

## *Advice*

# Draft Nature Flemish Restoration Plan

## Joint advice on the Flemish draft Nature Restoration Plan

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## Executive summary

The draft Nature Restoration Plan is incomplete and insufficiently substantiated. Important elements are missing: scientific substantiation, financing, a Strategic Environmental Assessment, socio-economic impact analysis and social cost-benefit analysis. Minaraad, SALV, SARO and SERV are therefore unable to assess whether the plan is ambitious and feasible. Moreover, the draft plan is not yet widely supported.

There is a need for a thorough consultation process with stakeholders, also about the processing of the Strategic Environmental Assessment, socio-economic impact analysis and social cost-benefit analysis. There must also be an insight into the entire financial component, including flanking policy. Many recommendations from their joint advice of 2024 remain unanswered. That is why the Councils reiterate many recommendations in this advisory report, such as the demand for scientific substantiation, publication of data and publication of the INBO monitoring report, an integrated monitoring plan with a clear methodology, governance and a balanced use of resources between field measures and monitoring. There is also a need for better inter-administrative coordination with regions, the federal government, local authorities, neighbouring countries and other EU member states.

There is a lack of a sense of urgency: the 2030 goals are near, while nature restoration takes time. That is why the Councils are asking for the necessary resources to be made available in the short term and for a higher gear to be shifted up in terms of realisations in the field. There must be sufficient choice in terms of possible instruments to be used. They emphasise the importance of integrating biodiversity and species policy into other policies, with opportunities for linking them in climate, space, agriculture, health and water policies. It must be clear what existing instruments contribute, what additional measures are needed and how achieving goals is guaranteed. For implementation on the ground, the Councils ask for an area-specific overview of restoration measures in space and time, with ecological prioritisation and a high-performance monitoring system.

As far as regulations are concerned, they ask for a screening of Flemish regulations in the short term and clarity about the impact of deterioration bans on licensing. They also ask for the legal complexity of existing instruments to be monitored and for a well-considered approach to the use of the 'expropriation' instrument. New compensation mechanisms must be legally robust. Attention must be paid to the tension between voluntary implementation and guarantees of achieving the objectives. The use of flexibilities must be well justified and must not undermine the objectives for nature restoration. The plan must take into account the Flemish spatial context.

For the recommendations on the specific articles for the various ecosystems and pollinators, they refer to the advisory text itself so that the included preconditions and nuances are not lost in the summary.

Finally, the Councils ask that a disclaimer be added to the uniform model, in the draft restoration measures section, stating that this section has not yet been sufficiently discussed with the stakeholders and that adjustments to the draft Nature Restoration Measures therefore still need to be made. They also ask for a transparent follow-up process, with a published process note, a guiding role for the Strategic Environmental Assessment and closer involvement of the stakeholders towards an ambitious, feasible and widely supported final plan. They also wish to advise on the national plan, the Strategic Environmental Assessment and the socio-economic impact analysis.

## Proces

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Datum adviesvraag	10 april 2026
Naam adviesvrager + functie	Jo Brouns, Vlaams minister van Omgeving en Landbouw
Rechtsgrond van de adviesvraag	Bestuursdecreet van 7 december 2018, art. III.94, §1, 2° ( <i>"bijdragen tot het vormen van een beleidsvisie"</i> ) en 8° ( <i>"advies uitbrengen over conceptnota's"</i> )
Adviestermijn	Tot 12 juni 2026
Samenwerking	SARO, SALV, SERV
Overlegcommissie	Werkgroep Biodiversiteit en Ecosystemen
Betrokken experts	Toelichting op 18 mei door het Agentschap voor Natuur en Bos
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The request for advice was delivered on 10 April 2026 by Minister Jo Brouns. An advice is expected on June 12, 2026. The Councils received the draft restoration plan on 19 May 2026.

## Advice on the Flemish draft Nature Restoration Plan

*Disclaimer: This advice should not be regarded as exhaustive advice on the draft Flemish Nature Restoration Plan because the draft plan submitted for advice is not complete, the draft plan was submitted late and the time frame is too limited to have in-depth substantive discussions.*

*In addition, the Councils argue that this preliminary draft must not lead to unintended effects that are irrevocable. Adjustment of this draft plan must remain possible on the basis of the further consultation process and the results from the Strategic Environmental Assessment, socio-economic impact analysis and social cost-benefit analysis. They ask that this message be an integral part of the draft Nature Restoration Plan.*

### 1 Recommendations regarding the Flemish part of the draft Nature Restoration Plan – overarching

#### 1.1 With regard to the incompleteness of the draft plan

[1] **Ensure efficient and effective implementation of the Regulation**. The Councils reiterate their observation from the 2024 joint advice, namely that the central challenge in the implementation of the Nature Restoration Regulation is to efficiently and effectively implement the Nature Restoration Regulation at the Flemish (and Belgian) level. The Councils recognise the importance of restoring ecosystems in Flanders. After all, the indicators for nature and ecosystems in Flanders show divergent trends in the short and long term but are generally not good<sup>2</sup>.

However, on the basis of the submitted draft recovery plan and other additional information, it is impossible for the Councils to verify whether:

- The plan is ambitious – among other things because of the lack of a scientific basis based on the most recent available information, the lack of a financing component, of the results of the Strategic Environmental Assessment, etc.;
- The plan is feasible – among other things, due to the lack of an analysis of the foreseeable socio-economic effects and the estimated benefits as well as the lack of a financing component.

For the advisory councils, it is certain that the draft Nature Restoration Plan, as it has now been submitted for advice, is not yet widely supported. The process did not proceed as advised in the joint advice from 2024 (see also the *governance section*). The Council partners are therefore dissatisfied with their involvement in the preparation of this draft Nature Restoration Plan, in particular with regard to the draft restoration measures in Part C.

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<sup>1</sup> Based on MINARAAD, SERV, SARO and SALV (2024), §3 and §6.

<sup>2</sup> See also recent reports in the context of the VRL and HRL.

The Councils ask for the necessary missing information to be provided as soon as possible and for a proper consultation process with the stakeholders to be initiated<sup>3</sup>, with respect for the imposed timeline. This consultation process should not only be about the Nature Restoration Plan itself, but also about how the results from the Strategic Environmental Assessment and the analysis of the '*foreseeable socio-economic effects and estimated benefits*'<sup>4</sup> will be incorporated into it. The Councils are prepared to take on a facilitating role in this consultation process.

[2] **Give the Councils insight into the financial part as soon as possible.** The Councils note that there is no financing component (including financing of flanking policy).<sup>5</sup> This would only be delivered when the draft plan is submitted to the Flemish Government. The Councils are of the opinion that it is therefore not possible to assess whether the substantive-programmatic approach in this draft recovery plan is ambitious and feasible. Although reference is made to existing policy instruments and programmes and their associated financing, an integrated picture of the total financial picture is lacking. This makes it impossible for the Councils to formulate substantiated recommendations at the moment. The Councils ask for insight into this total financial component as soon as possible.

[3] **Focus on pilot projects for alternative financing.** Measure 4.9 deals with the exploration, development and facilitation of alternative financing options. The Councils agree with this, as reference is made to this in various places in the Nature Restoration Regulation. The Councils believe that such systems should be transparent, legally robust and workable in practice. In the further elaboration of the possibilities mentioned in the plan, *governance*, valuation, ecological robustness, goal achievement, liability, monitoring and the relationship with existing permit systems are very important. The Councils ask that pilot projects and impact analyses be carried out before such systems are widely introduced.

The Councils also refer to their joint advice of 2024, in which they asked to also focus on economic opportunities, revenue models and private financing. They stated that a stronger focus on revenue models, public-private partnerships and levers for private financing is important to make financing more structural. More specifically, they asked to investigate how the proposed restoration policy can lead to opportunities for (as many as possible) entrepreneurs, including foresters and farmers, the broader agri-food sector and the timber sector. This requires a thorough analysis of the ways in which revenue models, measures and practices in agriculture, forestry and other sectors can best contribute to achieving the objectives of the Nature Restoration Regulation. To this end, they proposed, for example, to make appropriate efforts to

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<sup>3</sup> See, for example, the approach in the Netherlands, but with the mention that the Netherlands has provided more manpower for the preparation of the Dutch Nature Restoration Plan.

<sup>4</sup> Regulation, Article 15(3)(s): '*The foreseeable socio-economic effects and the estimated benefits of introducing the remedial measures referred to in Articles 4 to 12*':

<sup>5</sup> Required under Article 15(3)(u), including the '*support to stakeholders affected by remedial measures or other new obligations arising from this Regulation*':

promote organic farming and the application of agro-ecological agricultural practices, as these offer opportunities to achieve certain obligations from Article 11.<sup>6</sup>

The Councils note that the necessary incentives for actors sometimes also require new instruments and ask for the recommendations from previous opinions to be implemented.<sup>7</sup> In the elaboration of such instruments, attention must be paid to both the landowner and the land user.

In conclusion, the Councils refer to the exercise to map out possible financing mechanisms that is running at the federal level. They ask for the results of this exercise to be followed up and, where useful or necessary, to be included in the National Nature Restoration Plan.

- [4] **Include an indication of environmentally unfriendly subsidies.** The Councils reiterate their observation from the 2024 joint opinion, in particular that the national recovery plan *should contain* “an indication of the subsidies that negatively affect the achievement or fulfilment of the objectives and obligations set out in this Regulation” (art. 15(3)(v)). This indication should help to “phase out these environmentally harmful subsidies, in line with the commitment in the Eighth Environment Action Programme” (recital 85,<sup>8</sup>) and thus also gives substance to Objective 18 of the *Kunming-Montreal Global Biodiversity Framework*, which had to be implemented by 2025. The Councils point out that Belgium has received funding from the European Commission to ensure its implementation. This exercise is currently underway at the federal level. The Councils ask for this exercise to be followed up and to inform the Councils about this and point out the obligation to do so in the Regulation.
- [5] **Provide the requested scientific substantiation and make it public.** The joint advice of 2024 and 2026 asked for scientific substantiation of the data, as well as the disclosure of this information. This has not been done to date, except in outline in the Strategic Environmental Assessment Scoping plan. The Councils repeat their questions about this substantiation and its disclosure.
- [6] **Also make sure you have an integrated plan for monitoring.** In the joint advice from 2024, the Councils asked for an integrated monitoring plan and to include the existing monitoring initiatives in this integrated plan<sup>9</sup>. The Councils received a framework for monitoring from the Flemish Research Institute for Nature and Forests. Furthermore, the Councils stated that, where relevant, work should be done on user-friendly monitoring systems, especially where this monitoring is supported by citizens.<sup>10</sup> They referred to Articles 10(4) and 20(9), which refer specifically to the use of citizen science.

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<sup>6</sup> MINARAAD, SERV, SARO en SALV (2024), §22, p. 13.

<sup>7</sup> See MINARAAD, SERV, SARO and SALV (2024), question about studies of possibilities for movable natural elements in agricultural areas; see also Minaraad advisory report 25|024 on the concept note BRV for a similar question for urban ecosystems (p. 14, §26).

<sup>8</sup> Recital 85 is broader than what is quoted here.

<sup>9</sup> MINARAAD, SERV, SARO and SALV (2024), p. 16, §30 and p. 17, §31.

<sup>10</sup> MINARAAD, SERV, SARO en SALV (2024), p. 17, §32.

They also stated that the use of these systems must take into account the proper protection of *privacy*.

The Councils note that parts of this framework were copied in the documents supplied, but that no reference is made to this framework report.<sup>11</sup> Nor is it clarified why some parts were taken over and others were not. In the context of transparency and the publication of the scientific substantiation, the Councils hereby request<sup>12</sup> that this framework report be published. They also ask that the draft Nature Restoration Plan clearly indicates when it is decided not to make exclusive use of the European available systems and to substantiate this choice.

Nor is there any reference to the use of citizen science, as required by the Nature Restoration Ordinance. As a result, it remains unclear what the monitoring will look like and how the information obtained from citizen science will be integrated, what the consequences will be for owners, users and managers, both for European protected habitats and species and for pollinators, agricultural ecosystems, urban ecosystems, forest ecosystems and river ecosystems. The Councils emphasise the importance of monitoring in order to demonstrate the progress and effectiveness of the measures by mapping out the nature restoration that has been achieved.

The Councils believe that the use of financial resources requires careful consideration between investments in concrete restoration measures on the ground and investments in a sound monitoring system. Resources that go directly to implementation provide visible interventions such as hydrological restoration, habitat design or management measures and are essential for the effective restoration of nature. At the same time, monitoring is indispensable to determine whether these measures actually have the intended ecological effect, to make timely adjustments where necessary and to demonstrate that resources are being used efficiently. Without sufficient monitoring, it remains uncertain whether the chosen approach works; without sufficient field measures, monitoring threatens to register the decline without reversing it.

According to the Councils, an effective policy therefore does not opt for a contradiction between the two, but for a balanced combination: adequate resources for immediate implementation in the field, supported by a proportionate and robust monitoring system that makes the nature restoration visible. In conclusion, the Councils point out that monitoring and independent and scientific assurance are a very important part of the implementation. The Councils therefore ask for more clarity about the methodology and *governance* of monitoring and transparency about the (technical) definitions and measurement methods.

- [7] **Work on a plan of action to fill in knowledge gaps.** In the joint advice from 2024, the Councils already stated that it is important to gain insight into uncertainties, open questions and knowledge gaps. Legal and scientific interpretation is also needed to

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<sup>11</sup> No justification for whether or not to adopt elements from this INBO working document.

<sup>12</sup> As also asked earlier, see e.g. §5.

demonstrate "unavoidable habitat transformations that are a direct result of climate change". They note that the latter is included in the draft Nature Restoration Plan<sup>13</sup>, and also measure 6.3<sup>14</sup> which states that the draft Nature Restoration Plan will focus on gaining insight:

- In the (landscape) ecological functioning of specific areas: how the various parts of the landscape are related and interact with each other, and together contribute to the proper functioning of nature, water, soil, flora, fauna and human activities;
- In the ecohydrological processes and boundary conditions of wet habitat types;
- Insight into the effectiveness and efficiency of management measures.

The draft Nature Restoration Plan also states that certain research needs are currently being further evaluated with a view to a research programme. The Councils ask for a continued commitment to this because new scientific research can provide new insights.

[8] **Include the dual relationship between climate and biodiversity in the recovery plan.**

Article 15(3t) asks for a specific section in the recovery plan in which the Member State should set out how climate change is taken into account, both in terms of its importance for planning restoration measures as the potential of these measures to mitigate the effects of climate change. In their 2024 joint advice, the Councils generally asked for clarification in the recovery plan, where relevant, of how this climate change implication is taken into account. They note that this was not done and ask for this to be included. See also [15].

[9] **Take care of the missing alignment.** In the 2024 joint advice, the Councils asked for timely coordination with the other regions and the federal government, as well as with the provincial and municipal level, as well as to see whether synergies with neighbouring countries and other EU Member States would be possible. The Councils argue that this has not been done sufficiently to date and ask for this to be done.

## 1.2 About the lack of a sense of urgency

[10] **Build in sufficient guarantees for achieving the 2030 targets.** The Councils refer to recital 9, of the Nature Restoration Regulation which states that "*the Council [in its conclusions of 23 October 2020 recognised] that preventing a further deterioration of the current state of biodiversity and nature will be essential, but not sufficient to bring nature back into our lives. The Council confirmed the need for more ambition in the area of nature restoration, as proposed by the new EU nature restoration plan, which includes measures to protect and restore biodiversity outside protected areas. The Council also stated that it had been waiting for a proposal for legal nature restoration targets, for which an impact assessment would have to be carried out*".

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<sup>13</sup> Draft Nature Restoration Plan, Part C, p. 28.

<sup>14</sup> Draft Nature Restoration Plan, part c, p. 123 and p. 124, measure 6.3 Conducting policy-preparatory research to arrive at area-specific and integrated customization for effective and efficient nature restoration in Flanders.

The Councils note that the Nature Restoration Regulation includes many goals for 2030<sup>15</sup>, some of which include best-efforts obligations and others obligations to achieve results, but both with a view to achieving the stated objectives for 2030. Some of these targets are not new and reports show, for example, that the species and habitats provided for the European Birds and Habitats Directives have not yet led to the desired results (see further under part B). For other articles, however, it is new that targets were included in legislation with hard deadlines, but the current situation is not rosy either.<sup>16</sup>

Although it is not possible for the Councils to estimate whether what is planned is sufficient to achieve these 2030 targets<sup>17</sup>, they point out that for some species and habitats it may take some time before recovery is visible and measurable on the ground. The Councils therefore ask, not only not to wait to implement the recovery measures already planned, but also to make the necessary resources (manpower and financing) available for this in the short term and to shift up a gear in terms of realisations on the ground and thus ensure better guarantees for achieving the 2030 targets.

[11] **Ensure sufficient choice from various instruments and ensure that resources are available that various actors can use with a view to achieving the goals.** The Councils note that throughout this draft Nature Restoration Plan, reference is often made to all kinds of organisations for the realisation of certain goals. In the joint advice, the Councils asked to look at the use of new instruments, see the joint advice from 2024.<sup>18</sup>

The Councils support the development of new instruments but ask that these new instruments to be developed remain easy to apply, effective, financially feasible, legally clear and proportionate, with the necessary guarantees that the objectives will be achieved. These instruments must prioritise cooperation and incentives, as well as due attention to the urgent task of climate adaptation in cities that will ensure that cities remain liveable in the future.

The Councils argue that these recommendations must be elaborated so that all actors can fully contribute to the realisation of the objectives of the Nature Restoration Regulation. To this end, all these actors must also be adequately supported.

[12] **The Flemish government must also focus more on nature restoration.** The Councils note that the draft Nature Restoration Plan often refers to actions that third parties must take. However, they are of the opinion that the entire Flemish government must also cooperate in achieving the objectives of the Regulation and ask for the draft Nature Restoration Plan to indicate more clearly which actions the various services of the

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<sup>15</sup> See, inter alia, Articles 1(2), 4(1)(a), 4(2)(b), 4(4), 8(1), 9(1), 10(1), 11(2), (3) and (4), 12(2).

<sup>16</sup> E.g. the decline of pollinators.

<sup>17</sup> This is partly due to the lack of a financial component, the lack of the results from the EIA plan and insufficient involvement in the preparation of the draft remedial measures.

<sup>18</sup> Mention at keyword level, without nuance and preconditions: revenue models (§22, p. 13), screening regulations (§24, p. 14) and §26, p. 14), movable natural elements (§58, p. 25) and economic instruments for forests (§59, p. 26).

Flemish government will take on and what resources will be made available for this purpose.

[13] **Integrating biodiversity into other policies is very important.** The Councils refer to their joint advice from 2024<sup>19</sup> where they asked for good integration of and coherence with other policy fields. In concrete terms, they asked to make maximum use of these linking opportunities, and to always start from an evaluation: what is already there, and what does this yield in practice? Are the current measures satisfactory in terms of effectiveness? What adjustments are needed, and what budgets are required? Specifically, the Councils are thinking of, among other things:

- Linking opportunities with climate mitigation policy: LULUCF.<sup>20</sup> For example, ecosystem restoration can make an important contribution to preserving, managing and enhancing natural carbon sinks both promoting biodiversity and combating climate change at the same time.
- Linking opportunities between nature restoration and climate adaptation. An example of this is focusing on wetlands. Wetlands and peat are not only hotspots for biodiversity, but also provide ecosystem services such as water storage and purification. Efforts with regard to the stock of organic matter under arable land and the percentage of agricultural land with landscape elements with high biodiversity lead to the simultaneous implementation of several social benefits. Nature in cities provides cooling and also water collection.
- Opportunities for linking with spatial policy. For example, the objectives of the Regulation are very much in line with a number of strategic objectives of the Flanders Spatial Policy Plan. The Councils ask for the coordination between the two to be closely monitored in the further process. The Councils draw attention to the 'nature' aspect in spatial policy, in particular in the preparation of spatial policy plans, and in their translation/implementation in the field. This must be done at the various levels of government and from a Flemish coherent framework.
- Opportunities for linking with agricultural policy: see [56].<sup>21</sup>
- Opportunities for linking with health policy: see [5]<sup>22</sup> and [48].<sup>23</sup>

They also asked for clarity about the implementation processes of upcoming and existing plans and their spatial translation. All these processes have their own starting points, their own timing and their own dynamics. Nevertheless, in practice, the measures taken in this context come together in the same physical space(s) and it is therefore important to pursue a coordinated policy. The Councils reiterate their request to at process level<sup>24</sup>:

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<sup>19</sup> See MINARAAD, SERV, SARO and SALV (2024), §28 and §29.

<sup>20</sup> See also advice 2025[007, §69, § 70, §71 and §72 on p. 48 et seq.

<sup>21</sup> §56: Focus more on measures that tackle different goals at the same time.

<sup>22</sup> §5 Provide effective and efficient measures.

<sup>23</sup> §48 Focus on specific linking opportunities with different objectives.

<sup>24</sup> See MINARAAD, SERV, SARO and SALV (2024),, p. 16, §29.

- Clarify the current and desired contribution(s) of the current instruments and policy frameworks to the objectives of the Regulation;
- Focusing on good estimates of the effect of existing and additional measures;
- Which adjustments within the respective policy frameworks may be required for this purpose in addition and in conjunction, and what additional efforts may be required;<sup>25</sup>
- Build in mechanisms to ensure goal achievement.<sup>26</sup>

In this respect, the Councils have also asked for a structured approach to the various environmental pressures<sup>27</sup>, which will also require adjustments in other policy areas. They hereby reiterate all these recommendations.

[14] **Do not forget the species policy in this integration exercise.** Although the draft Nature Restoration Plan regularly refers to 'species',<sup>28</sup> only measure 3.6 "Evaluation and preparation of plans and programmes for species protection" specifically addresses this. However, the Nature Restoration Regulation does not only emphasise measures for species, but also and above all on the quantitative and qualitative restoration of their habitats.<sup>29</sup> The Councils therefore ask that more attention be paid in the Nature Restoration Plan to, for example, the provision and improvement of breeding and breeding sites, as well as resting and foraging areas for species. In addition, they ask to be involved in evaluating, updating and optimising the planning and implementation tools for species protection, with the aim of creating a more efficient and effective framework for the realisation of the policy objectives for species<sup>30</sup> but also want to be asked for advice if this would lead to changes to the Flemish regulations.

[15] **Make an area-specific overview with a view to implementing restoration measures.** The Councils refer to the description of measure 1.2.<sup>31</sup> and measure 3.2.<sup>32</sup> from the draft Nature Restoration Plan. Reference is made to "*the preparation of a landscape ecological analysis and a local process tailored to each area*" as well as to the preparation of an "*integrated rolling multi-year programme*".

The Councils are of the opinion that filling in the model as prescribed by Europe does not provide sufficient clarity about the actual realisation on the ground. They note that there is also no prospect of an ecological prioritisation of the restoration measures to be carried out. They refer, for example, to the obligation under the Nature Restoration Regulation to prioritise restoration measures based on synergies with

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<sup>25</sup> See 14, 10 of the Nature Restoration Regulation.

<sup>26</sup> See opinion 26|010, §2, opinion 25|007 (chapter 3.3.1. Adjust agricultural policy to ensure that targets are achieved) and advice 24|012.

<sup>27</sup> See MINARAAD, SERV, SARO and SALV (2024), §41, p. 20.

<sup>28</sup> However, mainly with a view to voluntary actions.

<sup>29</sup> See, for example, Article 4(7).

<sup>30</sup> Draft Nature Restoration Plan, Part C, p. 69.

<sup>31</sup> Creation of areas for nature restoration.

<sup>32</sup> Drawing up a multi-year programme for area-specific instruments and projects.

climate mitigation and adaptation, land degradation neutrality and disaster prevention<sup>33</sup>.

They also believe that the indicators included are often too vague to measure progress. Many indicators speak of plans that must be "elaborated", "evaluated", "started" or "available", but say little about verifiable results, proportionality, costs, *governance, etc.* As a result, it is unclear how the measures will be monitored and when a measure is considered successful.

They therefore ask for a plan for implementation in the field with an overview of the remedial measures to be taken and a prioritisation of these measures in space and time. According to the Councils, a high-performance monitoring system is also needed for evaluation and reporting in accordance with the provisions of the Nature Restoration Regulation. They ask for an implementation plan with accompanying follow-up system to be drawn up.

### 1.3 Regulatory and legal aspects

[16] **Screen the Flemish regulations in the short term**<sup>34</sup>. The Councils reiterate their request from the 2024 joint advice to test the existing Flemish regulations and instruments (including subsidies) against the provisions of the Regulation in the short term. Clarity is needed on the question of which provisions and instruments can continue to be used without further ado, what needs to be adjusted and where new instruments are needed.<sup>35</sup> The goal must be to achieve coherent legislation that can implement the goals of the Nature Restoration Regulation effectively. It is not clear to the Councils whether this exercise has happened and, if so, what the result is. They ask for this information to be provided.

[17] **Study the potential impact of the various prohibitions on deterioration on licensing**.<sup>36</sup> In their joint advice from 2024, the Councils stated that the prohibitions on deterioration in the regulation sometimes take on the character of an obligation to achieve a result, sometimes on the character of an obligation to perform to the best of one's ability. This difference in scope may also entail a difference in terms of the consequences for the granting of permits. There is an even greater need for clarification because in the Flemish Region there are already various protection mechanisms in place on the basis of the Nature Decree, both inside and outside protected nature areas (such as Article 16 of the Nature Decree, i.e. the nature test, which in certain situations obliges the permit issuer to assess a permit application for avoidable damage to nature).<sup>37</sup>

The Councils recommend that the potential impact of the various deterioration prohibitions on the granting of permits be investigated in order to quickly clarify the

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<sup>33</sup> See art. 14., 9, of the Nature Restoration Ordinance.

<sup>34</sup> See MINARAAD, SERV, SARO and SALV (2024), §24, p. 14.

<sup>35</sup> E.g. the protection of spatially sensitive forests, nature connections, non-zoned grasslands and wetlands, etc.

<sup>36</sup> See MINARAAD, SERV, SARO and SALV (2024), §25, p. 14.

<sup>37</sup> Nature Decree article 16, §1.

impact of these deterioration prohibitions and, if necessary, to create appropriate frameworks. It is not clear to the Councils whether this has happened and, if so, what the result is. They ask for this information to be provided.

- [18] **Monitor the legal complexity of existing instruments.** Currently, there are no legal consequences in Flanders for third parties associated with, for example, nature management plans<sup>38</sup>, national parks<sup>39</sup> and landscape parks.<sup>40</sup> However, the draft Nature Restoration Plan refers to these instruments for the realisation of objectives from the Nature Restoration Regulation through various draft measures and indirectly links external legal consequences to these instruments.<sup>41</sup>

In view of the prohibitions on deterioration in the Regulation (which may include both an obligation to achieve a result and an obligation to perform to the best of one's ability), the Councils ask that it be ensured that no additional legal complexity will be attached to these instruments on the basis of the implementation of the Nature Restoration Regulation. The Councils are of the opinion that the focus should be on achieving effective nature restoration on site, taking into account the recommendations made in this advice and are asking for this restoration not to be mortgaged.

- [19] **Proceed thoughtfully with the use of the instrument 'expropriation'.** With regard to the mention of the use of the 'expropriation' instrument<sup>42</sup>, the Councils agree that the use of the expropriation instrument as a last resort can be investigated and deployed, as mentioned, and this in the context of the specifically mentioned projects (*Blue Deal* and *Sigma*), given that they put the public interest first, as well as within the legal framework of the PAS and the Nitrogen Decree according to the provisions laid down therein. According to the Councils, the research in question should demonstrate that the use of voluntary instruments proved insufficient to achieve the intended nature objectives in a timely and effective manner. Investigating the 'expropriation' instrument within draft measure 3.5, which attempts to develop new policy to bring land under a nature management plan, does not belong there. The use of 'expropriation' within the instrument of nature management plans creates unnecessary external legal consequences and does not seem legally tenable, taking into account the large number of approved nature management plans in Flanders.

- [20] **About developing a new compensation mechanism.** The Councils note that various new compensation mechanisms will be developed on the basis of the provisions of the Regulation. They are of the opinion that in the first place the need for compensation should be avoided as much as possible. The draft Nature Restoration Plan remains very vague on this issue, especially with regard to the final mechanism for urban areas

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<sup>38</sup> <https://natuurenbos.vlaanderen.be/node/493>.

<sup>39</sup> Article 8 of the Decree on Flemish Parks and General Landscape Care.

<sup>40</sup> Article 8 of the Decree on Flemish Parks and General Landscape Care.

<sup>41</sup> Draft Nature Restoration Plan, Part C, p. 27, paragraph 4: "4. Zones with restoration measures in nature management plans and development processes are included in nature tests to prevent negative impact on the restoration on site.

<sup>42</sup> Draft Nature Restoration Plan, Part c, p. 52.

that will only be developed after 2027<sup>43</sup>. For the system of compensatory measures to be included under Article 4(13), the Regulation is clear.<sup>44</sup>

The compensation mechanisms must be carefully developed with a view to legal certainty, robustness and goal achievement. Specifically for the mechanism for urban ecosystems, the Councils ask for a sufficiently flexible, proportionate and area-oriented system that both allows for the necessary densification in cities and ensures that the objectives for urban green space and tree canopy cover are achieved.

[21] **Pay attention to the tension between focusing on voluntary implementation through stimulating instruments and guarantees of achieving goals.** The Councils note that many measures<sup>45</sup> are committed to voluntary implementation, but without justifying why these actors would implement the planned nature restoration measures on a voluntary basis. The Councils support the commitment to voluntary implementation, but point out that, for various reasons, this approach<sup>46</sup> has not yet led to sufficient results and does not offer sufficient guarantees that the objectives will be achieved. In previous advisory reports, the Councils have already asked for<sup>47</sup> guarantees of achieving goals in various policy areas and repeat these questions.

[22] **Start from the objectives in substantiating and justifying the possible use of exception options.**<sup>48</sup> The Regulation provides for various options to derogate from certain obligations, under specific conditions.<sup>49</sup> According to the Councils, the possible use of derogations must not undermine the general objectives for nature restoration and these possibilities for derogation must be dealt with in a serious manner, taking into account the various preconditions as stipulated in the Regulation.

They reiterate their request to properly justify their possible use and to estimate the economic, social and ecological effects<sup>50</sup> of the use of these deviations as an ex-ante evaluation and to also provide for an ex-post evaluation, to map out the effect on the objectives to be achieved and to make policy adjustments on the basis of the six-yearly report, if necessary.

[23] **Take into account the Flemish spatial context**<sup>51</sup> In their joint advice of 2024, the Councils noted that there is a big difference between the various European Member States in terms of land use, in particular land use and the degree of paving and the available

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<sup>43</sup> Developing and implementing a compensation system for urban green spaces and tree crowns.

<sup>44</sup> Article 15(3)(g): 'Each Member State shall include in its national recovery plan the following elements and shall use the uniform format established in accordance with paragraph 7 of this Article: a description of how Article 4(13) is applied in the territory of the Member State, including: an explanation of the system of compensatory measures to be taken for each significant deterioration, and the necessary monitoring and reporting of the significant deterioration of habitat types and habitats of the species and the compensatory measures taken; (ii) an explanation of how it is ensured that the implementation of Article 4(13) does not prejudice the achievement of the objectives and objectives set out in Articles 1, 4 and 5.'

<sup>45</sup> Nature management plans, construction of KLEs, etc.

<sup>46</sup> Removal of CAP measures, insufficient incentives to subscribe to voluntary measures, etc.

<sup>47</sup> See, inter alia, advice 26|010, §2, p. 6, advice 25|007, §72, p. 51, etc.

<sup>48</sup> See MINARAAD, SERV, SARO and SALV (2024), §8, p. 9.

<sup>49</sup> See for example Articles 4.5, 4, 13 and 4.4, 4.16, 11.4, fifth paragraph.

<sup>50</sup> I.e. the three pillars of sustainable development.

<sup>51</sup> See MINARAAD, SERV, SARO and SALV (2024), §9, p. 9.

open space. The NARA2020 states: "Due to the expansion of urban and built-up areas, the rural area is further shrinking and fragmenting and the peripheral area is becoming more urbanized."<sup>52</sup>

This must be taken into account when drawing up the national recovery plans. This means that, for example when drawing up the measures, efforts must be made as much as possible to eliminate existing fragmentation in all sectors and to avoid additional fragmentation. This relates to the elimination and avoidance of spatial fragmentation, which presupposes that policy-related compartmentalisation must also be counteracted. In addition, the use of space in Flanders makes it all the more important to take well-thought-out (efficient and effective) measures and to realise opportunities for linking with existing policy.

- [24] **Ensure a fair balance between restoring biodiversity and focusing on renewable energy.**<sup>53</sup> The Councils support both the objectives of the Nature Restoration Regulation and those of the Renewable Energy Directive. They therefore understand the inclusion of an article on the promotion of energy from renewable sources in this Regulation. But focusing on protecting biodiversity and halting its decline is closely linked to combating climate change. The national nature restoration plan must contain a fair balance between these two goals, with attention to the risk of friction, but also possible linking opportunities.

## 2 Recommendations regarding the Flemish part of the draft Nature Restoration Plan – according to the model of the European Commission

### 2.1 Part A – Information about the targets

*This information has been processed in other parts, see for example general umbrella part for financial part, environmentally harmful subsidies, ... and see the section on governance, on the creation process result of the participation*

### 2.2 Part B - Realization of recovery goals and fulfillment obligations, by article

#### 2.2.1 Point 6. Restoration of terrestrial, coastal and freshwater ecosystems (Article 4)

- [25] **Include the objectives and measures from the Flemish Natura 2000 policy in the recovery plan.** The objectives in implementation of Article 4 must be compared with those of the current nature and spatial policy, as developed in the elaboration of the Habitats Directive and the Birds Directive in Flanders. The plan must then clarify what additional efforts would be needed to achieve the goals.

<sup>52</sup> SCHNEIDERS ET AL. (2020), p. 107.

<sup>53</sup> See MINARAAD, SERV, SARO and SALV (2024), §44, p. 20.

The Councils point out that a policy already exists in Flanders and that programmes of measures are already being implemented (e.g. Flemish Natura 2000 programme and PAS recovery programme). The aim is to allocate nature objectives in Habitats Directive areas by 2026 at the latest and for the other habitats by 2030 at the latest.<sup>54</sup>

The Council asks that this intention also be included in the recovery plan, without prejudice to the required scientific substantiation with regard to prioritisation of the measures. In view of the targets for 2030, 2040 and 2050, it is important to focus on restoration measures in good time for all habitats that are currently not in good condition and need a longer recovery time.

- [26] **Ensure effective realisations in the field.**<sup>55</sup> The Councils point out that one of the reasons for drawing up a Nature Restoration Regulation lies in the fact that the current regulations at EU level<sup>56</sup> with regard to biodiversity and ecosystem services have not yet led to the desired results at Member State level.<sup>57</sup>

The Councils therefore reiterate their request to make extra efforts in the context of Article 4 of the Regulation to ensure that nature restoration is effectively achieved in the field. This can be done by focusing on continuous improvement of the conservation status of all European protected species<sup>58</sup> and habitats until a good status or sufficient quality of the habitats<sup>59</sup> is achieved through instruments from nature policy and other policies.<sup>60</sup>

- [27] **Research is already on nature restoration for European protected habitats and species after 2030.** Article 4(1)(2) provides that '*for the purposes of this paragraph, Member States shall, where appropriate, give priority until 2030 to restoration measures in sites located in Natura 2000 sites*'. Article 4(4) also refers to habitats that may be redeveloped in areas where they do not currently occur in order to achieve a favourable reference area. Article 14(2) sets out how this quantification is to be carried out.

The Councils therefore ask that this exercise be started now in function of achieving the objectives of Article 4 and that the results of this quantification be included in the national recovery plan in accordance with Article 15, 3, a., with a view to the timeline towards 2040 and 2050.

- [28] **Provide a structured approach to the various environmental pressures.**<sup>61</sup> In order to achieve nature restoration, an approach to various environmental pressures is also needed. In 2019, the Research Institute for Nature and Forests drew up an assessment

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<sup>54</sup> COALITION AGREEMENT, p. 74.

<sup>55</sup> See MINA Council (2023a), p. 8.

<sup>56</sup> More specifically, the implementation of the European Birds and Habitats Directives.

<sup>57</sup> See report in the context of the Birds and Habitats Directives and the 2020 nature report by INBO.

<sup>58</sup> Among other things, by providing sufficient reproduction, foraging and resting places for animal species.

<sup>59</sup> see Article 4.11 of the Regulation.

<sup>60</sup> See MINA Council (2023a), p. 14.

<sup>61</sup> See MINA Council (2023a), p. 14.

framework for programmatic approaches to environmental pressures.<sup>62</sup> The Councils ask that this report be taken to heart, that its implementation be examined and, where relevant, implemented.

- [29] **Provide clarity regarding the realization of functional connections.** Article 4(10) states that the need for better connections between the European protected habitat types and the ecological requirements of the species present in those habitat types should also be taken into account. The Councils stated in their joint opinion of 2024 that *"the construction of nature connections is necessary to achieve a favourable conservation status for European protected species and habitats, in accordance with the approved S-IHD decisions in the context of the implementation of the Birds and Habitats Directives. The Councils ask for measures to this end to be included in the recovery plan<sup>63</sup>. The Councils ask that, in accordance with Article 4(10),<sup>64</sup> the need for additional connections to be made within the framework of the objectives of this Regulation, both for habitats in a specific Special Area of Conservation and between different Special Protection Areas".<sup>65,66</sup>*

It is not clear whether all these measures mentioned above were included in this first recovery plan for 2032.<sup>67</sup> The Councils ask for this to be clearly included in the measures for 2030. They also ask for more clarity about the relationship between the V-FEN to be developed and the IVON (with associated objectives and targets for the provinces) from the Nature Decree.

- [30] **Start a process now regarding the 'favourable reference area'.** The Councils reiterate their comments on the favourable reference area from the joint advice on the Strategic Environmental Assessment *scoping plan*.<sup>68</sup> In Flanders, this favourable reference area was already determined in 2010 before *guidelines* from the European Commission were available.<sup>69</sup> In addition, the Regulation expects to work with the most recent available scientific information.

The Councils understand that the current reference area is used for the preparation of this first Nature Restoration Plan, but it is unclear whether this has already been tested against the existing *guidelines* with regard to determining favourable reference areas. That is why the Councils are asking for the necessary processes to be started for the assessment and, if necessary, alignment with the existing *guidance* of the European Commission and the most recent scientific information. The Councils repeat their request to be kept informed about this.

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<sup>62</sup> HERR ET AL (2019).

<sup>63</sup> This is about the first recovery plan that runs until 2032.

<sup>64</sup> Article 4(10) provides that the restoration measures referred to in paragraphs 1 and 4 shall take into account the need for better connections between the habitat types listed in Annex I and the ecological requirements of the species referred to in paragraph 7 present in those habitat types.

<sup>65</sup> MINARAAD (2023), p. 10.

<sup>66</sup> PREVIOUS COALITION AGREEMENT, p. 74.

<sup>67</sup> At present, this is only mentioned under draft measure 4.3. Continuing the elaboration of a spatial framework of the nature network and implementation strategy under stimulating measures for 2040 and 2050.

<sup>68</sup> See MINARAAD, SERV, SARO and SALV (2026), §20, p. 13.

<sup>69</sup> *Favourable Reference Values - Expert group on Reporting under the Nature Directives - 21 March 2017.*

[31] **Also provide clarity about the interpretation of obligations under the Regulation.** The Councils note that, with regard to the condition of the European protected habitats, reference is made to both approximately 47,000 hectares of current habitats not in good condition, and to approximately 55% of them that are not in good condition but are under appropriate management<sup>70</sup>. The evaluation that will be carried out according to the *scoping* in the context of the Strategic Environmental Assessment is the "*evaluation of the effectiveness of the existing policy*". However, the research questions that are included in the *scoping* with regard to this evaluation do not provide insight into how this assessment of the effectiveness of the policy will be carried out.<sup>71</sup> However, according to the Councils, this is necessary in order to be able to assess whether these restoration measures will be sufficient to "restore the habitats referred to in Article 4 to a *good condition*". For European protected habitats in Article 4, a favourable conservation status is the ultimate goal on the basis of the definition in Article 3(4<sup>72</sup>). It is also unclear how all this should be interpreted with regard to the objective of Article 4, 1, a, that *the necessary remedial measures are taken* "by 2030 at the latest".<sup>73</sup>

There should be an overview of the necessary measures for each 'habitat area', when these measures are implemented and on which area (ha) these measures were implemented. In addition, the Councils note the coherence of the provision in Article 4(10) (*'the remedial measures referred to in paragraphs 1 and 4 shall take into account the need for better links between the habitat types listed in Annex I and the ecological requirements of the species referred to in paragraph 7 present in those habitat types'*) and the observations made in the *scoping* that *'the surface area is often too small and the location too isolated to achieve good status'*, and that *'external environmental pressures often have a significant negative impact on habitats'*<sup>74</sup>. According to the Councils, these elements cannot be assessed through 'appropriate management' alone.

In addition, the Councils point out that, based on the provisions on monitoring in Article 20(1)(a) of the Regulation, the quality and trend in terms of the quality of the habitats of the species referred to in Articles 4 and 5 in the areas where restoration measures are carried out must be mapped. It is therefore not only necessary to get a picture of the restoration measures implemented by 2030, but also to map out the effectiveness of the restoration measures. All the more so because the recent report under Article 17 of the Habitats Directive shows that the majority of habitats are currently not in a favourable conservation status.

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<sup>70</sup> Plan-MER *Scoping*, p. 31.

<sup>71</sup> Plan-MER *Scoping*, p. 94.

<sup>72</sup> Article 3(4) defines 'good status'. For European protected habitats, this is, in terms of habitat type area, a state in which the main characteristics of the habitat type, in particular its structure, functions and typical species or typical species composition, reflect the high level of ecological characteristics, stability and resilience necessary to ensure the sustainable maintenance of the habitat type and thus contribute to the achievement or maintenance of a favourable conservation status for a habitat, if the habitat type concerned is listed in Annex I to Directive 92/43/EEC.

<sup>73</sup> Increased implementation: *'by 2030, at least 30% of the total area of all habitat types listed in Annex I that is not in good condition, as quantified in the national restoration plan referred to in Article 15'*.

<sup>74</sup> These environmental pressures can also be transboundary, in both directions.

In view of all the above, it is not clear to the Councils to what extent the currently available information on 'appropriate management' can provide an answer to all these provisions. The Councils ask for an assessment of whether the 'appropriate management' instrument is sufficient to comply with the above-mentioned provisions of the Regulation and to adjust it if necessary and to substantiate and motivate this assessment.

### 2.2.2 Restoration of urban ecosystems (Article 8)

[32] **Eliminate the ambiguity about the delineation of urban ecosystems.** The Councils refer in the first place to their recommendation from the 2024 advice, in particular to map out the 'urban ecosystems' for Flanders and to clarify the obligations. The Regulation requires that in urban ecosystems to be delineated, first the net loss of 'urban green space' and 'urban tree canopy cover' be halted, and then an increasing trend is achieved until a satisfactory level is reached.

The Councils reiterate their request to clarify the delineation of the 'urban ecosystems' and the so-called baseline measurement of urban green space and tree canopy cover as soon as possible.

The Councils note that for the delineation of urban ecosystems, option b from Article 14, 4 has been chosen and that this has been done on the basis of population density. It is somewhat surprising that the port of Antwerp is included. So there is still a lot of uncertainty at the moment. In addition, it is unclear how this relates to the situation in the Walloon Region and what the consequences will be at the national level.

The Councils refer to a recent study in the Netherlands<sup>75</sup> and ask for a similar study to be started in Flanders as well. Sufficient attention must also be paid to the goals of the Regulation with regard to climate adaptation. See also [36].

[33] **Focus on specific linking opportunities with other objectives.** The Councils see specific linking opportunities that can be taken into account in the realisation of the objectives regarding urban green space:

- **Rainwater policy.** The greening of the cities and village centres offers opportunities for the collection of rainwater<sup>76</sup>. That is why the Councils are asking for links to be made with the implementation of the rainwater and drought plans, the application of the regional rainwater ordinance<sup>77</sup> on the public domain and – where available – the municipal adaptation plans.
- **Welfare and health policy.** Increasing and improving the share of urban green space can make an important contribution to improving the well-being and physical and mental health of the residents of cities and municipalities, such as providing cooling, encouraging exercise and social contact, air quality, and

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<sup>75</sup> <https://www.pbl.nl/publicaties/monitoring-groen-en-boomkronen>.

<sup>76</sup> OVINK ET AL. (2022), 'Cities and villages' wharf.

<sup>77</sup> <https://omgeving.vlaanderen.be/nl/verordeningen/de-gewestelijke-hemelwaterverordening-2023>.

(mental) well-being. The Councils point to the existing "3-30-300 green rule of thumb", <sup>78</sup>which gives substance to this but also state that the realisation is challenging in existing centres.

- **Biodiversity targets.** The implementation also provides opportunities to contribute to existing and new objectives, for example on functional nature connections, species<sup>79</sup> or, specifically for the obligations on pollinators.
- **Spatial objectives,** in particular the objective of "*realising green-blue veins through the built-up area, so that the space is climate-proof and more liveable*".<sup>80</sup>

[34] **Pay attention to urban nature in (the implementation of) spatial policy.** The Councils draw attention to the aspect of 'urban nature' in Flemish spatial policy, in particular in the preparation of spatial policy plans, and in their translation/implementation in the field. This must be done at the various levels of government and from a Flemish coherent framework.

More specifically, the Councils point to the increasing importance of European and international coordination and cooperation<sup>81</sup> and the further debate to be conducted on '*no net land take*'.<sup>82</sup> The Councils draw attention to a thorough alignment of the objectives of the BRV and those of the Nature Restoration Regulation.<sup>83</sup>

The Councils point out that the Regulation calls for an increasing trend from 1 January 2031 until a satisfactory level to be determined has been reached and that trees in particular need the necessary development time. The Councils therefore state that interim follow-up is necessary with a view to achieving the objectives by 2050.

In this sense, the Councils note that to date there is no approved Spatial Policy Plan Flanders. The Councils therefore ask for work to be done on this Spatial Policy Plan as soon as possible, including the preparation of the associated policy frameworks. Where necessary, these policy frameworks must take into account the requirements of the Nature Restoration Regulation.

[35] **Strengthen knowledge about potential, design and management.** In order to be able to realise linking opportunities, the quality of urban green space is crucial. The Councils ask for the knowledge about the potential for linking opportunities, the design and management of multifunctional urban green spaces to be further strengthened and especially to be disseminated to the cities and municipalities, the design agencies and the managing bodies. After all, the concrete choices (which functions, where, etc.) will

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<sup>78</sup> This is not about "standards" in the legal sense of the word, see <https://www.natuurenbos.be/groennormen#toc-aan-de-slag-met-de-moderne-groennormen>.

<sup>79</sup> MINARAAD (2023a), p. 10 and 11: "*In view of the specific Flemish context, as described in [2], as well as the importance of green-blue veining in built-up areas, the Council also calls attention to this. To this end, the biodiversity strategy states that urban greening plans can be based on policy, regulatory and financial instruments. The Council is considering, for example, incentives to focus on nature-inclusive and nature-saving construction without taking up additional space.*"

<sup>80</sup> Strategic objective E from the strategic vision BRV.

<sup>81</sup> See SARO 2025, §18.

<sup>82</sup> See SARO 2025, §23.

<sup>83</sup> See SARO 2025, §25.

be made at the level of the municipality. It is advisable to build on initiatives that are already underway, such as the 'natuurweefselplannen'.

The 'Vademecum Harmonious Park and Green Management' and the 'Vademecum for Tree Management' are more than 20 years old. There is therefore a need to update these management concepts in function of changed scientific knowledge. The aspect of quality of urban green space must be included in this.

- [36] **Include specific linking opportunities with well-being, health and adaptation policy in the measures for urban ecosystems.**<sup>84</sup> In urban ecosystems, there are many opportunities for linking the implementation of Article 8 with other policies. For example, they pointed to the 3-30-300 rule of thumb for health and (mental) well-being, although with the comment that the realization of this rule can be challenging for existing urban centers. They hereby repeat this question.

In their advice on the *Blue Deal* memorandum, Minaraad, SERV and SALV asked for at least a concrete clarification of the policy intention to realise the opportunities for linking nature restoration, health and cooling in the urban environment, and to evaluate the regulations in function of an accelerated increase in green-blue veining and softening in the public and private domain.<sup>85</sup> The Councils hereby reiterate this request to develop additional instruments to make the existing private and public patrimony climate-adaptive and refer for inspiration to the green deal climate-proof environment, among other things.

A healthy urban environment is important for all citizens. All urban ecosystems must therefore have the same ambition with regard to providing measures in function of climate adaptation.

### 2.2.3 Restoration of river ecosystems (Article 9)

- [37] **Provide more ambition until 2032 for the removal of artificial barriers.**<sup>86</sup> The Councils note that no concrete actions are included by 2030<sup>87</sup>, while the EU regulation in Article 15, 3, i) "*sets out an estimated length of free-flowing rivers to be achieved by removing barriers between 2020 and 2030, as well as a timetable for the introduction of the restoration measures in Article 15, 3, n*". However, after 2032, between 368 and 605 km can be restored.<sup>88</sup> That is why the Councils are asking for better coordination with existing policy initiatives, especially with regard to the timeline of the measures to be taken and the linking opportunities mentioned below.

- [38] **Book the opportunities to link with flood risk management and water policy in a broader sense.** The regulation imposes the removal of artificial barriers in rivers and the taking of measures necessary to restore the natural functions of the floodplains

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<sup>84</sup> See MINARAAD, SERV, SARO and SALV (2024) and MINARAAD, SERV and SALV (2025).

<sup>85</sup> BBT Environment 2025, p. 48.

<sup>86</sup> As mentioned in part B, under the measures for article 9, p. 43.

<sup>87</sup> The Flemish draft plan sets an increase of 0 km for 2020-2030.

<sup>88</sup> Draft Nature Restoration Plan, Part B, p. 43.

concerned. The Councils ask for synergies to be achieved with the objectives of the Water Framework Directive and the objectives of water security<sup>89</sup>, including the objectives of the Floods Directive. They therefore see the task in the regulation as part of the total task that must be tackled in the *Blue Deal* memorandum and the river basin management plans.

[39] **Create a vision and a priority map for hydromorphological recovery.** The Councils previously asked for the available data on hydromorphology to be translated into a bottleneck map, and for actions to be based on it.<sup>90</sup> They now also recommend drawing up a vision and priority map, based on the above-mentioned linking opportunities.

[40] **Accelerate the pace of the development of the blue-green infrastructure.** An accelerated recovery and a faster development of the blue-green infrastructure is essential for absorbing the effects of climate change (floods, drought). This infrastructure is also necessary for achieving the ecological objectives of the Water Framework Directive and can make an important contribution in terms of water quality and/or as a functional nature connection. The Councils reiterate their recommendations that additional budgets (for investments, flanking policy, etc.) should be provided for the acceleration of the pace of the blue-green infrastructure.<sup>91</sup>

#### 2.2.4 Restoration of pollinator populations (Article 10)

[41] **Provide guiding policy in the various policy areas that deal with environmental pressures.** The decline of wild pollinators and insects cannot be attributed to one specific factor. *"The main threats to wild pollinators include land-use change (including urbanisation), intensive agricultural management (including pesticide use), environmental pollution (including light pollution), invasive alien species and climate change. Other threats may emerge, putting pollinators under extra pressure."*<sup>92</sup> In Flanders, too, these wild pollinators continue to decline, despite the preparation of a Flemish Wild Pollinators Action Plan and the appropriate focus of this plan on habitat loss and habitat degradation, use of pesticides, nitrogen deposition, eutrophication and climate change.<sup>93</sup>

The Flemish Action Plan Wild Pollinators has not yet been able to stop the decline. This is due, among other things, to the non-binding nature of various actions listed in this plan, as well as to the fact that this plan dates from 2022<sup>94</sup>. The Councils are therefore satisfied with the extra attention paid to wild pollinators in this Regulation and welcome the measures relating to the protection and restoration of habitats. But there is a need to adjust existing policy with a view to better protection of pollinators

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<sup>89</sup> OVINK ET AL. (2022).

<sup>90</sup> See Minaraad, SERV and SALV (2021), §21.

<sup>91</sup> Minaraad, SERV en SALV (2021), §3: [1].

<sup>92</sup> EUROPEAN COMMISSION (2023), p. 5.

<sup>93</sup> Action plan wild pollinators and RL Butterflies, hoverflies, moths.

<sup>94</sup> See "takes up screening", "urges tightening", "investigates", "makes an appeal", "starts conversations", etc.

and a more concrete and guiding policy that effectively halts this decline. The Councils therefore propose that, in accordance with Article 10(1) of the Regulation<sup>95</sup>, appropriate and effective measures be taken in a timely manner by initially focusing on the use of starting points in existing policy.

In keywords they are thinking, among other things, of the implementation of the 'darkness needs map' in spatial developments, the integration of environmental effects in pesticide policy and the further implementation and enforcement of *Integrated Pest Management*, working on pollinator-friendly cities (according to guidelines issued for this purpose by the European Commission), appropriate management for insects in protected areas, risk of introducing invasive pests alien species that are harmful to pollinators.

They point out that a federal plan for the protection of pollinators is now also being drawn up<sup>96</sup> and ask for coordination. Measure 2.4. also refers to the Flemish Action Plan on Sustainable Pesticide Use, which was largely drawn up before the entry into force of the Nature Restoration Regulation and could therefore not yet take into account the objectives for pollinators included therein, as well as the fact that this plan only runs until 2027. See also the recommendations for part C.

The Councils also refer to the relationship between forests and pollinators. Early-flowering trees such as hazel are an important source of pollen, forms for early pollinators and forests can support the resilience and resilience of ecosystems to pollinators (see also Article 12 for measures).

Finally, they ask for adequate monitoring and sufficient resources to be carried out on the basis of the methodology established by the European Commission.<sup>97</sup>

#### 2.2.5 Restoration of agricultural ecosystems (Article 11)

[42] **Provide clarity for the Common Agricultural Policy (CAP) after 2027.** The recovery plan must clearly indicate the contribution expected from the CAP measures post-2027, so that this can be taken into account from the beginning of the preparation of the Flemish strategy for the implementation of the CAP.<sup>98</sup> In accordance with Article 14(10), the Councils ask for *"the identification of synergies with agriculture and forestry, identifying existing agricultural and forestry practices, including interventions under the CAP, contributing to the achievement of the objectives of this Regulation"*.

The Councils ask that, in the run-up to the next CAP planning period, good and substantiated evaluations be made of the effect of existing measures and good estimates of the effect of possible additional measures, with a view to achieving an

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<sup>95</sup> Article 10(1): *"Member States shall, by taking appropriate and effective timely measures, improve the diversity of pollinators and reverse the decline in pollinator populations by 2030 at the latest and achieve an increasing trend for pollinator populations thereafter, to be measured at least every six years from 2030 until satisfactory levels are reached, as determined in accordance with Article 14, paragraph 5."*

<sup>96</sup> [Federal Pollinators Plan 2026-2028 | FPS Public Health](#).

<sup>97</sup> Article 10, 2.

<sup>98</sup> See MINARAAD (2024).

effective and efficient package of measures with a view to achieving biodiversity objectives. They point out that there is currently no evaluation available that evaluates the results of the measures already existing and taken in contribution to biodiversity objectives.<sup>99</sup>

In terms of objectivity, the effectiveness of measures for achieving biodiversity targets must be assessed and, if possible, improved. In addition, an assessment of the feasibility and (financial) persuasiveness is also needed at company level and/or on a broader scale and area-specific, as this directly influences the take-up rate.<sup>100</sup> In this context, an appropriate range of possible measures should be provided so that there are opportunities for all types of business to contribute.

- [43] **Focus more on measures that tackle different goals at the same time.** A number of measures in agriculture offer opportunities for providing the intended various ecosystem services and achieving the objectives of the regulation. The Councils recommend that the provision of ecosystem services be integrated, where possible and appropriate, into measures under the CAP. For example, organic and agroecological agricultural practices will contribute to soil organic matter and to the protection of pollinators. When developing measures to achieve the objectives, a stimulating and area-oriented policy should also be considered, with the effect of the recommendations from [29].
- [44] **Realise the opportunities for linking with flood risk management and water policy.** The Councils also ask for specific attention to be paid to achieving the water security objectives through a number of measures such as the protection of peat, increasing the organic matter content in soils and the construction of small landscape elements (KLEs). They point to the proposals for the development of so-called sponge landscapes from Resilient Waterland<sup>101</sup>, and the fact that a number of measures can also prevent the leaching of nutrients.
- [45] **Go for a trend break for farmland birds.** The Councils point to the downward trend in the index of farmland birds and the statement in the draft Nature Restoration Plan that the task in the Regulation calls for a trend break<sup>102</sup>. The downward trend is due to various factors. The Councils believe that it is appropriate to examine these factors in their mutual context in order to arrive at solutions. The Nature and Environment Council will start a process to achieve this.
- [46] **Investigate the possibilities of 'movable natural elements' in agricultural areas with a view to achieving the objectives.** Article 11 requires Member States to take the restoration measures necessary to improve the biodiversity of agricultural ecosystems. To monitor this, a number of indicators are mentioned.

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<sup>99</sup> See MINA Council (2024), paragraph 8.

<sup>100</sup> See also MINA Council (2024), paragraph 21.

<sup>101</sup> OVINK ET AL. (2022).

<sup>102</sup> Draft Nature Restoration Plan, part C, p. 11.

In the context of the implementation of this Regulation, the Councils ask for the possibilities of 'additional movable natural elements' in agricultural areas to be investigated with a view to achieving a 'satisfactory level' for two of three indicators chosen and for the objectives for farmland birds. They ask what its contours could look like, including attention to legal aspects, legal certainty and the creation of a higher biodiversity value, etc. Preconditions for this are that a net added ecological value must be created and that this must contribute to the achievement of the objectives of Article 11, see also the comments in [21].

In this context, the Councils refer to the many ongoing processes on alternative financing for the provision of ecosystem services, as well as the conceptual elaboration of the 'agricultural nature management plan' or 'agro-management plan' in implementation. They wish to be involved in this.

- [47] **Provide customization when using public land that is used for agriculture.** Measure 4.1 states that a policy will be developed for the use of public land for nature restoration. In 2024, SALV advised on this and asked that the individual business situation be taken into account when using public land that is in agricultural use.<sup>103</sup> This does not only concern the land on which cultivation actually takes place, but also the actual company sites. A reduction in the business area or the imposition of additional conditions may mean that the entire agricultural and economic business puzzle has to be put together again.

The Councils therefore ask that the elaboration of this measure be differentiated on the basis of the use of this land and on the basis of its destination. According to the Councils, an area-specific approach is essential in this regard.

#### 2.2.6 Restoration of forest ecosystems (Article 12)

- [48] **Re-evaluate the choice of forest indicators.** The Councils note that with regard to the choice of possible forest indicators, the indicator 'forest connectedness' was not chosen. The explanation given was that this is due to the fact that this indicator is more of an indicator for forest compactness due to the methodology imposed by Europe, but can nevertheless be useful to follow-up, provided that the results are sufficiently explained.

The Councils state that the indicator relating to the stock of organic carbon is also monitored for other regulations. The Councils therefore ask for a re-evaluation of the choice and for better justification for the choice of certain indicators.

- [49] **Make use of the most recent scientific data for the forest birds.** The Councils state that the status of forest birds varies greatly from species to species. For example, the report in the context of the new breeding bird atlas for Flanders shows that there are forest birds that are clearly doing well (e.g. Great spotted woodpecker) but that some species have been declining for some time (e.g. species that depend on softwood species). The Councils ask that the knowledge of the new bird atlas of 2026 will also

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<sup>103</sup> SALV\_20240322\_OADV\_PubliekeGronden.

be included in determining the status of the forest birds. As is the case with other articles, they ask for guarantees of achieving the target by 2030 if the analysis from the plan that 'the target is achievable provided that the policy remains the same' is not achieved.

[50] **Also look at the possibilities for economic instruments for forests.** The Councils are of the opinion that in many cases wood production is a forest function that can be combined well with nature restoration and conservation. Moreover, smaller private forest owners could be better involved in nature restoration if one could simultaneously focus on revenue models for the provision of ecosystem services. They note that multifunctionality of forests has been included in the Forest Decree from the beginning. The Councils believe that the Pro Silva principles<sup>104</sup> offer good tools in certain circumstances to make this concrete in the field and ask for efforts to be made in this regard.

[51] **Focus on restoring forest area with attention to the landscape context.** The Councils recommend that a monitoring system be provided that distinguishes between trees planted in forest ecosystems and trees planted outside them, as the 'area' parameter is important for the restoration of forest ecosystems. Connectivity is also important as many 'old' forest plant species have limited distribution potential. The Councils ask for these aspects to be included in the restoration plan under the 'improving the biodiversity of forest ecosystems' section, on the basis of Article 12.

[52] **Pay attention to climate change in the restoration of forest ecosystems.** The Councils note that forest ecosystems have a long development time. They therefore ask that attention be paid now to adaptation to climate change in the restoration of forest ecosystems.

[53] **Continue to focus on the Flemish policy on increasing the biodiversity of forest ecosystems.** The Councils note that there has been a long-standing commitment to multifunctional forest management in Flanders. In this context, almost all indicators from the Regulation have also been monitored for some time; Some of these are already showing an increasing trend<sup>105</sup>, for others the trend is less positive<sup>106</sup>. The Councils therefore still see potential for improvement. They therefore ask for further efforts to support forest management according to the *closer to nature* principles.

### 2.2.7 Planting three billion additional trees at Union level

[54] **Substantiate the goals regarding the planting of trees.** The Councils note that the planting of 9 million trees is envisaged. Reference is also made to the Flemish forest expansion plan. When these two are read together, this target would amount to about 3600 ha by 2050. According to the Councils, that seems unambitious. They therefore ask for substantiation.

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<sup>104</sup> [Features of Pro Silva Management | Ecopedia.](#)

<sup>105</sup> [Forest inventory | Agency for Nature and Forests.](#)

<sup>106</sup> [https://www.vlaanderen.be/inbo/indicatoren/trend-broedvogels-van-bossen.](https://www.vlaanderen.be/inbo/indicatoren/trend-broedvogels-van-bossen)

## 2.3 Part C – Measures

### 2.3.1 General comments

[55] **There is still a lot of uncertainty regarding further implementation in Flanders.** The Councils note that there is still a lot of uncertainty. In the 2024 joint advice, the Councils asked for effective and efficient measures to be taken with regard to the recovery measures. The measures in the Nature Restoration Plan must be effective (achieve the set goal) and also efficient (have a good cost/benefit ratio).

To guarantee effectiveness, the scientific substantiation is crucial: it is on the basis of scientific knowledge that the selection must be made of the range of measures that are useful and/or necessary. Choices must then be made about the recovery measures to be introduced based on an analysis of the *foreseeable socio-economic effects and the estimated benefits*.

Taking advantage of linking opportunities, in turn, will contribute greatly to the intended efficiency. The Councils ask that the possible synergies and opportunities for linking with other policy areas be properly identified, based on the contribution of the measures to the intended ecosystem services. In line with the provisions of the Regulation, the remedial measures aimed at these linking opportunities should also be given priority (Article 14, paragraph 9). To this end, the necessary knowledge must be brought in during the process from the relevant policy themes (such as agriculture, water safety, spatial planning, health, climate adaptation and mitigation, etc.).

Finally, the Councils asked that, when drawing up the recovery plan and the preparation of measures, efficient regulations be drawn up and administrative simplicity should be pursued.<sup>107</sup>

To date, the Councils and their members have not been sufficiently involved in the preparation of these draft remedial measures and did not have access to the results of the socio-economic impact analysis and social cost-benefit analysis in time for the preparation of this advice. They repeat their requests to be further involved (see also [40]), to create more clarity and insight into the results of the socio-economic impact analysis, social cost-benefit analysis and Strategic Environmental Assessment and how they affect the draft restoration measures.

[56] **Add a disclaimer to part C of the draft Nature Restoration Plan.** The Council members of the strategic advisory councils have considered all measures and made comments as far as possible. These comments were not all similar. Within the given timeframe, it was not possible to have in-depth discussions on each measure.

The Councils therefore ask that a disclaimer be added to the uniform model, in the draft restoration measures section, stating that this section has not yet been sufficiently discussed with the stakeholders and that adjustments to the draft Nature

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<sup>107</sup> See also SALV, 28 October 2016, [Advisory report on Better regulation](#).

Restoration Measures therefore still need to be made in function of the submission of a final Nature Restoration Plan in 2027.

### 3 Recommendations regarding the Flemish part of the draft Nature Restoration Plan – *governance*

#### 3.1 Timeline

[57] **Positive about this request for advice, but ...** The Councils already asked in their joint advice of 2024 to ensure effective participation in the process. They appreciated being heard at the early stage of policy preparation. Even now, they appreciate the request for advice before the draft Nature Restoration Plan goes into political decision-making, but, because of all the comments below, they emphasize that this advice should not be regarded as exhaustive.

[58] **... a very limited time frame for advice.** The Councils note that the draft Nature Restoration Plan was submitted late and that there is therefore a very limited time frame for advice. They argue that this makes the necessary thorough discussion in advisory councils impossible. They point out that there is still a long way to go to arrive at a final plan and ask to be more closely involved in the follow-up process.

#### 3.2 Participation

[59] **No substantive interim consultation with stakeholders.**<sup>108</sup> The Councils state that the initial process for the implementation of the Nature Restoration Regulation was promising. They were asked for advice at an early stage on the implementation of the Regulation and the preparation of a nature restoration plan in 2024 and there were a series of workshops for the various stakeholders in mid-2025. However, they have to conclude that after this the involvement largely disappeared, with only an interim *webinar* that gave an update.

The draft restoration measures proposed in the draft Nature Restoration Plan were therefore not adequately discussed with the stakeholders. As stated in [56], they ask that a *disclaimer* be added when submitting this part.

[60] **Build broad support through a solid communication strategy.** In the 2024 joint advice, the Councils asked for a solid communication strategy to be developed tailored to the target groups involved and the public. This communication strategy must focus strongly on the social benefits of nature restoration, make the provision of ecosystem services tangible and clarify types of measures. When drawing up the strategy, one must work in a multidisciplinary way. However, more is needed specifically for the agricultural sector, where efforts must be made to depolarise and restore confidence. The Councils point to the need for policy certainty (see [12]) and well-designed measures (see [5]) for the agricultural sector.

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<sup>108</sup> See, inter alia, Recital 65, Recital 83 and Article 14(20).

The Councils note that the draft Nature Restoration Plan provides for an awareness-raising campaign. They repeat their request to roll it out to suit the public and to provide enough information about living together with nature, for example about building-dependent species, etc.

### 3.3 Proces

[61] **Provide a transparent process from the start, including by drawing up a process note.**

In the 2024 joint advice, the Councils stated that transparency is one of the core conditions for making high-quality legislation. This is also required by the Regulation.<sup>109</sup> In their joint advice of 2024, they also asked for the publication of a process note that would clarify the approach and timing for the preparation of the recovery plan, the relationship with the Strategic Environmental Assessment, the socio-economic impact analysis and social cost-benefit analysis and the public consultations. They note that this has not happened and ask for a process note to be drawn up and published.

[62] **Use the results of the EIA plan as a guide in further policy preparation.** The Councils reiterate the recommendation from the advisory report on the Strategic Environmental Assessment *scoping* plan to increase the impact of a Strategic Environmental Assessment on decision-making and ask that the results from the Strategic Environmental Assessment be anchored as a guiding instrument in the policy preparation for the preparation of the recovery plan and not regarded as a mere formality. They therefore ask again for:

- Ensuring maximum transparency about scope, starting note and *scoping* advice, including justification of choices;
- Draw up a realistic and binding timeline with clear decision moments and feedback loops;
- To guarantee that the insights from the Strategic Environmental Assessment can also lead to adjustments of both the draft plan and the measures after submission to the European Commission.

[63] **Make sure you have a balanced and sufficiently informed follow-up process.** In conclusion, the Councils are of the opinion that in the follow-up process – the preparation of a definitive nature restoration plan – the focus should be on an ambitious, feasible and widely supported nature restoration plan and nature restoration measures that maximise gains and avoid potential negative effects as much as possible, as well as that restoration measures should be chosen that achieve several objectives at the same time.

To this end, according to the Councils, the input from all preparatory documents and the joint recommendations of the strategic advisory councils must be incorporated in order to arrive at a supported plan that achieves the objectives. The Councils are prepared to take on a facilitating role in this process. They also want to advice on the

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<sup>109</sup> Member States should ensure that the recovery plan is prepared in an open, transparent, inclusive and effective manner.

national draft Nature Restoration Plan that will be submitted to the European Commission, as well as on the other documents that are being drawn up such as the socio-economic impact analysis and the Strategic Environmental Assessment.