences on densely populated countries like the Netherlands or Belgium that are already struggling with scarce residential space.

The proposed **Article 6** on the “**restoration of urban ecosystems**” not only disregards the fact that spatial planning is a regional competence, but also does not take into consideration the different starting points of cities and towns all over Europe and could be especially problematic for younger, growing cities and towns. If adopted,

the Restoration Law could even lead to a risk of construction pressure to be drifted more and more outside of densely populated urban areas and to more rural municipalities, thus leading to the exact opposite of the proposal's intention: preventing urban sprawl and contributing to the objectives of climate change mitigation and adaptation.

We also note that the Nature Restoration Law is not compatible with the objectives of the Soil Strategy for 2030 which aims to ensure that there is zero net soil consumption in the EU by 2050. Instead of setting unnecessarily restrictive requirements, which could act as a disincentive to activities aimed at limiting soil consumption with a view to encouraging urban regeneration (e.g., demolition or reconstruction activities), the EU should first focus on imposing obligations to regulate the management and maintenance of existing green spaces, which are often in a state of neglect and degradation.

If left unchanged, we also fear that the proposed provisions could, in the medium and long-term, create a great deal of uncertainty for construction companies, hinder much-needed investments in construction, exacerbate problems such as social inequality, exacerbate the problem of scarcity of land, and drive-up land and construction prices.

Finally, we are concerned that the Nature Restoration Law's provisions could become obstacles to the extraction of critical raw materials by hindering activities such as mining and quarrying, at a time when the EU needs to become more self-sufficient, resilient, and independent.

We therefore call on you to ensure that

- the Nature Restoration Law is compatible with “other” urgent societal needs and grants **more flexibility** and **exemptions** to Member States and regions,
- it takes due account of **national and regional competences** in (urban) spatial planning and of local specificities,
- the construction industry can still **live up to its key role as “enabler” of the Green Deal**, i.e., constructing climate-resilient infrastructure or infrastructure for the expansion of fossil-free energy production, in line with the REPowerEU plan.

We would highly appreciate it if you would consider our concerns in the ongoing discussions in both the European Parliament and the Council.

Yours sincerely,

Philip Crampton

-President FIEC-

Catharina Elmsäter-Svärd

-Director General Swedish Construction Industry Federation (Bygghöretagen)-

Aleksi Randel

-Director General Confederation of Finnish Construction Industries RT-

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-CEO EMBUILD – The Belgian Construction Association-

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-President Associazione Nazionale Costruttori Edili (ANCE)-