



Open letter, 22 October 2023

## **Austria's Environmental Ombudspersons of all nine federal states (provinces) advocate strong EU Nature Restoration law**

**Biodiversity crisis hits Austria hard—Planned EU regulation should not be further undermined – *Restore Nature's* Articles 4 and 9 on ecosystem restoration necessary**

### **Overview**

Austria's nine Environmental Ombudspersons of the federal states („Länder“ or provinces) strongly advocate the position that a strong EU Law on Nature Restoration represents the chance *par excellence* that ecosystems disturbed and destroyed by us humans can recover as indispensable future basis for life.

We therefore call on all decision-makers to support a strong Nature Restoration law in line with the Council's agreement (general approach) on the proposal for a Regulation on the Restoration of Nature of 20 June 2023.<sup>1</sup> Only in this way will a strong legal framework enable the long-term protection of our livelihoods for future generations.

### **Background**

Austria is in the fortunate position of being a small country with an extension from the edge of the Pannonian lowlands to high Alpine locations and of being home to an incredibly rich

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<sup>1</sup> <https://www.consilium.europa.eu/en/meetings/env/2023/06/20/>

biodiversity, which also entails a great responsibility to preserve it. At the same time, the climate and biodiversity crisis pose tremendous challenges.

An interim assessment by GeoSphere Austria shows that 2023 is very likely to be one of the five warmest years in Austria's 256-year measurement history. September 2023 became the warmest in Austria's measurement history due to the lack of cold air intrusions: compared to the climate mean 1991-2020, temperatures were 3.2 °C warmer in the lowlands and 4.2 °C warmer on the mountains.

### **Peatlands destroyed, habitats for animals and plants impaired**

Austria's nature is not in a favourable condition today.

1. Over 80% of the FFH-protected<sup>2</sup> species and habitats are not in a favourable conservation status.
2. 90% of the original peatland areas have already been severely impaired or destroyed.
3. land consumption in Austria exceeds eleven hectares per day. This is equivalent to over 16 football fields per day, placing this country among the highest in Europe for land consumption.
4. only 15% of rivers in Austria remain in a very good ecological condition.

### **Biodiversity crisis strongly affects Austria - EU *Restore Nature* is welcome**

Austria is therefore struggling with the climate and biodiversity crisis perhaps more than any other EU Member State. The EU Nature Restoration Law<sup>3</sup> proposed by the European Commission is a crucial legal instrument currently under discussion that aims to address the deteriorating state of nature across the EU, including in Austria.

### **Austria's Environmental Ombudspersons of the nine federal states for strong EU law**

Amendments are now to be discussed in the upcoming EU Trilogue on the Restore Nature Act, which, among other things, are to limit restoration obligations to designated "Natura 2000" sites

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<sup>2</sup> FFH in German stands for „Flora Fauna Habitat“ directive. Reference to the Habitats Directive ([Council Directive 92/43/EEC](#)) that was adopted in 1992, thirteen years after the Birds Directive. Like the Birds Directive, the Habitats Directive requires all Member States to establish a strict protection regime for species listed in Annex IV, both inside and outside Natura 2000 sites.

<sup>3</sup> The aim of the proposed law is to introduce restoration measures by 2030 for at least 20% of the EU's terrestrial and marine areas, and by 2050 for all ecosystems that need to be restored. It sets specific legally binding targets and obligations for nature restoration in each of the listed ecosystems, from agricultural land and forests to marine, freshwater and urban ecosystems.

and exclude agricultural areas from restoration targets altogether. Specifically, according to the European Commission's original draft, these are the following:

- Art. 4: Restoration of terrestrial, coastal and freshwater ecosystems
- Art. 9: Restoration of agricultural ecosystems

According to the Austrian Environmental Ombudspersons, these amendments would undermine the central objective of the draft law, marginalise land protection efforts and significantly hinder the restoration of intact ecosystems.

We therefore appeal to all decision-makers to support a strong Nature Restoration Law in line with the Council's agreement on the proposal for a regulation on nature restoration of 20 June 2023. Only in this way will a strong legal framework be available for the long-term safeguarding of our livelihoods and food security for generations to come.

**Against weakening in the "Trilogue" of the EU—Independent institutions in Austrian 9 federal states for Nature Restoration Law in the sense of the agreement of the Council of 20 June 23<sup>4</sup>**

The Austrian Environmental Ombudspersons firmly advocate for a strong nature restoration law, recognizing it as a chance *par excellence* to revitalise the ecosystems that human activities have disrupted and destroyed can recover, and only then can future agriculture be oriented with nature and not against it.

A healthy natural environment is our livelihood, with intact and healthy ecosystems storing carbon and water to mitigate the climate crisis and biodiversity protection ensuring resilience against floods, heat waves, and droughts. The Nature Restoration Law also offers development opportunities: within the framework of the energy transition, there is a potential for renaturation measures as compensation measures. We underscore the importance of targeted measures (peatland protection, compensation areas, refuge islands, corridors) to safeguard ecological diversity.

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<sup>4</sup> <https://www.consilium.europa.eu/en/meetings/env/2023/06/20/>

## What are Environmental Ombudspersons? - Independent institutions of the federal states (provinces)<sup>5</sup>

Austria's Environmental and Nature Conservation Ombudspersons are independent institutions of the federal states, or provinces.<sup>6</sup> They use their expertise to solve environmental problems and are thus available as competent partners for politicians, administrators, citizens, citizens' initiatives, NGOs and project applicants.

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Best regards,

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<sup>5</sup> <https://umweltanwaltschaft.gv.at/en/about-us>

<sup>6</sup> Including Vienna