

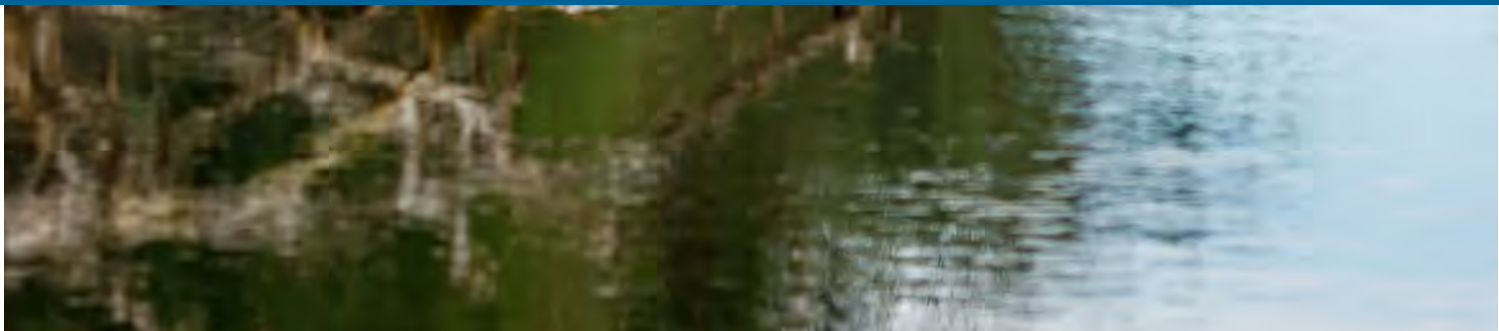


# TIME TO RESTORE

Progress and pitfalls in  
implementing the EU  
Biodiversity Strategy

**BirdLife Europe assessment report**

September 2024





Capercaillie © Patrice Schoeltoit

# Progress and pitfalls in implementing the EU Biodiversity Strategy

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**Cover image:** Wetlands, Danube Delta © Heckepics

In the face of climate change and biodiversity collapse, the EU has a crucial role in ensuring the resilience and adaptation of society. The EU Biodiversity Strategy for 2030, a cornerstone of the European Green Deal, outlines an ambitious plan to tackle the biodiversity crisis. However, progress has been slow, and at the current pace, the EU is unlikely to meet its targets by 2030.

Despite robust legislation such as the Birds and Habitats Directives, European ecosystems continue to deteriorate. The Biodiversity Strategy's goals to protect vulnerable habitats and species are not being met, and most Member States are late in submitting their pledges. The recently adopted Nature Restoration Law provides a strong framework to meet the Strategy's targets and reverse biodiversity decline, but its success hinges on the effective implementation by Member States and will require significant efforts and resources.

The EU's farming system is a significant contributor to biodiversity loss, and locks farmers into an unsustainable status quo. While some progress has been made in promoting organic farming, protecting pollinators and reducing pesticide use, these efforts have been undermined by recent policy changes, particularly the weakening of the Common Agricultural Policy. Consequently, the Biodiversity Strategy's commitments to restoring nature in agricultural areas are far from being achieved, threatening ecosystem health and food security.

Marine ecosystems in Europe are also deteriorating, with 93% of seas impacted by human activities such as overfishing and pollution. Efforts to mitigate the negative effects of fishing and extractive industries on sensitive species and habitats, eliminate bycatch and establish conservation-based fisheries management in Marine Protected Areas are being thwarted by inadequate implementation by Member States.

The Biodiversity Strategy aims to promote win-win solutions for energy generation that support decarbonisation while restoring nature. However, the EU's reliance on biofuels and wood burning continues to threaten biodiversity. In parallel, the EU has adopted a new strategy to simplify the permitting rules for renewables, but this accelerated approach increases the risk of renewables being developed in areas that will harm ecosystems.

Moreover, the EU has fallen short of its commitments to unlock €20 billion per year for biodiversity, with funding being insufficient and inadequately allocated. Except for the LIFE fund, there is no other dedicated funding for nature conservation.



Common Linnet © Yuriy Balagula

As we near the halfway point of the decade, it is evident that most of the EU Biodiversity Strategy 2030 objectives are not on track. This delay stems largely from issues that plagued previous strategies: lack of political coherence, insufficient national responsibility, and reluctance to challenge the status quo. The reliance on non-binding targets has once again proven ineffective in ensuring adequate implementation by Member States. Furthermore, most policies relevant to the achievement of the biodiversity targets have either been delayed or significantly watered down, mainly due to pressure from powerful lobbying groups.

## To reverse the trend of ecosystem collapse and achieve the biodiversity targets by 2030

### BirdLife recommends the European Commission to:

- Strengthen the application of existing legislation and improve compliance mechanisms.
- Guarantee transparency, public participation and stakeholder involvement in decision-making processes, and strictly regulate conflicts of interest and the influence of lobby groups.
- Resist environmental rollback and ensure decision-making is based on science, public interests, and thorough analysis of the costs and benefits of action and inaction.
- No longer tolerate consistent breaches of EU law environmental laws and respond accordingly with infringement procedures.
- Establish proper monitoring and reporting mechanisms to track progress and identify non-compliance, as well as to establish minimum standards for effective inspection and close monitoring Member States' practices.
- Propose a binding mechanism to ensure the achievement of the Biodiversity Strategy's target by 2030.
- Strongly invest in nature conservation and restoration inside and outside protected areas, including funding for biodiversity monitoring.
- Create governance structures that deliver transformational change, ensuring that funding and staff training are adapted to the implementation of legislation and policies relating to the EU Biodiversity Strategy and the compliance of the rule of law.
- Promote digital solutions to improve the data management needed for monitoring, decision-making and enforcing biodiversity legislation.

### BirdLife recommends Member States to:

- Promote the use of technology to monitor biodiversity and enforce environmental regulations, and encourage the development and deployment of sustainable technologies that reduce human impact on ecosystems.

- Ensure transparency, public participation and stakeholder engagement in environmental policy processes.
- Increase capacity and resources for the enforcement and monitoring of environmental legislations.
- Conduct fitness checks of their national administrations responsible for environmental obligations.

### To effectively confront the interconnected challenges of biodiversity loss and climate change, the EU must treat them as two sides of the same coin. It is crucial to align the implementation of the all EU strategies and policies related to climate mitigation and adaptation with the following principles:

- Prioritise carbon sequestration efforts that enhance ecosystem health and resilience.
- Focus climate adaptation policies on nature-based solutions that support biodiversity, build resilience, and align with ecosystem restoration goals.
- Reduce consumption and improve efficiency in the use of energy, natural resources, and animal products, replacing the growth paradigm with one that promotes living in harmony with nature and respects planetary boundaries.
- Plan the deployment of renewable energy and related infrastructure carefully to minimise biodiversity impacts, ensuring alignment with ecological carrying capacity.
- Enhance the resilience of ecosystems and species to climate change in addressing additional stress factors, such as space, food, and water availability, and the impact of invasive species



Wetlands, Croatia © Tatiana Gnuchykh

# 2

# INTRODUCTION

The intertwined ecological and climate crises are characterised by escalating meteorological disasters, record-breaking extremes in temperature and precipitation, and a rapid collapse in biodiversity. The climate crisis exacerbates biodiversity loss and ecosystem collapse, while the destruction of nature is a key driver of climate change. Ecosystems play a critical role as carbon sinks, temperature regulators, and in climate adaptation making their preservation essential for mitigating climate impacts.

Today, human activities threaten the very foundations of our planet’s liveability. The first EU ecosystem assessment, published in 2021<sup>1</sup> states that Europe’s ecosystems-vital for food, timber, clean air, clean water, climate regulation and recreation-are under relentless pressure from intensive land and sea use, climate change, pollution, overexploitation and invasive alien species. The COVID-19 pandemic starkly demonstrated the serious consequences of our broken relationship with nature, underlining its essential role in societal well-being. The latest IPCC report<sup>2</sup> warns that the window of opportunity to make a lasting change for our environment and avoid irreversible damage is rapidly closing. Furthermore, the first European Climate

Risk Assessment (EUCRA) by the European Environment Agency<sup>3</sup> emphasised that Europe is unprepared for the rapidly growing climate risks it faces, and that urgent, immediate action is needed to safeguard the future.

Achieving or maintaining healthy ecosystems is crucial for ensuring the sustainability of human activities, economic competitiveness, and the well-being of people. The alarming rate at which nature is disappearing around the world increases the stress on businesses and economies, particularly in sectors such as agriculture, food and construction, which are heavily dependent on natural resources. This is why voices from all over, including the business community<sup>4</sup>, are calling for more concrete measures and bigger investments in favour of biodiversity. As one of the world’s largest economic blocs and a global regulatory power, the EU has a key role to play in implementing the necessary changes to ensure the resilience of our planet and societal adaptation in the face of biodiversity collapse biodiversity and climate change.

In 2019, the EU launched the European Green Deal<sup>5</sup>, a ground-breaking attempt to turn our economy away from ecological degradation and the pursuit of short-term interests, toward building a resilient and

fair society in harmony with the natural world. The EU Biodiversity Strategy for 2030<sup>6</sup>, adopted during the height of the COVID-19 pandemic, serves as the biodiversity pillar of the EU Green Deal and represents the EU’s plan for implementing the Kunming-Montreal Global Biodiversity Framework and achieving global biodiversity targets. The Strategy is a science-based blueprint to address the biodiversity crisis in this decade. Importantly, it acknowledges the necessity to base long-term policies on science. Its delivery heavily depends on the effective implementation by Member States, in particular in relation to their ability to enforce other crucial policies, such as the Common Agricultural Policy, the Common Fisheries Policy, the Farm to Fork Strategy, the EU Forest Strategy, the EU Strategy on Adaptation to Climate Change, the Circular Economy Action Plan and the Zero Pollution Action Plan.

The European Parliament has supported the EU Biodiversity Strategy for 2030, calling for ‘binding targets to protect wildlife and people’<sup>7</sup>. Following the failure of the EU Biodiversity Strategy for 2020 (adopted in 2011), which was hindered by poor strategy design, ambiguous objectives, lack of national responsibility and commitment to change the status quo, the 2030 Strategy presents a new opportunity for ecological transformation with the required financial support and policy coherence.

In December 2023, the European Environment Agency (EEA) presented its first progress report toward the 8th Environment Action Programme (EAP) objectives<sup>8</sup>, which form the overarching framework for action on EU environmental policy until 2030, building on the EU Green Deal and encompassing the 2030 EU Biodiversity Strategy. The conclusions are indisputable: at the current pace, the EU is unlikely to meet any of the biodiversity and ecosystem-related targets by 2030. A key reason is intense pressure on land and sea from socio-economic activities such as agriculture, fisheries and urbanisation. To meet these targets, Member States must better implement existing legislation, take new measures to restore biodiversity, and further mainstream biodiversity into policies such as the Common Agricultural and Fisheries Policies. In March 2024, the European Commission mid-term review of the 8th EAP concluded that achieving the 2030 objectives is still possible if Member States fulfil their commitments to implementing existing policies and laws. However, the report stressed that the need for additional efforts to shift toward sustainable production and consumption, and to close the implementation gap.

As we approach the halfway mark of this decade, with a new European Commission and Parliament set to take office, it is a critical time to evaluate the progress toward our biodiversity targets. The next five years will be decisive for the continent’s future.

This report aims to complement the progress reviews mentioned above by providing a critical look at what has been done, delayed, not implemented or even abandoned over the past years and what has contributed to slowing any progress. It assesses the current situation, and the role of decision makers in the lack of significant progress and delay in implementing the EU’s biodiversity objectives. To do this, the report evaluates the concrete actions taken by the EU institutions since 2020 and measures them against BirdLife’s asks and recommendations from 2019<sup>9</sup>, when the EU Strategy was being developed.

As the window for action narrows and the effects of the biodiversity crisis become increasingly destructive and irreversible, this analysis aims to identify the obstacles preventing the necessary changes and the pathways to bring the EU back on track. Protecting its citizens from the ecological crisis and fulfilling its role as a global leader in biodiversity conservation are imperative for the EU.

Given the delays and inaction of the past five years, the new policy cycle will be crucial in achieving the goals set out in the current strategies by 2030. To avoid repeating past failures, it is essential to redouble efforts, better target measures and focus all EU resources on reversing biodiversity collapse and enabling ecosystems to contribute to climate change mitigation and adaptation. With the new Parliament elected and the new European Commission preparing to take office, our recommendations aim to drive concrete actions to achieve EU and global objectives in tackling the biodiversity and climate crises.

**“ Today, human activities threaten the very foundations of our planet’s liveability.”**

# 3 PROTECTING VULNERABLE HABITATS AND SPECIES

## Context and BirdLife's asks

Europe has robust tools for protecting vulnerable habitats and species through the Birds and Habitats Directives and the environmental objectives embedded in other key policies. This legislation, particularly the resulting network of Natura 2000 sites, offers a critical opportunity to reverse biodiversity decline. Yet, the 2020 State of Nature in the EU report<sup>10</sup> estimates that only 15% of the habitats of Community interest have a good conservation status, while 1 in 5 bird species in Europe is classed as "Threatened" or "Near threatened" by extinction according to the EU's 2021 Red List assessment<sup>11</sup>. This clearly indicates severe issues with proper implementation and enforcement of the existing policies.

For too long, Member States have taken advantage of "soft approaches" to implement key biodiversity legislation. There is no clear evidence that EU Member States have seriously stepped-up efforts to establish effective management plans for their Natura 200 sites, with clear conservation objectives, measures, resources and monitoring systems. Many protected areas remain "paper parks" —designated but not properly protected or managed. Several studies based on satellite data found that current designation of Natura 2000 sites can generally prevent the conversion of natural habitats<sup>12</sup>, they are less effective for certain ecosystems. For example, the current implementation has not been effective in protecting grasslands from conversion

to arable land<sup>13</sup> and halting urbanisation<sup>14</sup>. Regionally, the forestry sector is also responsible for large-scale habitat loss in Natura 2000 sites, particularly through clear-cutting, as seen in Romania.<sup>15</sup>

BirdLife has long urged the EU to ramp up the enforcement of existing legislation to fully protect threatened habitats and species both within and outside the Natura 2000 Network with the appropriate resources. This has been a persistent and serious challenge for the Commission. Infringement procedures related to the designation and management of Natura 2000 sites must be handled more effectively and transparently, including through the regular follow-up of cases. To achieve this, capacity is crucial and sufficient budget should be allocated to increase human resources in the relevant services.

In the EU Biodiversity Strategy, the Commission rightly acknowledges that even with successful enforcement of existing nature conservation regulations, habitat deterioration— especially in terrestrial and marine environments, including rapidly declining habitat types such as old-growth forests— has worsened so significantly in recent decades that additional measures are needed. Extending and strengthening site-based protection and restoring large areas of land are crucial to halting biodiversity loss and enhancing resilience to climate change.

## Key commitments of the 2030 Biodiversity Strategy

- 1 Legally protect a minimum of 30% of the EU's land area and 30% of the EU's sea area and integrate ecological corridors as part of a true Trans-European Nature Network.
- 2 Strictly protect at least one-third of the EU's protected areas, including all remaining primary and old-growth forests.
- 3 Effectively manage all protected areas, defining clear conservation objectives and measures, and monitoring them appropriately.
- 4 By 2030, habitats and species show no deterioration in conservation trends and status; and at least 30% reach favourable conservation status or at least show a positive trend.
- 5 Stepping up implementation and enforcement of EU environmental legislation.

## Overall assessment of implementation progress

Commitment	Implementation level	Role of EU Commission	Role of EU Parliament	Role of Member States	BirdLife comments
1					Delay in the pledge process and lack of a binding mechanism at EU level.
2					Delay in the pledge process and lack of a binding mechanism at EU level.
3			N/A		Lack of effective management by Member States and control/monitoring by the EU.
4			N/A		Delay in the pledge process and lack of a binding mechanism at EU level.
5					Insufficient implementation by Member States and enforcement by the EU.

## Protected areas

The state of implementation of the protected area targets in the EU Biodiversity Strategy is unsatisfactory, with both “general” and strict protection targets lagging. The protected terrestrial area coverage in the EU is currently as 26% (18.6% designed as Natura 2000 and 7.4% under other forms of national protection), nearing the 30% target. However, the marine protection gap is significantly higher, with only 12% coverage (9% Natura 2000 and 4.47% nationally designated)<sup>16</sup>.

The coverage of areas under strict protection across Europe is harder to access due to the lack of standardised data, but previous estimations based on IUCN Protected Area Management Categories (1 and 2) indicated that only 3% of land and 1% of sea areas are strictly protected<sup>17</sup>. Far from the 10% target.

All Member States are expected to contribute towards reaching the protected areas targets in the EU Biodiversity Strategy based on their natural values and potential. Each country was supposed to submit a list of existing protected areas, and an initial proposal (so called “pledge”) for new areas, according to a number of criteria explained in the respective Commission’s guidance document and reporting guidelines<sup>18</sup>, to the EU Commission by the end of 2022. Yet, most Member States have been substantially delayed in submitting their pledges and/or have not provided enough details when making their pledge. do not deliver sufficient substance when pledging. According to the official figures to date, only seven of 27 countries have sent their (incomplete) pledges to the EU Commission: Czechia, Denmark, France, Germany, Luxembourg, Spain and Sweden. Other Member States are still preparing their pledges and intend to submit them “soon”<sup>19</sup>. This is a significant delay of the “pledge and review” process. Once submitted, the pledges should be made publicly available.

The EEA’s monitoring report on the 8th Action Programme concludes that, at the current rate of progress, the EU is unlikely to meet the protected areas targets. The overall slow progress reflects high land-use pressure from agriculture, transport, urban development and increasing competition for land for renewable energy and biofuels.

This massively lagging schedule seems to largely be due to the underlying voluntary implementation mechanism of the pledging process for Member States. The Commission can “only invite” countries to comply with the protected areas targets. There is no underlying legal tool to increase pressure, beyond the Nature Directives. The pledges do not seem to be a priority for Member States for a variety of reasons including lack of political will, data, resources and time to discuss with relevant stakeholders, such as landowners. The potential overlap of pledges with areas that will need

to be restored under the EU Nature Restoration Law (see section 3) are also mentioned as an excuse for lagging behind. Some Member States have indicated that they can only address data deficiencies in their upcoming Natura 2000 country report, which is expected to be released by mid-2025. The voluntary nature of the pledges not only provides insufficient motivation for Member States, but has also severely limited the Commission’s ability to enforce and hold Member States accountable. While discussing the lack of progress with Member States, the European Commission has to date not expressed a clear intention to take additional measures to achieve the targets within the set timeframe.

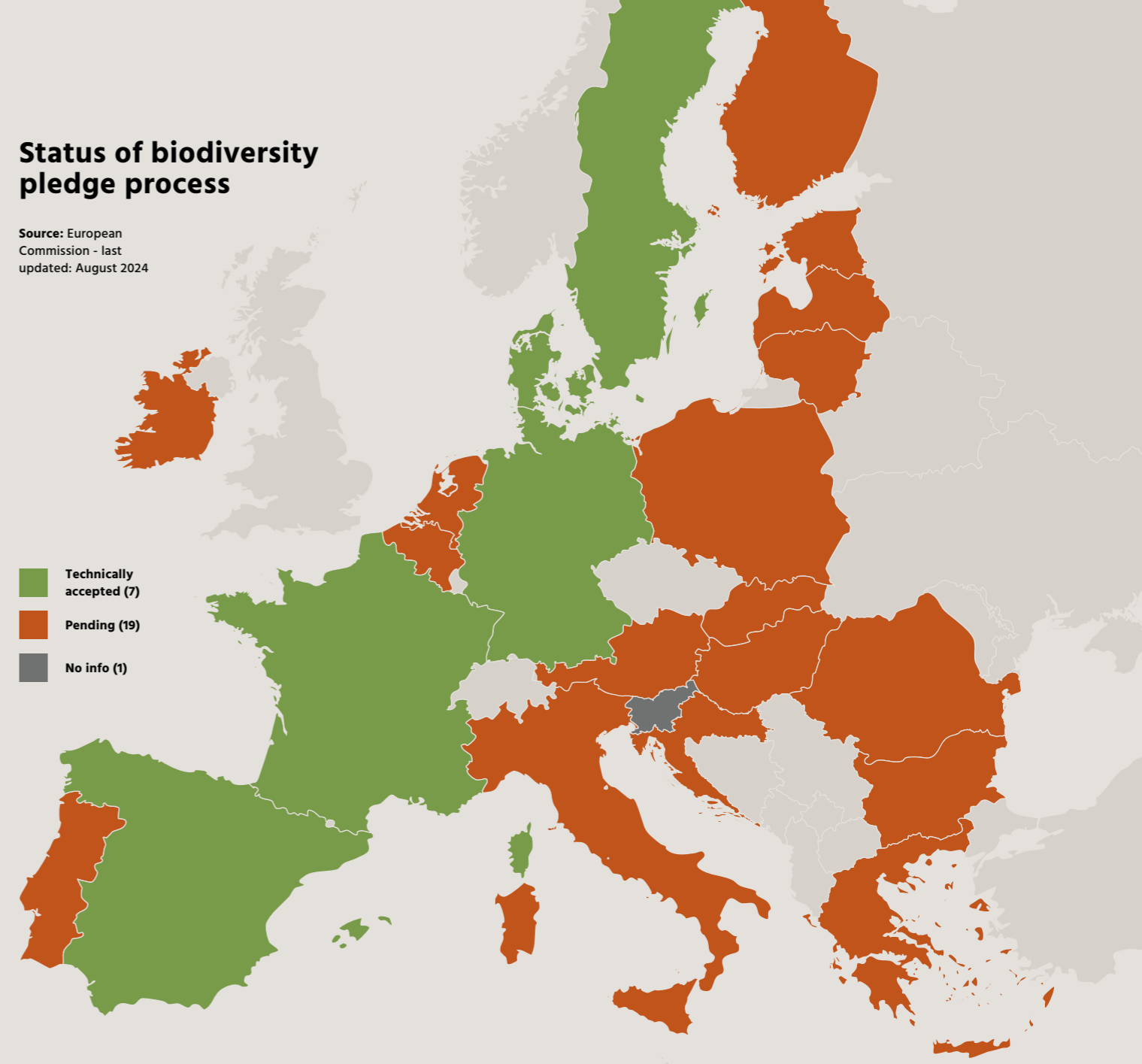
In order to make progress, the Commission must find alternative ways to significantly increase the pressure on Member States to meet the targets. This includes reminding them of their commitments at both EU and global levels and negotiating proposals on achieving the targets over the next five years, through among other things, the bilateral ‘Nature Dialogues’ and other direct exchanges (e.g. formal letters). The Commission could also explore possibilities to translate voluntary protected areas targets into legally binding ones. Synergies with the EU Nature Restoration Law could fast-track progress, as designating protected areas is a major tool for Member States to implement and secure nature restoration measures. It is also the way to ensure that investments keep delivering their ecological and societal benefits in the long run.

Time is running out. If Member States continue to delay designating additional protected areas, their territories deserving of (strict) protection will continue to shrink, such as the old growth forests in Nordic countries. Strictly protected areas play a crucial role in maintaining and showcasing undisturbed ecosystems and ecological processes, essential for biodiversity protection and restoration. Achieving the 10% target of the Biodiversity Strategy requires urgent attention from the European Commission, along with consistent guidance and sharing of best practices.

It is important to note that designation is only one step toward achieving real protection. Without effective management, designated protected areas remain mere “paper parks” that offer little to no actual protection. The Commission must closely monitor not only the designation of protected areas, but also the quality of their management to achieve their conservation goals. Protected areas should only be counted toward EU and international targets if they are actively and properly managed. Where necessary, the Commission should initiate systematic infringement procedures against Member States that fail to adopt adequate management measures for Natura 2000 sites.

## Status of biodiversity pledge process

Source: European Commission - last updated: August 2024



## Species and habitat improvement

The implementation of species and habitats improvement targets under the EU Biodiversity Strategy is as unsatisfactory as the progress on protected areas, despite their importance in reversing biodiversity decline. The latest assessment of the European Environmental Agency (EEA) shows that only around 27% of assessed species are in good conservation status<sup>20</sup>. Significant species groups, their populations, and habitats are still in decline. For example, the common bird index, used as a multi-species indicator in the EU Biodiversity Strategy,

has continued to drop, falling by 14% between 1990 and 2021. Populations of common forest birds declined by 3%, and common farmland birds by 40% during the same period<sup>21</sup>. Through the grassland butterfly index<sup>22</sup> we see an even steeper decline for insects, particularly pollinators (see also section 4). The decline is mainly caused by intensive agricultural management and land-use change. Other factors that have adverse effects on the recovery of populations include climate change and increasing competition for land for producing renewable energy and biofuels.

According to the EEA progress report<sup>23</sup>, it is unlikely that the decline in the population of common birds can be reversed by 2030. The decline is steady, and the form, timing and impact of restoration measures remain uncertain. Member States must strengthen the implementation of existing biodiversity conservation and restoration policies and design new ones to ensure the recovery of common birds. EU policies, such as the Common Agricultural Policy must include more effective and binding measures to halt biodiversity loss (see also below).

As part of the EU Biodiversity Strategy implementation, the European Commission requested Member States to submit draft pledges by the end of 2022 detailing how and for which protected species and habitats they plan to improve the conservation trends by 2030. These pledges should cover at least 30% of all species and habitats not currently in favourable/secure status, and will be reviewed in an expanded version of the Natura 2000 biogeographical process. The Commission provided guidance to support Member States to comply with these commitments<sup>24</sup>.

However, most Member States have substantially delayed submitting their species pledges and, or the pledges submitted lacked sufficient substance. Only six out of 27 countries have sent their (incomplete) pledges to the Commission: Cyprus, Denmark, Germany, Luxembourg, Spain and Sweden<sup>25</sup>. As a result, this part of the “pledge and review” process is also massively behind schedule. Once again, the Commission is confronted with the lack commitments from Member States. Similar to the protected area pledges, this delay highlights the limitations of voluntary approach in achieving the objectives of the EU Biodiversity Strategy.

Obtaining meaningful information on the status of the pledge process beyond officially available data is challenging. BirdLife’s internal assessment reveals significant deficiencies in transparency, stakeholder involvement, and the integration of expert opinions. Based on the information available, most of the pledges being developed or already submitted do not adequately represent the countries’ natural values, nor their conservation challenges. The achievability and measurability of the pledges are also questionable.

Country		CR	CY	CZ	DE	ES	FI	IT	LU	NL	PL	PT	SE	SL
<b>Pledges on Protected Areas</b>		●	●	●	●	●	●	●	●	●	●	●	●	●
<b>Pledges on Conservation Improvements</b>		●	●	●	●	●	●	●	●	●	●	●	●	●
<b>Process</b>	Level of expert / stakeholder involvement	●	●	●	●	●	●	●	●	●	●	●	●	●
	Transparency	●	●	●	●	●	●	●	●	●	●	●	●	●
	Throughness / Accuracy	●	●	●	●	●	●	●	●	●	●	●	●	●
	Integration of expert proposals	●	●	●	●	●	●	●	●	●	●	●	●	●
<b>Documents</b>	Coherence with Biodiversity Strategy	●	●	●	●	●	●	●	●	●	●	●	●	●
	Relevance to conservation challenges	●	●	●	●	●	●	●	●	●	●	●	●	●
	Coverage adequacy (sites, habitats, species)	●	●	●	●	●	●	●	●	●	●	●	●	●
	Achievability of pledges	●	●	●	●	●	●	●	●	●	●	●	●	●
	Measureability / accountability of pledges	●	●	●	●	●	●	●	●	●	●	●	●	●

● Submitted / yes / good   ● Acceptable   ● Poor / somewhat   ● Pending / no / very poor   ● No information

Source: BirdLife Europe & Central Asia internal analysis - Last Updated 31 July 2024



Greylag Goose © Eberhard Grossgasteiger

## Towards zero pollution for nature: Lead ban

The Commission has committed to protecting Europe’s vulnerable species through other environmental strategies besides the Biodiversity Strategy, notably the EU Chemical Strategy and the Zero Pollution Action Plan. Both aim to create a toxic-free environment. In this context, the Commission has taken significant steps to address lead pollution. The REACH Restriction on the use of lead shot in and around wetlands, which came into effect in February 2023, is a major advancement, banning the use and possession of lead shot in these areas.

The next step is to develop a broader restriction on lead in all outdoor shooting and fishing. This is essential to eliminate lead poisoning for both people and wildlife, as over 44,000 tonnes of this toxic metal are still dispersed into the EU environment each year from sports shooting (57%), hunting (32%) and fishing activities (11%)<sup>26</sup>. A lead ban is part of the EU Restriction Roadmap<sup>27</sup>, and the European Chemicals Agency (ECHA) has already proposed a restriction on lead use in ammunition and fishing tackle. This proposal was submitted to the Commission in February 2023. DG GROW and DG ENVI are still preparing a Draft Commission Regulation based on ECHA’s proposal, despite the deadline for submission being back in May 2023. Once released, this proposal will be submitted to a vote by the EU Member States in the REACH Committee. It will then be discussed by the European Parliament and the Council before it can be adopted. Given the Commission’s delay, the proposal is not expected to be put on the agenda until early 2025.

Delays are not the only concern. Pushbacks from stakeholders opposed to the restrictions—hunters, sport-shooters and ammunition manufacturers—may lead to derogations that could drastically undermine the scope of the ban. A derogation for sports shooting, in particular, could render the ban ineffective, as this activity is responsible for more than half of the lead dispersed in the environment.

Only a full restriction on all lead use in hunting, sports shooting and fishing can effectively protect human health and wildlife. It would advance the European Green Deal’s zero pollution objective, as well as Target 7 of the Kunming-Montreal Global Biodiversity Framework<sup>28</sup>, which aims to reduce pollution from all sources by 2030 to levels not harmful to biodiversity.

## Enforcement of EU nature legislation

Compliance with EU environmental laws and policies is generally governed and assessed through the Environmental Implementation Review (EIR), a reporting tool designed to improve implementation<sup>29</sup>. However, the European Commission's current approach to ensuring compliance, implementation and enforcement of EU environmental law is not sufficiently fit for purpose. In theory, national courts should be capable to apply EU law directly, leaving only a small role for the European Commission and Court of Justice. Yet, in practice, many Member States prioritise short-term economic interests and political convenience over protecting biodiversity, leading to frequent infringements of EU environmental legislation. Additionally, access to justice for NGOs is still often an issue, limiting their ability to challenge these infringements effectively. To address these challenges, the Commission needs to take on a more proactive and assertive role in enforcing EU environmental legislation. This requires enhanced technical and legal capacity to resolve infringements swiftly, including the ability to request interim measures before the Court of Justice of the EU to prevent environmental damage.

Although there have been slight improvements in the Commission's approach, with more regular decisions on infringements, there is little evidence of an increase in cases being brought before the Court of Justice of the EU. The Commission of Ursula von der Leyen even opened the least number of nature infringements than any other Commission. Talking behind closed doors (secrecy) would help improve efficiency in the implementation of environmental law, the Commission argued<sup>30</sup>.

But according to legal experts and academics, the opacity and lack of transparency of the EU's infringement procedure has instead contributed to a culture of non-compliance with EU environmental legislation, explaining the delay in achieving climate and biodiversity targets<sup>31</sup>.

Regarding the Nature Directives, the Commission brought one case before the Court in 2020, two cases in 2021 and no cases in 2022 and 2023. In 2024, the Commission brought, among others, Cyprus before court for the lack of sufficient steps and measures to protect and manage Natura 2000 sites<sup>32</sup>. Between 2005 and 2014, the Commission brought 37 cases before the Court, more than three cases per year on average. The most frequent topic between 2005 and 2014 was infrastructure development in Natura 2000 sites, which remains a major threat to the Natura 2000 network today.

A recent internal survey within the BirdLife network corroborates this concerning trend as well as increasing delays in the procedure. This survey found 14 pending infringement cases initiated by BirdLife Partners, with an additional five complaints submitted to the Commission that have yet to result in infringement procedures. The pending cases have already lasted an average of six years, with many complaints submitted post-2020 still awaiting action. Even in cases where the Commission issued a letter of formal notice and/or a reasoned opinion, there was an average time of 3.5 years between these steps. These prolonged durations undermine the enforcement of EU law dramatically and cast doubt on the Commission's stated commitment to uphold the rule of law.



Natura 2000 nature reserve Fochtelooverveen Netherlands © CreativeNature\_nl



Great Bustard © Yves Adams

## Recent political development undermining vulnerable habitat and species protection

The targets in the EU Biodiversity Strategy are not only about introducing new conservation commitments but also about safeguarding existing conservation obligations. However, these existing protections are not guaranteed in the current political climate. A striking example is the Commission's proposal to downgrade the protection status of the wolf under the Bern Convention, published on 20 December 2023<sup>33</sup>. This move represents a significant policy U-turn, as the EU has previously rejected similar proposals due to the lack of scientific justification. Since then, no new

scientific evidence has emerged to support a change in this position. In addition, an in-depth analysis of the wolf's status in the EU does not indicate that reducing protection would alleviate conflicts in the livestock sector<sup>34</sup>. On the contrary, this proposal risks undermining the ongoing efforts to achieve co-existence with large carnivores across the EU, and sets a dangerous precedent that could weaken the robustness of the Natura 2000 Directives, thereby conflicting with the objectives of the EU Biodiversity Strategy.



# 4 RESTORING NATURE AT LARGE SCALE

Ria Formosa in Fusetá, Portugal © Jacek\_Sopotnicki

## Key commitments of the Biodiversity Strategy

- 1 Legally binding EU nature restoration targets to be proposed in 2021, subject to an impact assessment. By 2030, significant areas of degraded and carbon-rich ecosystems are restored.
- 2 At least 25,000 km of free-flowing rivers are restored.

## Context and BirdLife's asks

The European Birds and Habitats Directives, along with the Natura 2000 network, play a crucial role in preventing species extinction and preserving the last vulnerable habitats we have. Unfortunately, they have not been enough to reverse the trend of biodiversity decline. Scientific evidence shows that most of our natural habitats are too damaged, too fragmented or too poorly managed to maintain healthy ecosystems in the long term. Consequently, protecting the remnants of natural habitats is no longer enough, Europe must bring back nature through large-scale restoration. The benefits are endless. Large-scale nature restoration is one of our best solutions to tackle climate change, and makes our society more resilient to environmental shocks. Natural forests, peat bogs and marine habitats like kelp forests and seagrass beds stabilise the climate by storing vast amounts of carbon. Wetlands absorb water, creating a buffer against extreme weather events. Coastal dunes and salt marshes protect us from rising sea levels. Pollinators in healthy ecosystems boost food production. Europe committed to restore 15% of degraded ecosystems by 2020, yet this target was not met. Given the ongoing climate and biodiversity crises, BirdLife has called on European decision-makers to establish legally binding obligations to restore the EU's land and sea areas by 2030<sup>35</sup>. This is the only way forward to bring back nature at scale.

## Overall assessment of implementation progress

Commitment	Implementation level	Role of EU Commission	Role of EU Parliament	Role of Member States	BirdLife comments
1	●	●	●	●	The Nature Restoration Law was adopted despite strong opposition in the European Parliament and Council, resulting in important delay and weakened text.
2	●	●	●	●	Commitment reiterated in NRL. River restoration not on track yet. <sup>36</sup>



In June 2022, the European Commission published its proposal for legally binding EU nature restoration targets, following a round of impact assessments<sup>37</sup>. This legal proposal aims to contribute to the recovery of biodiverse and resilient nature across the EU's land and sea areas through ecosystem restoration, while also contributing to the EU's climate change mitigation and adaptation goals. If implemented effectively and in a timely manner, the proposal has the potential to significantly reverse biodiversity loss and combat climate change.

The Commission's proposal includes several strong elements in line with BirdLife asks:

- An overarching objective for area-based restoration measures
- time-bound restoration obligations for terrestrial, coastal, freshwater and marine ecosystems
- results-based targets for restoring agricultural and forest ecosystems
- an obligation for Member States to develop national restoration plans.

However, BirdLife has identified several areas for improvement to make it a truly effective piece of legislation. These include the need for fair and effective contributions from Member States towards the overarching 20% restoration objective, strong and implementable targets (especially for drained peatlands and marine habitats through the Common Fisheries Policy), and solid provisions for implementation, such as sufficient funding and public participation. The legal proposal also makes reference to restoring the natural connectivity of rivers and natural functions of related floodplains, but lacks quantified and time-bound targets to restore at least 25,000 km of free-flowing rivers, which is a bare minimum compared to the ask to restore 15% of river length<sup>38</sup>.

Since its inception, the Nature Restoration Law proposal has faced unprecedented opposition from vested-interest groups and conservative political groups, leading to substantial delays in its publication and the co-decision process<sup>39</sup>. Opponents used arguments related to food and energy security to cast the Nature Restoration Law and other environmental policies as "burdens", often employing scaremongering tactics and disinformation. In this polarised context, the European Parliament's AGRI, PECH and ENVI Committees were unable to reach a majority consensus to adopt opinion on the Nature Restoration Law, struggling with a long list of amendments, including one to reject the legal proposal entirely<sup>40</sup>. Ultimately, in plenary, the European Parliament plenary voted in favour of a compromise position in July 2023, but at a very high cost<sup>41</sup>. Several weakening amendments affecting critical elements of the text were voted through, such as the obligatory nature of targets,

the clear scope and implementation deadlines, and the restoration of agricultural ecosystems, including drained peatlands.

In contrast, the EU Member States in the ENVI Council managed to agree on a negotiating mandate (general approach) in June 2023, which was far more aligned with the Commission's initial proposal and scientific recommendations. However, even this mandate introduced multiple concessions, increasing flexibility and exemptions that could create loopholes and undermine the law's effectiveness on the ground, such as a phased approach for implementation, non-deterioration obligations and synergies with renewable energy deployment<sup>42</sup>.

During the trilogue process, the three EU institutions reached a provisional agreement in November 2023, reinstating some of the key elements in the legal proposal that had been compromised during technical and political negotiations. All ecosystems originally covered by the Commission's proposal have been reinserted in the text, but several compromises and concessions were made to accommodate all parties involved. This includes a shift from outcome-based to effort-based targets, and additional exemptions, such as the possibility to pause implementation of the legislation as an "emergency brake"<sup>43</sup>.

Despite these compromises, and the endorsement of provisional agreement by the Parliament's ENVI Committee in November 2023<sup>44</sup>, the Nature Restoration Law faced renewed opposition fueled by farmer protests across Europe in early 2024 and the approaching EU elections. This led once again to a tight plenary vote in the European Parliament to endorse the provisional trilogue agreement in February 2024<sup>45</sup> and last-minute changes of position by Member States within the Council. Nevertheless, the Nature Restoration Law was finally adopted at the Environment Council in June 2024, with 20 Member States voting in favour, representing 66.07% of the EU population<sup>46</sup>.

The EU Nature Restoration Law was published in the EU Official Journal on July 29, 2024 and entered into force on August 18, 2024<sup>47</sup>. A cornerstone of this law is the obligation for Member States to develop Nature Restoration Plans (NRPs) to guide the achievement of restoration targets for habitats and species. Countries must submit their draft NRPs by 1st September, 2026. Despite the uncertain future of the Nature Restoration Law during late 2023 and early 2024, the Commission and several Member States had already begun preparing for its implementation. This preparatory work will now need to accelerate to ensure the timely delivery of the much-needed restoration targets.

The journey of the Nature Restoration Law was marked by unexpected, but significant challenges and

opposition. Although the final text of the law is less constraining than the original Commission proposal, it remains a robust framework designed to restore 20% of land and sea areas by 2030, and all ecosystems in need of restoration by 2050. The law includes ecosystem-specific targets for terrestrial, coastal, freshwater, marine, urban, agricultural and forest ecosystems, as well as for pollinator populations. The Nature Restoration Law is a game changer. To achieve its objectives, its effective implementation must be prioritised, with all the necessary resources allocated, in particular adequate funding, and maximum policy coherence ensured. Only then, Europe can reverse biodiversity decline and build resilience against a changing climate.

“ Europe must bring back nature through large-scale restoration. The benefits are endless.

# 5

# TRANSFORMING OVER TO A SUSTAINABLE AGRICULTURE SYSTEM

## Context and BirdLife's asks

The way we use land is one of the most significant drivers of environmental impact. Agriculture intensification and expansion are widely recognised as the leading causes of biodiversity loss on land. Current intensive agricultural practices, often actively incentivised by public policies, contribute to soil degradation, pesticide overuse, water and air pollution, habitat destruction (e.g. peatlands), and the depletion of wildlife. These practices also heavily rely on fossil fuels and nutrient mining, threatening EU food security in the long term. Climate disruption exacerbates these issues by causing increasingly frequent crop failures, spreading crop pests, and altering the distribution of species and their food. To support our population, we must work with nature, not against it. Farmers, forest owners and rural and coastal communities need support in this ecological transformation.

The EU's Common Agricultural Policy (CAP) continues to lock farmers into an untenable status quo. This must urgently change. The shift to nature-positive and climate-resilient farming and forestry

requires rethinking consumption patterns and shifting towards more plant-based diets. High levels of meat and dairy consumption, along with biofuel production from dedicated crops, are major drivers of land-use intensification and are currently at levels unhealthy, for both human health and the environment. These practices contribute significantly to climate change and the EU's growing global environmental footprint. Meanwhile, wood resources are largely wasted on energy production through burning, with intensified logging reducing natural forests to lifeless, climate-vulnerable monocultures.

The EU must ensure that its agricultural land, covering 48% of its territory<sup>48</sup>, becomes part of the solution to the biodiversity crisis. Farmers must be supported in transitioning from intensive production to agro-ecological practices. Sustainable farming should go hand in hand with the restoration of landscape elements on farms and other pro-biodiversity measures. It is especially crucial to protect semi-natural grasslands and peatlands. Long-term food production depends

on halting soil and water degradation and restoring ecosystem services, such as pollination, natural pest control, carbon sequestration, and flooding control.

Organic farming, when done correctly, can benefit biodiversity<sup>49</sup>. It is the only type of "sustainable" production backed by EU legislation. The uncertainty of the impact of organic farming on biodiversity lingers, as biodiversity management is not consistently integrated into organic certification, which leads to unreliable outcomes that need correction.

A 2020 report by the Court of Auditors, revealed that biodiversity funding under the previous CAP failed to halt the decline in farmland biodiversity, despite this being a primary objective. Much of the funding labelled as supporting biodiversity, was either ineffective or even harmful.

The 2021 CAP reform was another missed opportunity to retarget CAP funds toward tackling urgent ecological crises. Regrettably, Member States have used the flexibility provided in the programming of CAP funds to adopt the least stringent measures<sup>50</sup>. Instead of encouraging Member States to increase the ambition of their CAP strategic plans and improving their implementation, following the farmers' protests in 2024, the European Commission proposed measures that strip the CAP of its critical baseline environmental requirements<sup>51</sup>. This raises questions about the CAP's environmental efficacy and overall legitimacy.

Pesticides are the second most significant pressure from agriculture on biodiversity. The EU's Sustainable Use Directive (SUD), adopted in 2009, aimed to reduce the risks and negative impacts of pesticide use. However, the Directive was never properly implemented, and the proposal for a new regulation mandating a reduction of pesticide use has been withdrawn by the Commission following reluctance from Member States<sup>52</sup>.

Excess nutrient loads in the environment are a major threat to biodiversity on land and in water. Current nutrient flows in the EU exceed planetary boundaries for a safe operating space, with dire consequences for the environment and human health, ultimately jeopardise our long-term food security. These include eutrophication, nitrate pollution of surface and groundwater including drinking water sources, harmful air pollution, greenhouse gas emissions, deteriorating soil quality, and biodiversity loss. The EU must establish controls and measures to prevent nutrient leaking from farm system.

Well-established scientific consensus supports transitioning to plant-based diets as pivotal to addressing climate change. However, according to the European Commission's mid-term assessment, there has been no progress toward shifting to healthy, plant-based diets.

Western Yellow Wagtail © Bruev



## Key commitments of the Biodiversity Strategy

- 1 Reversing the decline in pollinators.
- 2 Reducing the risk and use of chemical pesticides by 50% and reducing the use of more hazardous pesticides by 50%.
- 3 Ensuring at least 10% of agricultural area is under high-diversity landscape features.
- 4 Bringing at least 25% of agricultural land under organic farming management, with a significant increase in agro-ecological practices.
- 5 Reducing nutrient losses from fertilisers by 50%, leading to a 20% reduction in fertiliser use.

## Overall assessment of implementation progress

Commitment	Implementation level	Role of EU Commission	Role of EU Parliament	Role of Member States	BirdLife comments
1	●	●	●	●	Various initiatives to support pollinators, but lack of concrete obligations or actions on the ground.
2	●	●	●	●	The Commission initial proposal was a step in the right direction towards achieving this objective but was withdrawn due to opposition from the European Parliament and the Council.
3	●	●	●	●	2021 CAP reform and introduction of GAEC 8 was a step in the right direction, but the recent ill-informed reform of CAP makes reaching the 10% of HDLF untenable.
4	●	●	●	●	Although funds for organic farming are still included in the CAP, this objective will not be achieved because of the too high flexibility given to MS.
5	●	●	●	●	The Commission did not propose any specific policy addressing this target and Member States are largely failing to reduce their nutrient loads in the environment due to insufficient measures. European Parliament and Council watered down the Industrial Emission Directive, removing cattle from its scope.

## Pollinators

The EU has made progress, but is not on track to reverse the decline of pollinators. Four key actions relevant to pollinators include:

- 1 The EU Pollinators Initiative
- 2 The Nature Restoration Law, which contains specific actions for pollinators
- 3 The implementation of the CAP has the potential to protect pollinators and their habitats
- 4 The Sustainable Use of Pesticides Regulation (discussed in the next section) would have been able to tackle a key threat to pollinators.

The revised Pollinator Initiative, published in January 2023, includes a revised Action Framework with 42 actions, to be implemented by 2030 aiming to improve knowledge of pollinator decline, its causes and consequences; improve pollinator conservation and tackle the causes of pollinator decline, and mobilise society and promote strategic planning and cooperation at all levels. While the European Parliament endorsed the initiative and stressed the need to align CAP strategic plans with the objectives of the EU Pollinators Initiative, there has been no adjustments to CAP strategic plans. Moreover, the recent Commission proposals for the “simplification of CAP”, particularly GAEC 8 (requiring farmers to allocate a share of their land for non-productive areas and landscape features), jeopardise the EU’s efforts to protect pollinators<sup>53</sup>.

The Commission’s proposal for the Nature Restoration Law also included a binding target for Member States to reverse the decline of pollinators by 2030, followed by an increasing trend afterwards. It mandated Member States to set up robust monitoring schemes to collect data on the abundance and diversity of pollinator species and to assess pollinator population trends.

Unfortunately, in the conservative parties’ bid to weaken the law overall in the European Parliament the objective of the law’s pollinator target was decreased substantially (see section 3). In the co-decision process, the straightforward obligation has been transformed into an “effort-based target” with a more relaxed timeline to achieve an increasing trend in pollinators.

The CAP is the primary source of EU public support for achieving biodiversity commitments in agriculture<sup>54</sup>. This means that the fate of EU pollinators largely depends on the priorities for CAP spending set in the national CAP strategic plans (CSPs), as well as the subsequent interest of farmers in achieving them. Generally, the conservation of wild pollinators is more prominently featured in the CSPs compared to previous periods. According to the European Evaluation Helpdesk mapping and analysis of the CAP strategic plans<sup>55</sup>, only 18 of the 28 CSPs identified the need to protect wild pollinators and create pollinator habitats. Pollinators are targeted under eight eco-schemes in eight CSPs and 17 agri-environment schemes in 14 CSPs. Notably, there are some other measures, such as support to organic farming or Natura 2000 payments, which can also benefit pollinators. The steps taken to improve monitoring and reporting on pollinators, including under the CAP impact indicator (I20) are also a step forward.

However, the CAP measures for pollinators remain far from adequate. No Member States intends to deploy the interventions at a scale sufficient to make a significant impact. Recent amendments to the CAP regulations, which abolish the obligation for farmers to allocate 4% (or in some cases 3%) of their farms to nature, are another setback in the efforts to reverse the decline of pollinators.





Pesticide spraying © Getty Images

## Pesticides

The EU has failed to establish a legislative framework to mandate targets for reducing the risk and use of chemical pesticides and more hazardous pesticides by 50% by 2030, as the European Parliament rejected the Commission’s proposal.

Following long delays, the Commission published a proposal for the Sustainable Use of Pesticides Regulation (SUR)<sup>56</sup> in June 2022. The proposal set the targets to reduce the risk and use of pesticides by 50%, strengthening integrated pest management and establishing sensitive zones. When the European Parliament rejected the

proposal of the ENVI Committee<sup>57</sup>, the Commission had to prepare another proposal. This delayed the process further and ultimately made the adoption of this law before the EU Parliament elections impossible. However, following the farmer’s protest in January 2024, the President von der Leyen withdrew the legislative file<sup>58</sup>. The chances to fulfil the 50% reduction of the use and risk of pesticides target of the Biodiversity Strategy by 2030 are now extremely low if not non-existent, unless the next Commission immediately puts this crucial file back on their working agenda.

## High-diversity landscape features

The EU has made some progress, but is not on track to ensure that at least 10% of agricultural land is under high-diversity landscape features. Recent amendments to the CAP regulations remove the obligation for farmers, who are receiving CAP subsidies, to set aside 3% or 4% of arable land on their farms for nature<sup>59</sup>. Instead, as a result of the farmers protests, they rely solely on voluntary measures, putting this target in jeopardy.

The CAP remains the main policy instrument for ensuring that 10% of agricultural land is devoted to high-biodiversity landscape features. The Commission proposal for the CAP strategic plans regulation<sup>60</sup> from 2018 obliged farmers to have a minimum share of agricultural land devoted to non-productive features or areas, but did not set any minimum area. On the top of that, Member States have the possibility to incentivise farmers to maintain and create landscape features and areas through voluntary measures in Pillar 1 (eco-schemes) or Pillar 2 (agri-environment schemes).

The GAEC 8 standard mandates that farmers receiving CAP subsidies must allocate a minimum share of their farms to landscape features or non-productive areas. It has sparked intense debates and has become a highly politicised issue. Both the European Council and Parliament set out to establish a minimum percentage of non-productive features in the legislation to maintain the common nature of the policy. The Council insisted on restricting the application of this standard to arable land only, also allowing its fulfilment through nitrogen-fixing crops and catch crops in addition to non-productive feature and areas<sup>61</sup>. Instead of the simple standard proposed by the Commission, the final text adopted in 2021<sup>62</sup>, included a rather complex standard, providing farmers with the option to choose from three compliance methods. The inclusion of nitrogen-fixing crops and catch crops and limiting the standard to arable land only, represents a significant weakening compared to the Commission proposal.

BirdLife welcomed the mandatory baseline set by the CAP on the share of landscape features on arable land required through GAEC 8, which varied between 3% and 7% depending on national choices. However, the weak and inadequate legal baseline<sup>63</sup>, combined with the use of derogations by Member States, indicated that GAEC 8 would not lead to the urgently needed increase in the share of high-diversity landscape features on farmland. Unfortunately, these meagre but potentially positive developments were crushed by the recent amendments to the CAP regulations which removed the farmers’ obligation to set aside a share of their arable land for biodiversity from GAEC 8<sup>64</sup>. Although some eco-schemes could potentially compensate for this loss, their voluntary

nature and implementation challenges make them an inadequate solution for biodiversity conservation.

Member States have all identified the need to maintain high-diversity landscapes features, and most agreeing that it is a high priority, according to the 2023 CAP Strategic Plans mapping report<sup>65</sup>. To address these needs and incentivise farmers to act, 19 CSPs include eco-schemes to support landscape features, and 21 CSPs include pillar 2 agri-environment interventions supporting the presence of landscape features or the management of unproductive areas or strips. Concerns persist, however, about the quality of these schemes, and even where they are well-designed, their limited scope and budget fall short of achieving meaningful impact.

The Commission’s proposal for the Nature Restoration Law (see section 3) included targets to restore nature in agricultural systems. Progress towards the targets should be measured through indicators, including one for the “share of agricultural land with high-diversity landscape features” and its contribution to the overall 10% target of the EU’s agricultural area with high-diversity landscape features. These targets and their related provisions have been severely weakened during the co-decision process, resulting in less nature restoration ambition for agricultural ecosystems (see section 3).

“ The EU’s Common Agricultural Policy continues to lock farmers into an untenable status quo. This must urgently change.

## Organic farming

The EU has made some progress toward bringing at least 25% of agricultural land under organic farming management, but is still far from achieving this target. The Commission's 2021 publication of the Action Plan for the Development of Organic Production<sup>66</sup> was an important step contributing to the development of organic farming and demand for organic products.

CAP funds remain the principle EU funding instrument for supporting organic farming. According to the 2023 CSP mapping report, there is an increase of support to organic farming compared to the previous CAP period<sup>67</sup>. The share of agriculture area set to receive CAP support will nearly double, from 5.6% of agricultural area in 2020 to 10% of agriculture area by 2027. Member States have designed either eco-scheme, agri-environment schemes, or both, to support organic farming and all of them plan to increase the share of agricultural area supported by the CAP. While the rise in objectives and funding appear promising on paper, its true impact will only be evident once there is real implementation.

The European Environment Agency warns that the 25% target is unlikely to be met by 2030 without accelerated efforts. This would require the annual increase of the organic farming share to almost double between 2021-2030 compared to 2012-2021. To reach the target, accelerated development and implementation of coherent policies with increased objectives need to support a fundamental transformation of food production and consumption systems.

## Nutrients

The EU has made no progress on reducing nutrient losses from fertilisers by 50% or reducing fertiliser use by at least 20%. The Joint Research Centre has revealed that measures under existing legislation and policies, even if fully implemented, will only reduce the nutrient load at sea by 13% and 17% for nitrogen and phosphorus respectively<sup>68</sup>.

In March 2020, the Commission announced the development of an Integrated Nutrients Management Action Plan (INMAP), aimed at "ensuring more sustainable applications of nutrients and stimulating the markets for recovered nutrients"<sup>69</sup>. The action plan was postponed several times and remains unpublished.

In November 2022, the Commission published the Fertilisers Strategy<sup>70</sup>. Due to its narrow focus, and development without any expert or public consultation, this strategy is unsuitable to replace the INMAP, as it fails to address the problem in a strategic, systemic way.

The EEA's 8th EAP progress report indicates that meeting the 2030 nutrient loss reduction into groundwater target is unlikely without further action by Member States. Despite the Nitrates legislation in place, there has been no progress in reducing nutrient losses, especially from agriculture. In The Commission's mid-term review, it was concluded that Member States will need to take further action, going beyond what is already required at EU-level, to meet these target by 2030.



Organic produce © JSB Co



Soil sample collection © Kateryna Hliznitsova

# 6 BRINGING LIFE BACK TO OUR OCEAN

## Context and BirdLife's asks

The ocean is indispensable to life on Earth. It provides half of the air we breathe and plays a key role in regulating the climate by absorbing CO<sup>2</sup> and excess heat, thanks to marine life<sup>71</sup>. It also meets our essential needs—food, water, energy, health, culture, and transport<sup>72</sup>. Yet, our marine ecosystems are in poor condition and continue to deteriorate<sup>73</sup>. Over 93% of European seas are affected by multiple pressures from human activities, including overfishing, bycatch, climate change, pollution and invasive species. These pressures have led to significant marine biodiversity loss and diminished ocean resilience<sup>74,75</sup>. Alarming, many species and habitats remain in “unfavourable” or “unknown” conservation status, highlighting that the root causes of marine ecosystem degradation are not improving<sup>76</sup>.

Despite its existing framework to protect the marine environment, the EU is not on track to halt the marine biodiversity loss by 2030<sup>77,78</sup>. Changing course from wide to deep protection requires stronger policy coherence, better implementation, and governance. Above all, decision-making must be guided by a precautionary approach to resource use, moving us away from the relentless pursuit of “blue growth”.

The Common Fisheries Policy (CFP) already mandates precautionary and ecosystem-based fisheries management but is poorly implemented<sup>79</sup>. Measures to mitigate harmful fishing practices have been inadequate due to lack of concrete objectives, political will, and oversight, along with strong resistance from the fishing industry. Bycatch—the incidental capture

of non-target species—remains one of the most significant threats to marine biodiversity, affecting around 200,000 seabirds annually in Europe, including 29 threatened species<sup>80,81</sup>. To eliminate bycatch across all EU fishing vessels, existing legislation must be properly enforced, with effective mitigation measures such as changing fishing methods, adapting techniques, and implementing area closures. Setting up Remote Electronic Monitoring (REM) systems on-board vessels and extensively using them to record bycatch events and identify species is also essential, as current data collection by Member States is insufficient for effective mitigation.

Fisheries management measures in Marine Protected Areas (MPAs) are also crucial. Despite covering 12% of EU seas, less than 1% of MPAs are strictly protected due to lack of effective management.<sup>82</sup> Designating new MPAs alone does not ensure marine conservation—these must be based on sound science, with clear and quantifiable conservation objectives that ensure ecological representability, coherence and connectivity, and effectively managed to contribute to the prevention of biodiversity loss<sup>83,84</sup>. Strict protection and no-take zones should be prioritised, being the most effective conservation tools<sup>85,86</sup>. Practices like bottom trawling and dredging, which occur in 59% of MPAs, are emblematic examples of the current management gap. In addition to being non-selective, these represent the widest sources of physical disturbance to seabed habitats worldwide and cause significant harm to marine ecosystems, completely

undermining marine conservation objectives<sup>87,88,89</sup>. Member States must develop management plans for all their MPAs, guided by whole-site precautionary approaches that protect the mosaics of interconnected habitats and species, only allowing activities that are proven not to harm biodiversity within the sites.

The current state of marine ecosystems and fish stocks is extremely alarming. To allow our seas to recover and replenish, it is essential to reduce fishing pressure and change our seafood consumption habits. This will also help us secure fishing as a long-term livelihood. The European Commission and Member States should show political courage by committing to lower fish consumption and supporting fishers through this transition. This means taking all necessary measures to ensure a full transition to low-impact fisheries, including by prohibiting non-selective and destructive

fishing methods, as this will allow to restore fish populations and seafloors, eliminate bycatch, ensure marine ecosystem resilience, and secure a long-term future for fishers.

Equally important is leading this transformation through a bottom-up approach. Fishers, as key stakeholders in this transition, should actively help shape the process through continuous dialogue with EU policymakers, environmental agencies and NGOs. In doing so, they should be adequately supported and incentivised to change their practices without risking their livelihoods. The European Maritime, Fisheries and Aquaculture Fund (EMFAF) must fulfill its purpose of funding this transition, addressing ocean sustainability and marine ecosystem resilience, increasing the viability of low-impact fishing and supporting coastal communities.

## Key commitments of the Biodiversity Strategy

- 1 Significantly reduce the negative impacts on sensitive species and habitats, including on the seabed through fishing and extraction activities, to achieve good environmental status.
- 2 Eliminate or reduce bycatch to levels that allow species recovery and conservation.
- 3 Establish fisheries management measures in all MPAs according based on best available scientific advice and clearly defined conservation objectives.

## Overall assessment of implementation progress

Commitment	Implementation level	Role of EU Commission	Role of EU Parliament	Role of Member States	BirdLife comments
1	●	●	●	●	Lack of implementation by Member States. The recent direction recently taken by the Commission on different files threatens the achievement of the strategy's marine objectives.
2	●	●	●	●	Legislation is going in the right direction, but lack of implementation by Member States and proper enforcement by the Commission.
3	●	●	●	●	The Commission's Marine Action Plan is going in the right direction to reaching the Strategy targets, but lack of implementation by Member States and support from the European Parliament.



## Fishing impact on sensitive species and habitats

In February 2023, the Commission presented a “Fisheries Package”<sup>90</sup> comprising four different texts addressing current policy gaps and catalysing the transition towards sustainable, resilient fishing and aquaculture. This package has been the main policy instrument put forward to deal with the dire state of our ocean, and more specifically with the protection and restoration of marine ecosystems, as it contains a Marine Action Plan<sup>91</sup> aiming to reinforce the Common Fisheries Policy’s contribution to EU environmental objectives and reduce the adverse impacts of fishing on marine ecosystems. Its implementation is key to achieve the Biodiversity Strategy objectives.

The Marine Action Plan, long anticipated, tackles crucial issues affecting marine ecosystems and sets clear timelines, such as requiring the implementation of measures to reduce the impact on sensitive species by 2024. All the measures covered by the Action Plan are essential for achieving Good Environmental Status (GES) in marine waters, as required under the Marine Strategy Framework Directive. The implementation of the Action Plan is key to achieve the Biodiversity Strategy objectives. However, despite its importance, the Action Plan has faced significant delays and is non-binding, leading to widespread neglect by Member States.

Despite its non-binding nature, the Marine Action Plan was received with unprecedented backlash as both the EU Council<sup>92</sup> and Parliament<sup>93</sup> expressed unwillingness to implement it, going so far as to question its legal scientific underpinnings. As an immediate reaction and following increasing pressure from the industrial fishing industry<sup>94</sup> and some political groups<sup>95</sup>, the European Parliament adopted a report<sup>96</sup> highlighting the need to prioritise the economic interest of fisheries, while downplaying the necessity to step up marine environmental protection. In its March 2024 Communication on the 8th Environmental Assessment Programme, the European Commission noted that “so far, very few Member States have delivered their roadmaps, and none of those roadmaps are comprehensive enough”.

Moreover, the ecosystem-based approach, a guiding principle of the CFP, is meant to be upheld by all EU institutions. Yet, both the Commission and Council have taken actions that contradict this principle. For instance, in April, following pressure from Denmark and Sweden, opened a legal challenge against the UK’s decision to close industrial sandeel fishing in the English North Sea and Scottish waters<sup>97, 98</sup>. This closure, grounded in robust scientific evidence, is a concrete example of ecosystem-based fisheries management as it aims to better protect struggling

seabirds and other marine predators by protecting the food source which they depend on<sup>99, 100</sup>. The Commission’s decision to challenge it is incoherent with EU legislation and directly threatens the achievement of environmental objectives such as Good Environmental Status in marine waters.

In the same vein, in December 2023, the Commission proposed to eliminate the 5% safeguard from the Baltic, North Sea and Western Water Multiannual Plans (MAPs)<sup>101</sup>. This safeguard is essential to preventing fish stock collapse as it requires fishing opportunities to be set with less than a 5% chance of stocks falling below critical levels. With fish stocks faring already severely depleted in the Baltic Sea, and the Council already setting fishing opportunities above scientific advice, this decision presents a significant threat to marine conservation efforts.

## Bycatch of sensitive species

Failure to implement bycatch reduction obligations is another major obstacle to achieving the Biodiversity Strategy’s objectives. Member States’ overall refusal to tackle the issue of bycatch, as evidenced by their inadequate data collection—contrary to the requirements of the Data Collection Framework Regulation (DCFR)—and their general obstruction to the adoption of adequate Joint Recommendations that would allow the implementation of mitigation measures.

The Marine Action Plan for instance only reiterates already-existing obligations—proposing actions to increase gear selectivity and reduce impacts on sensitive species, in line with the Technical Measures Regulation. It also calls Member States to develop threshold values for a maximum allowable mortality rate due to bycatch by 2024, as required under the Marine Strategy Framework Directive, and implement bycatch mitigation measures by 2030 for all sensitive species (as per the Common Fisheries Policy, Technical Measures Regulation, and Nature Directives). Yet the Council explicitly expressed doubts regarding the threshold values, and in the Parliament’s report<sup>102</sup>, the need to eliminate bycatch was acknowledged but not accompanied by any commitment to further action.

The Commission has been alerted of the situation, especially for a number of cases where Member States failed to propose adequate Joint Recommendations despite clear scientific evidence supporting their necessity—such as in the case of France and Spain with the common dolphin in the Bay of Biscay<sup>103</sup>. While the Commission has initiated infringement proceedings against France, Spain, Sweden, Italy, and Portugal for non-compliance with bycatch obligations, this process remains slow.<sup>104, 105, 106</sup> Although the Commission has the authority to enforce emergency conservation measures

under Article 12 of the Common Fisheries Policy, it has consistently refused to do so, allowing enforcement to lag. In the case of the Bay of Biscay, civil society organisations filed a complaint at the national level to obtain the implementation of mitigation measures.

Some progress has been made with the adoption of the revised Fisheries Control Regulation in October 2023<sup>107</sup>, following five years of trilogue negotiations. This new regulation recognises the failure to reduce incidental catches of sensitive species as a serious infringement. It also opens up the possibility of using Remote Electronic Monitoring, which involves CCTV, to identify and monitor sensitive species, which can ensure the collection of reliable data. However, the use of REM remains voluntary, and it is uncertain whether Member States will implement it.

## Fisheries management measures in MPAs

The low ambition of Member States to meet marine protection commitments directly threatens the state of our ocean. Of the few countries who submitted Marine Protected Area pledges, most lack plans to designate strict protection areas, and none are on track to achieve the EU’s 10% target<sup>108, 109</sup>. The most contentious element of the Marine Action Plan is its requirement for Member States to phase out mobile bottom fishing in all Marine Protected Areas by 2030, a key measure for protecting these areas and reducing the impact of fishing on seabed habitats.

This requirement has sparked unprecedented backlash from both Member States and the majority of Members of the European Parliament. Both the Council and Parliament have publicly positioned themselves against the ban on bottom trawling, with Parliament’s report<sup>110</sup> stating “bottom trawling is compatible with conservation objectives”—a stance contrary to scientific consensus

Little progress has been made since then, with only Greece and Sweden announcing their intention to effectively ban bottom trawling from their Marine Protected Areas. France, on the other hand, has actively pushed the Commission to challenge the UK’s decision to ban bottom trawling in UK Marine Protected Areas<sup>111</sup>, thereby threatening the whole-site approach, which is necessary for effective marine ecosystem protection and resilience-building.





# 7 TRANSFORMING OUR ENERGY SYSTEM IN A NATURE-POSITIVE WAY

## Context and BirdLife's asks

The fight against climate change is a race against the clock. The survival of our civilisation, and that of countless species, is incompatible with the continued reliance on fossil fuels, high greenhouse gas emissions, and the destruction of natural carbon stores. The scientific consensus on this has been clear for decades. In addition to the tragic loss of hundreds of thousands of lives due to extreme weather events and other impacts of the climate crisis, the revenues generated from fossil fuels are funding totalitarian regimes, wars, and human rights abuses. Fossil fuel subsidies also drain billions of euros of public funds away from more sustainable economic activity.

Transforming our energy systems requires massive investments in research and infrastructure, from housing renewal, and electricity grid upgrades, to new wind and solar generation plants, to ensure environmentally safe production processes. Rapidly scaling-up renewable energy capacity is more urgent than ever. However, without thoughtful planning and nature-positive design, these developments can further endanger already vulnerable species and habitats. Addressing administrative bottlenecks, engaging citizens and communities and maintaining environmental safeguards are crucial if we are to succeed in the fight against climate change.

Energy transformation and nature conservation must not be seen as competing goals; they can and must be pursued together. The EU must decarbonise its economy while restoring nature. A nature-positive transformation of our energy system presents a historic opportunity to improve biodiversity while achieving climate targets.

The first priority should be energy saving, along

with placing renewable energy installations on urban and industrial buildings, other built surfaces and areas where the risks to environmental or cultural values are low. Since land-use change and forestry also contribute to the climate crisis<sup>112</sup>, protecting and restoring ecosystems like forests and wetlands as carbon sinks should be part of the solution, following strict ecological principles.

Wind and solar energy, both low-cost and proven technologies, are essential to the renewable energy transition<sup>113</sup>. However, if placed in poorly chosen areas, wind and solar farms can cause significant harm to fragile ecosystems, particularly for birds. Poorly placed energy installations can also contribute to a negative GHG emissions loop when placed in areas with good carbon storage potential<sup>114</sup>. Sensitivity mapping is a powerful tool for protecting nature whilst facilitating the necessary rapid transition to renewable energy to reduce global emissions. It is the best available method to understand and mitigate the impacts of renewable energy parks and energy infrastructure on species under the Birds and Habitats Directives. Particularly for offshore wind, as a first principle, future marine renewable energy developments should not be placed within Marine Protected Areas or other ecologically valuable zones for sensitive species and habitats and those that act as refuge from climate change. In addition to a more holistic and nature-inclusive approach to spatial planning of wind farms, putting in place the appropriate curtailment measures is another key mechanism to mitigate the impact of winder energy expansion<sup>115</sup>. The instalment of solar plants as a renewable energy source should also adhere to nature-inclusive principles<sup>116</sup>.

Subsidising energy derived from biomass is not a viable solution for the energy crisis. Such subsidies leads to ecosystem destruction and massive CO<sup>2</sup> emissions for decades, even accounting for forest regrowth and fuel substitution. On top of this, they result in air pollution, higher food prices and negatively impact food security. Simply put, land should not be used for dedicated bioenergy crops and trees should not be harvested for energy.

Much more robust sustainability criteria are needed for forest biomass used for energy, compared to those in the new Renewable Energy Directive (RED), which currently incentivise types of bioenergy that increase emissions dramatically compared to fossil fuels. Subsidies to forest biomass should be halted. Forest biomass should no longer be eligible fuel under the Renewable Energy Directive or considered a 'zero carbon fuel' under the EU Emission Trading System.

Bioenergy should count towards any renewable energy targets. Secondary woody biomass (from wood manufacturing and post-consumer wood) should only be used for energy only after thoroughly applying the cascading principle<sup>117</sup>. Biofuels from palm oil and soy, which have major environmental impacts should no longer be subsidised. Biofuels from crop leftovers could potentially be used, provided there is no documented conflict of interest with food use or other more critical needs.

Creating new hydropower is also not a solution. Hydropower causes severe damage to freshwater ecosystems and can generate methane, a potent greenhouse gas, from decaying organic matter in reservoirs. Instead of creating and investing in new hydropower projects, existing power plants in the EU should be refurbished.



## Key commitments of the Biodiversity Strategy

- 1 Win-win solutions for energy generation.

## Overall assessment of implementation progress

Commitment	Implementation level	Role of EU Commission	Role of EU Parliament	Role of Member States	BirdLife comments
1	●	●	●	●	Many loopholes, derogations or unclarity in adopted legislations risk hindering achievement of the objective in the implementation

## Wood burning and biofuels

Over the past decade, the removal of CO<sub>2</sub> from the atmosphere has declined rather than increased, according to the EEA progress report. This reduction in CO<sub>2</sub> sequestration is partly attributed to increased harvest of wood, driven in part by increased salvage logging. In some Member States, aging forests have also shown a lower capacity for carbon sequestration.

In September 2022, the European Parliament voted on the latest revision of the Renewable Energy Directive (RED). This revision not only raised Europe's renewable energy target to 42.5%, with a voluntary target of 45%, but the Parliament also voted on the extent to which wood burning and biofuels should continue to be promoted and counted towards renewable targets.

By March 2023, European leaders reached an agreement on new limits for the use of forest biomass under the EU's RED. The agreed version of the law was made official following the adoption by the European Parliament and the Council. However, the agreement contains numerous loopholes and derogations that will allow business-as-usual on the ground. These include the derogation to comply with the cascading principle and definitions that still allow for the burning of whole trees old-growth forests.

The European Parliament's proposal to reduce the amount of forest biomass that counts toward renewable energy targets was rejected by the Council. Consequently, EU countries now have the flexibility to add new requirements governing what kind of biomass qualifies as renewable energy, creating more loopholes.

Regarding biofuels, the RED agreement maintains the cap on using crop-based biofuels at 2020 levels, but their use remains optional for Member States. The Commission will review the use of high deforestation-risk biofuels this year, and there is potential for accelerating the removal of palm biofuels from EU renewable energy targets.

In conclusion, while the RED's inclusion of new requirements linking biomass to the loss of forest carbon sinks and prioritising long-lived uses of wood is a small step forward, it ultimately falls short. The directive fails to reduce the amount of wood burning considered as 'renewable' energy. The enforcement of these requirements will ultimately depend on Member States adopting stricter restrictions for using forest wood for fuel. However, aside from a few progressive Member States adopting stricter restrictions, such as Poland, most are relying on bioenergy to meet their renewables target of 42.5%. As it stands, there is no momentum toward a win-win solution that benefits both biodiversity and energy production.

## Renewable Area Acceleration Areas

According to the 8th Environment Action Programme mid-term review<sup>18</sup>, between 2005 and 2022, the EU achieved a 16% reduction in primary energy consumption (to 1 259 million tonnes of oil equivalent in 2022) and an 8% reduction in final energy consumption (to 954 million tonnes of oil equivalent in 2022). By 2022, the share of renewable energy in gross final energy consumption more than doubled to 23%. That year also saw a record installation of around 60 GW of wind and solar power across the EU, along with a 37% record-breaking increase in heat pump sales, totalling 3 million units sold.

Despite this process, the current pace is likely insufficient to meet the 2030 target, which requires a deeper and faster transformation of the energy sector. Further efforts are also needed to prioritise renewable energy solutions that allow for biodiversity co-benefits.

As part of its REPowerEU strategy, the EU aims to accelerate, simplify, and shorten the permitting process for renewables. Member States are now required to rapidly identify and designate dedicated 'go-to areas' for wind development. However, this accelerated approach significantly increases the risk of renewables being developed in areas that will harm nature. Under the new Renewable Energy Directive, Member States are required to 1) map out the area required to meet national contributions for different renewable energy types and 2) determine selected areas, called renewable acceleration areas (RAAs) in which the deployment of renewables can be further accelerated, because of a "non-significant" impact on the environment. There are several certain requirements that RAAs need to fulfil, including being located outside of Nature 2000 areas and major bird and mammal migratory routes.

However, several aspects included during the implementation process will contribute to increasing the conflict between biodiversity and renewable energy development. Within RAAs, there is no requirement for environmental impact assessments (EIAs); only strategic environmental assessments (SEAs) of the plans are required. Project-level EIAs are a crucial environmental tool for assessing the actual environmental and human health costs of a project.

Furthermore, Member States can also retroactively declare areas already designated for renewable acceleration as RAAs, provided they are not within prohibited areas and have undergone an SEA. However, SEAs are often of poor quality and by nature will not be able to adequately assess the environmental impact on those areas.

“Energy transformation and nature conservation must not be seen as competing goals; they can and must be pursued together.”

### Permitting procedures

While the changes to permitting procedures under the RED include some positive elements, like requiring a one-stop shop as well as digitalising the permit-granting process, they fail to address one of the main bottlenecks in renewable energy deployment: the lack of staff in permitting authorities. The significantly shortened timeframes and the introduction of an automatic acceptance system overwhelming already understaffed authorities, leading to the approval of poor quality projects.

# 8

## SUFFICIENT FUNDING TO REVERSE BIODIVERSITY DECLINE

### Context and BirdLife's asks

The Biodiversity Strategy proposes to unlock €20 billion per year to achieve its goals, including prioritising investments in the Natura 2000 network and green infrastructure. This funding is not expected to come exclusively out of the EU budget; it will also mobilise private and national public funding. Concretely, the Strategy aims to develop a dedicated and blended public-private initiative for natural capital and circular economy, which should mobilise at least €10 billion over the next 10 years. Additionally, a significant proportion of the 30% of the EU budget dedicated to climate action is expected to support biodiversity and nature-based solutions. However, these funding sources alone do not meet the €20 billion annual target, and the Strategy does not specify where the additional funding needs will come from.

Shortly after the Biodiversity Strategy's publication, EU institutions reached an agreement on the 2021-2027 Multi-annual Financial Framework (MFF)<sup>19</sup>. Under this framework, the EU will spend 7.5% of its annual budget on biodiversity objectives in 2024, increasing

to 10% in 2026 and in 2027. However, according to the EU Commission, these spending targets will not be met, especially as EU spending drifts further away from these goals due to derogations in environmental conditionalities under the Common Agricultural Policy (CAP), which accounts for a major portion of biodiversity-related expenditures.

The exact amount the EU spent on biodiversity during the previous Multi-annual Financial Framework between 2013 and 2020 remains unclear. The tracking of biodiversity spending under the CAP determines the total sum to a large degree, as the CAP has a relatively large budget compared to other possible funds for biodiversity. However, the European Court of Auditors found in 2020 that the Commission's tracking of biodiversity spending in the CAP is unreliable. This is due, in part, to the inclusion of direct payments and rural development funding, without clear evidence of their benefits for biodiversity<sup>20</sup>.

At the national level, IEEP and Trinomics estimated that EU Member States collectively spent around €12

billion per year<sup>21</sup> on biodiversity between 2014 and 2019. However, they also highlighted serious problems in tracking this spending.

Achieving the objectives of the Biodiversity Strategy will require substantial investments. IEEP and Trinomics<sup>22</sup> estimated that at least an additional €22 billion per year is needed on top of current spending, surpassing the €20 billion per year envisioned in the Strategy. While the funds can be topped up by national and private sources, the bulk of funding for nature-based solutions should be covered by the EU budget. EU own-resources through funds raised from Emission Trading schemes, and carbon taxes should contribute as well.

The EU must align its efforts to maintain and restore biodiversity beyond its borders with its Agenda 2030 for Sustainable Development. Only by doing so, the EU can successfully address the biodiversity and climate challenges and promote inclusive sustainable development both in Europe and in its partner countries. As a global leader, the EU has a responsibility to act and reverse these trends. BirdLife recommends that the EU should dedicate half of its future External Financing Instruments (EFIs) to addressing biodiversity and climate challenges. These priorities should be prominently featured in future geographic programs and thematic support. The current environmental crisis

we are facing requires substantial financial support to meet the challenges of biodiversity and climate collapse. The EU cannot afford to allow these efforts to be undermined by activities that harm nature. Public subsidies and investments that are detrimental to biodiversity must be eliminated, including the perverse subsidies currently included in the Common Agriculture Policy, fisheries support and bioenergy policies.

Strengthening the conditionality of eco-schemes, including through scientific monitoring, is also crucial. The success of the Strategy depends on farmers' ability to transition to more nature-friendly farming. Therefore, the CAP reform should clearly support these important actors in implementing the Biodiversity and Farm to Fork Strategies cohesively.

Equally, funding must align with the Commission's commitment to protect and restore marine ecosystems. The European Commission must ensure that no funds coming from the European Maritime and Fisheries Fund (EMFF) is used to finance harmful activities. Instead, 25% of the EMFF must be ring-fenced for nature protection and another 25% for data collection and controls at sea. For aquaculture, the EMFF should only support production through loans and guarantees and support aquaculture farmers in managing natural areas through diversified income streams.

## Key commitments of the Biodiversity Strategy

- 1 Meet the needs of the strategy, including investment priorities for Natura 2000 and green infrastructure. "At least €20 billion a year should be unlocked for spending on nature."

## Overall assessment of implementation progress

Commitment	Implementation level	Role of EU Commission	Role of EU Parliament	Role of Member States	BirdLife comments
1	●	●	●	●	The EU budget earmarked for nature is insufficient, and Member States are not committed to using existing funds for conservation and restoration measures.

The EU is not on track to unlock €20 billion per year to achieve the objectives of the Biodiversity Strategy. Since the interinstitutional agreement, little progress has been made, and a significant funding gap remains.

In 2023, the European Commission updated its tracking methodology<sup>123</sup> for biodiversity spending, introducing weighing factors for the specific objectives of the 2023-2027 CAP. However, fundamental issues persist. Harmful subsidies are not subtracted from biodiversity spending. For example, 4% of CAP direct payments are counted as biodiversity spending. In this situation, the method results in a supposedly positive contribution to biodiversity from a subsidy system that has a massive negative impact on biodiversity. Furthermore, it is illogical to count compliance with laws (conditionality) as a benefit for biodiversity.

Even according to the European Commission's own methodology to track biodiversity spending, the EU is not on track to spend 10% of its budget on biodiversity objectives in 2026 and 2027. The projected shortfall is around €2.4 billion in 2026 and about €2.9 billion in 2027<sup>124</sup>. There is currently no mechanism in the EU budget to automatically fill these gaps. The European Commission has yet to publish any proposal to address the gaps for the review of the EU budget. This issue could be resolved, for instance, by redrafting CAP Strategic Plans to introduce more high-quality measures for biodiversity.

The quality of spending is also insufficient. Except for the Nature and Biodiversity sub-programme of the LIFE fund, which only covers around 1% of the EU's budget between 2021-2027, there is no dedicated funding for nature conservation. Biodiversity funding is supposedly delivered through an integrated approach. For this to be effective, clearly earmarked conservation

measures will be required through other funds such as the CAP. Instead, the current CAP continues to underfund essential conservation measures (e.g. grassland management in Natura 2000 sites) despite its latest reform, and still largely subsidises harmful intensification practises through area-based direct payments. Even the few environmental conditionalities integrated into the latest CAP reform are not secure and have already been weakened under pressure from industry groups, as seen in early 2024.

With the entering into force of the EU Nature Restoration Law, the funding needs to bring nature back even become more prevalent. To ensure the effective implementation of this law, the earmarking of at least €15 billion annually is needed for nature restoration. While there will be overlap with Natura 2000, a lot of restoration is expected to happen also outside of Natura 2000 areas. The Commission estimates the cost of nature restoration to be around €6 - 8.2 billion annually<sup>125</sup>. The true costs are expected to be much higher, as restoration and maintenance costs for marine, urban and soil ecosystems, as well as for pollinators, were not included in this calculation. To safeguard sufficient funding for nature restoration, BirdLife calls for the establishment of an EU Nature Restoration Fund within the next Multi-annual Financial Framework. The first estimates suggest that such a fund should range between €15 and €25 billion annually to ensure the effective implementation of both the Nature Restoration Law and Natura 2000<sup>126</sup>. Nature restoration is undoubtedly one of the best investments to make. The European Commission's impact assessment concluded that investing in nature restoration adds between €8 to €38 in economic value for each €1 spent<sup>127</sup>.

“The European Commission's impact assessment concluded that investing in nature restoration adds between €8 to €38 in economic value for each €1 spent.”



Capercaille © Yves Adams

# CONCLUSION 9

Greater Flamingo © Yves Adams

The EU Biodiversity Strategy 2030, which aims to put Europe's biodiversity on a path to recovery by 2030, promised to be a solid framework for addressing the biodiversity crisis. Nearly five years after its publication, its objectives are as relevant as ever. However, the ultimate measure of its success lies in the tangible results it delivers. To effectively assess whether the EU is on track to achieve its 2030 objectives, it is crucial to closely examine both its implementation on the ground, the adoption and implementation of related policies, and the overall coherence of EU policies.

Back in 2020, when evaluating the implementation of the previous EU Biodiversity Strategy for 2020, BirdLife highlighted that its failure was largely due to a poorly conceived strategy, vague objectives, a lack of national responsibility, and insufficient commitment to changing the status quo that is detrimental to nature. The lack of progress was also linked to the absence of independent indicators and monitoring by the Commission, as well as a lack of political commitment to secure appropriate funding, implementation, and enforcement of existing legislation.

As we approach the halfway point of the decade, it is evident that most of objectives of the EU Biodiversity Strategy 2030 are not on track to be met. The European Commission's evaluation of the 8th Environment Action Programme, which includes assessments of actions outlined in the EU Biodiversity Strategy for 2030, clearly indicates that the strategy is far from being fully implemented. Unfortunately, many of the issues that plagued previous strategies, such as reliance on non-binding targets and insufficient national commitment, remain unresolved. This familiar pattern raises serious doubts about the strategy's ability to drive meaningful change. BirdLife has observed that, even when the EU institutions commit to strong objectives, these commitments are rarely translated into actual policy or legislation, and very often diluted during the legislative processes within the EU Parliament and Council. In addition, Member States too often fail to properly implement, monitor, and report on adopted EU legislation and policies at national level. This stands in stark contrast to other policy areas designed to deliver global EU commitments, for example in energy and climate where a regular cycle of "report-review-recommend-react" effectively guides progress towards 2030 targets.

Environmental regulation, rules, and standards are essential for protecting both people and planet. However, these laws can only achieve their full potential if they are properly implemented. Effective implementation of existing legislation is key to generating real impact on the ground. Fully enforcing EU environmental laws could save the EU economy billions of euros annually in health costs and direct environmental damage. Compliance with the rule of

“As we approach the halfway point of the decade, it is evident that most of objectives of the EU Biodiversity Strategy 2030 are not on track to be met.”

law, one of the EU's fundamental values, is also crucial for maintaining public trust and the EU's international credibility.

A new area of concern regarding the proper implementation of EU environmental legislation and achievement of biodiversity targets arises from the encroachment of sectoral legislation on the core Nature Directives. Particularly within energy legislation, initiatives such as the Renewable Energy Directive (RED III) and Emergency Regulations risk setting perilous precedents, especially given the already slow progress on biodiversity action. These developments undermine the integrity of the EU Nature Directives, circumventing crucial assessments and species protections. This not only jeopardises environmental safeguards, but also creates legal uncertainty for stakeholders.

Over the past five years, many policies intended to support biodiversity targets have either been delayed or significantly watered down before they have even seen the light of day. This is largely due to significant pressure from powerful lobbying groups. This trend has accelerated in recent years, as many governments and political parties increasingly attempt to derail the necessary transformative changes to existing systems.

Finally, recent backlash against both current and proposed EU environmental regulations, such as proposals to lower the protection status of the wolf, farmers' protests, and anti-Green Deal political campaigns leading up to the 2024 EU elections, have further derailing the objectives of the Biodiversity Strategy and Green Deal.

The biodiversity crisis poses an unprecedented threat to the natural environment, human well-being and socio-economic stability across Europe.

► **To reverse the trend of ecosystem collapse and achieve the biodiversity targets by 2030**

**BirdLife recommends the European Commission to:**

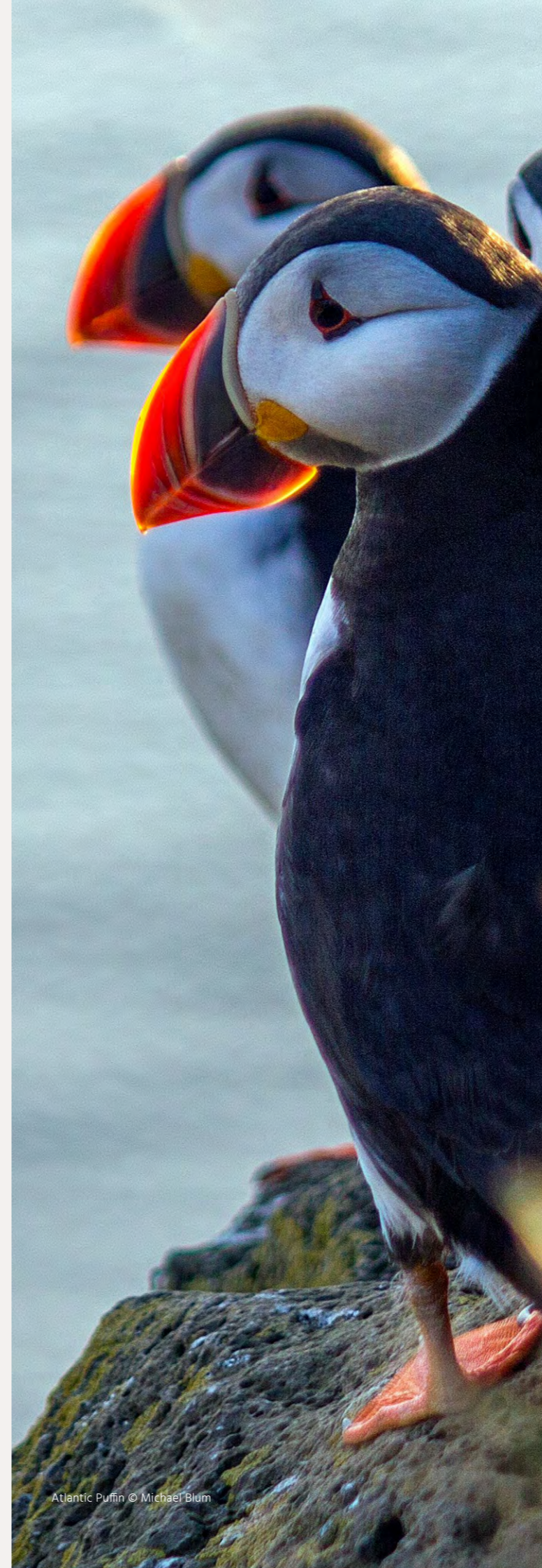
- **Strengthen Compliance Mechanisms:**  
The European Commission must strengthen the application of existing legislation and improve compliance mechanisms. By prioritising these efforts, the EU will save time and resources, while ensuring effective implementation for the benefit of citizens and the environment.
- **Enhance Transparency and Public Participation:**  
The European Commission must guarantee transparency, public participation and stakeholder involvement in decision-making processes, while strictly regulating conflicts of interests and lobby group influence.
- **Resist Environmental Rollback:**  
The European Commission must resist to environmental rollback and ensure a decision-making process based on science, citizen interests, and due analysis of costs and benefits of action and inaction.
- **Enforce Environmental Laws:**  
Persistent breaches of EU environmental laws should no longer be tolerated, with the Commission responding through infringement procedures as necessary.
- **Improve Monitoring and Reporting:**  
The Commission should ensure robust mechanisms for tracking progress and identifying non-compliance, including establishing minimum standards for inspections and closely monitoring Member States' enforcement practices.
- **Propose Binding Targets:**  
To ensure the achievement of the Biodiversity Strategy's goals by 2030, the Commission should introduce binding mechanisms.
- **Invest in Biodiversity Conservation:**  
Adequate funding must be allocated for nature conservation and restoration, both within and outside protected areas. This includes financing biodiversity monitoring to better understand the drivers of biodiversity loss and develop innovative conservation methods, as well as accurately tracking current and future biodiversity expenditures.

- **Create Effective Governance Structures:**  
Governance frameworks must be established to drive transformational change, with funding and training of qualified staff aligned with the implementation of biodiversity-related legislation and policies.

- **Promote Digital Solutions:**  
The Commission should support the adoption of digital tools to enhance data management, monitoring, and enforcement of biodiversity legislation, reducing costs and improving effectiveness.

**BirdLife recommends member states to:**

- **Leverage Technology for Monitoring:**  
Member States should promote the use of advanced technologies such as remote sensing, AI, and big data to monitor biodiversity and enforce environmental regulations, while encouraging the development of sustainable technologies that minimise human impact on ecosystems.
- **Ensure Public Engagement in Environmental Policy:**  
Member States must ensure transparency and public participation in environmental policy processes.
- **Increase resources for enforcement:**  
Member States must increase capacity and resources for enforcement and monitoring of environmental legislations.
- **Evaluate National Environmental Administration:**  
Member States should conduct fitness checks of their national environmental administrations to ensure they are adequately equipped to meet their environmental obligations.



Atlantic Puffin © Michael Blum

**To address the intertwined challenges of biodiversity loss and climate change, the EU must address them as two sides of the same coin. The EU must align the implementation of the EU Biodiversity Strategy, the EU Adaptation Strategy, the Fit for 55 package, and the forthcoming European Climate Change Adaptation Plan with the following principles:**

- **Carbon Sequestration:**  
Efforts to sequester carbon should always enhance ecosystem health and resilience.
- **Nature-Based Adaptation:**  
Climate adaptation policies should prioritise nature-based solutions that support biodiversity, build resilience, and align with ecosystem restoration goals.
- **Sustainable Consumption:**  
The EU must drastically reduce consumption and improve efficiency in the use of energy, natural resources, and animal products, replacing the growth paradigm with one that promotes harmony with nature and respects planetary boundaries.
- **Biodiversity-Friendly Renewable Energy:**  
The deployment of renewable energy and related infrastructure must be carefully planned to minimise biodiversity impacts, ensuring it aligns with ecological carrying capacity.
- **Building Ecosystem Resilience:**  
The deployment of renewable energy and related infrastructure must be carefully planned to minimise biodiversity impacts, ensuring it aligns with ecological carrying capacity.

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