



Position of the European Sea Ports Organisation (ESPO) on the Commission proposal for a Nature Restoration Law (COM (2022) 304 final)

The European Sea Ports Organisation (ESPO) fully support the aims of halting and reversing the loss of biodiversity and habitats in Europe through restoration efforts on the European level.

Being at the crossroad of supply chains, ports in Europe are instrumental in linking Europe with the rest of the world, enabling the efficient trade of goods as well as ensuring the connectivity of all regions of the European Union.

Ports are at the service of Europe's economy and society and an essential partner in the race to net-zero. Europe's ports are playing an increasingly important role as industrial energy hubs, acting as suppliers, producers, storing locations or importers (landing point) of new renewable energies. They also provide areas for the development of net zero energy and industrial activities.

Ports in Europe have longstanding experience in working with nature restoration

Due to their location close to natural and urban areas, ports are on the frontlines of climate change. Europe's ports are working with nature to increase the resilience of ports and the areas surrounding the port, and are developing and adapting to the impacts brought about by a changing climate.

Ports have a role in the preservation and restoration of biodiversity and natural habitats, and strive to integrate the protection of biodiversity in all port operations. At the same time, it is necessary to strengthen and maintain port development capacity in the service of ecological transition.

As mission driven entities, Europe's ports continuously strive to find a balance between socioeconomic interests and sustainability objectives. As shown in the ESPO [Trends in EU Ports' Governance 2022](#) report, ensuring that port activity is sustainable in the long run is one of the three main general interest objectives European ports are pursuing. Contributing to safeguarding biodiversity through the protection and management of natural areas is an essential part of these efforts.

Europe’s ports have proven at several occasions that economic activities and the protection and promotion of natural areas can coexist.

The protection of biodiversity and the safeguard of natural ecosystems are already at the very heart of port authorities’ environmental strategy. Over the years, ESPO members have built up a solid experience with sustainable port operations and development, respecting and working with nature and habitat requirements already set out in European and national legislation and beyond.

Already in 1996, ESPO published a comprehensive Code of practice on the application and the Bird and Habitats Directive, which has been developed in close cooperation with the services of the Commission, setting out specific [guidelines](#) for how ports can work with the Directive. The ESPO tools and guidance on nature has been included in Commission guidelines for the implementation of this Directive. ESPO is also part of the NAVI Task Groups on the Water Framework Directive and the Marine Strategy Framework Directive. The NAVI position on the Nature Restoration proposal is available [here](#).

In 2016 ESPO dedicated an edition of the ESPO award to project related to nature in ports. The projects submitted as part of the awards process are available [here](#). This year, the ESPO award is highlighting the extensive work undertaken by ports in Europe to engage in nature restoration under the theme **“Nature restoration projects in ports benefitting the local community.”**

This work has continued to this day, with the annual publication of top 10 environmental priorities of ports in Europe. These top environmental priorities mirror the importance ports attach to biodiversity and nature through improving air and water quality, sustainable port development, dredging, and addressing climate change. The [ESPO Environmental Report 2022](#) finds that close to all surveyed ports in Europe have an environmental policy, with 90% of ports having inventories of Significant Environmental Aspects and environmental monitoring programmes in place.

The European Sea Ports Organisation (ESPO) support the aims set out in the proposal for a Nature Restoration Law

As key stakeholders engaged in the preservation of the biodiversity and the attenuation of the climate change, Europe’s ports welcome the objectives of the proposal to restore ecosystems in Europe. To deliver on these objectives, the proposal must align with ongoing efforts to restore and improve natural areas and habitats in the EU.

For Europe’s ports it is important that the proposal ensures:

- 1) A stable, unambiguous legal framework with regard to the safeguarding and restoration of natural ecosystems in the context of economic activities, particularly for long-term port investments;**
- 2) Coherence vis-à-vis existing European and national legislation, and with the recently defined policy initiatives and objectives set out in the European Green Deal, the RepowerEU plan and the Net-Zero Industry Act.**

In that respect, ESPO very much welcomes that **the proposal foresees combining the designation of renewables go-to areas with the national restoration plans (Article 11, point 6)**, as it is crucial that the proposal allows for the development of renewable projects in port areas as part of the green transition. The renewable areas should however also include the development of green hydrogen, the import of green hydrogen(carriers) and the production of renewable fuels or chemical feedstock.

ESPO also specifically welcomes several amendments tabled in the European Parliament Committee on the Environment, Public Health and Food Safety (ENVI) that relate to promoting and encouraging such renewable projects in tandem with restoration efforts. ESPO would also support amendments for Article 11(8) that removes the superfluous reference to Annex VII, where specific activities relating to restoration activities are set out.

Attention should particularly be paid for prioritisation of the economic re-use of brownfield sites and former industrial areas. The spaces currently available in Europe's ports will not be sufficient to meet the needs of the energy transition, the net-zero industry, logistics, mobility and climate change adaptation. EU legislation should therefore ensure that there is a possibility to build the port of tomorrow on the land currently occupied by ports, allowing ports to recycle their economic areas.

The following amendments on the promotion of renewable projects and greater flexibility for ports should be reflected in the final EP compromises: 1071-1073, 1080-81, 1084-5, 1119, 1126.

Europe's ports favour focusing on the status and functions of natural habitats, as opposed to turning back the clock to 70 years ago.

Current restoration and preservation efforts already suffer from lack of implementation and insufficient data to allow for benchmarking and evaluation of the status of various natural areas. ESPO finds it more relevant to properly define what represents 'good' condition for each habitat type, including in terms of functioning ecosystems, than to try to look back a very specific number of years, when habitats may or may not have been in 'good' condition, and when challenges such as climate change were neither omnipresent nor understood.

If the status of habitats 70 years ago can be used only as an indicative point of comparison for restoration efforts, not as a binding requirement, it could be a possible reference for the restoration efforts in EU Member States.

ESPO calls for alignment between the proposal and existing legislation, taking socio-economic activities into consideration

ESPO believes **the proposed Law must be fully aligned with existing legislation** such as the Water Framework Directive (WFD), the Marine Strategy Framework Directive (MSFD), the Habitats Directive, and Natura 2000, which have framed port investments and developments in the last decades.

The proposal needs to complement and help improve implementation of these pieces of existing EU legislation, rather than creating confusion and a heavier regulatory burden. The proposal must be combined with improved implementation of existing legislation and increased recognition of existing restoration measures undertaken by ports in order to guarantee that ports can continue their operations and serve their essential and strategic functions as part of a resilient, sustainable, and net-zero future.

To deliver on the proposed ambitions, ports in Europe call for an evidence-based, pragmatic, and functional approach. The objectives of the Regulations and the proposed restoration targets must balance the necessary defence of natural ecosystems and the needed development of port activities, which are essential for Europe's growth and cohesion, whilst contributing to a green transition towards Europe's sustainable future. ESPO strongly supports the following ENVI amendments that maintain coherence with EU legislation for the exceptions in Art. 4.8c: 851, 855, 856, 857, 860, 861, 862, 863, 864.

The **well-established concept of Natura 2000 has been working well**, providing clear and ambitious rules for natural areas near ports whilst providing legal certainty. ESPO would therefore prefer a clear alignment in Articles 4 and 5 with the existing requirements set out in the Birds and Habitats Directive, the WFD, and the MSFD, using existing established rules and concepts to deliver on the ambitions for nature restoration in Natura 2000-areas.

In line with the approach taken in MSFD and Natura 2000, socio-economic activities should be considered for the quantification of the area that needs to be restored to reach the restoration targets set out in Articles 4 and 5 and for the determination of the most suitable areas for restoration measures.

Accordingly, ESPO supports the following amendments tabled in the ENVI Committee that highlights the relevant social and economic considerations and the need for impact assessments: 711, 736, 758, 759, 766, 848, 869-72, 875, 910, 920-21, 923.

Ports in Europe favour a focus on the services and functions provided by natural areas

ESPO favours a **functional approach** focusing on maintaining and restoring the various functions that could be served by nature areas, rather than looking solely at the percentage of geographical areas that have been restored. Such a functional approach could focus on missing functions or gaps in ecosystem services, and would make it easier for ports and Member States to compensate for losses in one area through restoring or introducing natural features in other areas.

If reflected in the final agreement, these amendments would help avoid a situation where the requirements in Articles 4 and 5 for no deterioration in areas and groups of habitats and ecosystems that are outside the Natura 2000 areas become difficult to comply with, as a strict application of these requirements would be incompatible with port operations and other existing socioeconomic activities.

Europe's ports are committed to help find an ambitious and workable framework for nature restoration that enhances the ongoing efforts to reverse biodiversity loss whilst promoting sustainable business practices.



The European Sea Ports Organisation (ESPO) represents the port authorities, port associations and port administrations of the seaports of 22 Member States of the European Union and Norway at political level. ESPO also has observer members in Albania, Iceland, Israel, Montenegro, Ukraine and the United Kingdom. ESPO is the principal interface between the European seaport authorities and the European institutions. In addition to representing the interests of European ports, ESPO is a knowledge network which brings together professionals from the port sector and national port organisations. ESPO was created in 1993.