

Stockholm 01 December 2020

## **Inception impact assessment regarding EU nature restoration targets (Ref. Ares (2020)6342791 – 04/11/2020)**

SveMin is the national industry association for mines and for mineral and metal producers in Sweden, representing around 50 companies which employ about 13,000 people in production, exploration and mining.

The Swedish mining and minerals industry are land users operating under high environmental requirements to supply metals and minerals to important value chains. A crucial part of the context for the EU's Biodiversity Strategy for 2030 and the nature restoration targets, is that raw materials, and not least metals, are recognized as key to manage the technological transition to a climate neutral and sustainable society," *Access to resources is also a strategic security question for Europe's ambition to deliver the Green Deal. Ensuring the supply of sustainable raw materials, in particular of critical raw materials necessary for clean technologies, digital, space and defence applications, by diversifying supply from both primary and secondary sources, is therefore one of the pre-requisites to make this transition happen.*"<sup>1</sup> With reference to this fundamental conclusion, SveMin would like to bring some aspects to DG ENV's attention for the coming setting of nature restoration targets.

- Restoration of degraded ecosystems is undoubtedly essential for strengthening biodiversity and a means for meeting the objectives of the EU Biodiversity Strategy 2030. However, the varieties and functions of different ecosystems are of such complexity that flexibility and different approaches are a must if we ever are to achieve truly long-term sustainability. We can testify to this from our practical experiences of work to restore nature and to create natural values.
- The true meaning of restoration must not primarily aim for protection and conservation of nature, but rather aim to include modern and flexible instruments such as habitat banking, ecological compensation, active forest management and other methods for sustainable land use that make it possible to increase biodiversity without hindering the attainment of other environmental, social and economic goals. Additionally, functioning restoration objectives must tolerate regional (and not only local) application to measure and assess impact and benefits.
- We call for a system for nature protection and restoration that is based on sustainable *use* of land and water. Well-functioning solutions already exist, and others that can be developed, to restore nature values and protect certain species at the same time as the land is used for different purposes, including mining and mineral extraction. We know this

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<sup>1</sup> Communication from the Commission to the European Parliament, the European Council, the European Economic and Social Committee and the Committee of the Regions; The European Green Deal.

from experience. Key to achieve this is to develop ways for a sustainable and responsible use of land, water and of natural resources.

- We call for an eco-systemic approach when it comes to evaluating the means and measures for restoration of nature. The definition of and baseline for ecosystems in “good condition” cannot be set as pristine nature unaffected by humans. As nice as that sounds, it would be unrealistic and risk becoming an obstacle that, in a worst case scenario, prevents the development of long-term sustainable land use. Instead, the objective should be to protect and restore ecosystems to become truly resilient and well-functioning, in a scale that is set with margins and adapted to long-term usage of land and water. An ecosystem-based approach must be applied, instead of silo thinking and species by species application.
- Following the previous section, one example of how complex the issue of sustainable land use is in northern Sweden and clarifying that it is not just about biodiversity, is the adjustments and measures that have to be implemented in connection with different kinds of land use to achieve good conditions for reindeer husbandry and for the fulfillment of indigenous rights.
- We call for transparency and equal methods between the Member States regarding monitoring and measuring of ecosystems, the size and quality of protected areas and of restoration methods. As an example, it has been brought to our attention that different Member States define protected nature in different ways. Sweden has reported 14% protected nature to the EU while Germany has reported 37% protected nature. However, the numbers that Germany reports allow for inclusion of agriculture and forestry while the Swedish numbers do not. If calculated in another way, Sweden would report 58% protected nature with different kinds of protection that also include voluntary commitments, which was not included in the official numbers reported to the EU.<sup>2</sup>
- A specific issue is how to ensure no deterioration of ecosystems once they have been restored. Based on our own experiences, we call for flexibility to avoid a situation where potential restoration projects are discouraged due to legal uncertainties regarding legally binding long-term protection. Due to the dynamic nature of ecosystems, habitats and species, we call for arrangements that does not impose far-reaching administrative requirements on providing detailed investigations and evidence to prove long-term measurable results from restoration actions. On a Member State level, long-term targets are typically included in permitting processes which causes a great deal of legal uncertainty for the applicant. Apart from the fact that proof of long-term effects may be impossible to obtain for operators, our experience is that too much focus on paperwork and administration is counter-productive and an efficient obstacle to develop and implement efficient methods to strengthen biodiversity in practice. Instead, we would endorse a system that promotes creative measures to strengthen biodiversity, adoption and approval of different levels of protection and acknowledgement of sustainable land and water *use* in parallel with the restoration of the area.
- A close collaboration between all relevant actors (European Commission, Member States and stakeholders including industry) is of great importance to achieve a sound and harmonized application of the Biodiversity Strategy 2030 and the nature restoration plan to be able to meet the objectives of the European Green Deal.

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<sup>2</sup> Report from the Federation of Swedish Farmers (LRF), *Sveriges internationella åtaganden om skydd av natur* (freely translated: “Sweden’s international commitments on the protection of nature”, May 2020; [rapport-sveriges-internationella-ataganden-om-skydd-av-natur.pdf](https://www.lrf.se/rapport-sveriges-internationella-ataganden-om-skydd-av-natur.pdf))

- The Commission must, with greatest seriousness, consider the social and economic implications from implementing legally binding instruments, especially if they can be assumed to be interpreted and applied differently in different Member States.
- We underline the importance of policy coherence, not only including environmental policies like the Biodiversity Strategy 2030 and the Zero Pollution Action Plan, but also other related policies like the Industrial Strategy and the list of Critical Raw Materials identified by the Commission and supplemented by an action plan to secure access to critical raw materials. Raw materials are crucial to Europe's economy, and reliable and unhindered access to certain raw materials is a growing concern within the EU and across the globe. These different policies must be coherent, and they must be coherent with European legislation, making sure that conflicting interests are taken care of with deepest consideration.

Finally, we are very proud to inform you that the Swedish mining industry recently launched a road map for increased biodiversity, available in English at Svemin's webpage.<sup>3</sup> The road map is based on the mitigation hierarchy, to avoid, minimize, restore and compensate for the impact on biodiversity. The roadmap has a strongly stated goal that **the Swedish mining and minerals industry by 2030 shall contribute to increased biodiversity in all the regions where mining and minerals exploration and extraction are ongoing**. As far as we know, we are the first industry not only in Sweden but also internationally that has publicly committed to such a target for biodiversity improvements. Feel free to share it and inspire others.

Being an industry with practical experiences from undertaking nature restoration and offsetting, and also of facing legal difficulties that have impeded these processes, we are keen on being part of upcoming consultations and involvement of stakeholders as we can share knowledge that is important for the setting of the regulatory framework for biodiversity.

With best regards,

Svemin

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<sup>3</sup> <https://www.svemin.se/en/news/news/roadmap-biological-diversity/>