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Directorate D – Biodiversity
The Director

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Swedish Society for Nature Conservation
Jörgen Sundin,
jorgen.sundin@naturskyddsforeningen.se
Emelie Nilsson, emelie.nilsson@wwf.se

Subject: Letter from the Swedish Society for Nature Conservation on Swedish implementation of the Nature Restoration Law

Reference: Ares(2025)4222847

Dear Mr Sundin and Mrs Nilsson,

Thank you for the letter and accompanying documents you provided at our meeting on 22nd May 2025 as well as later by email on 25th May.

First, I would like to state again the important role that your organisation and other NGOs have in supporting EU biodiversity conservation and restoration goals, and in monitoring on the ground the implementation of EU nature legislation and policy.

Regarding your concerns about the Swedish government's implementation of the Nature Restoration Regulation¹ (NRR) and reporting under the Habitats Directive², the issues you outline are indeed known to Commission's services, notably Sweden's approach to setting favourable reference values (FRVs), particularly for grassland and forest habitats, and the application of derogations under article 4(13) of the NRR.

Regarding FRVs, the Commission's point of view, as set out in the guidelines on reporting under Art.17 Habitats Directive, is that they should be set based on ecological and biological considerations, using the best available knowledge and scientific expertise. A key principle is that FRVs should not, in principle, be lower than the values when the Habitats Directive came into force, to prevent any further degradation of habitat types and species that have been listed in its annexes because of their unfavourable situation. While it is not excluded that FRVs might correspond to a situation at the date the Directive came into force in a Member State, FRVs should not automatically be set at the value corresponding to that date. Also, the Commission

¹ Regulation (EU) 2024/1991 of the European Parliament and of the Council of 24 June 2024 on nature restoration and amending Regulation (EU) 2022/869

² Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora

does not consider it sound scientific practice for a Member State to report FRA as ‘unknown’ when it is actually known or can be set.

The Commission will continue providing guidance on establishing FRVs and will assess carefully the data and assessments reported by Member States in their reports required by Article 17 of the Directive, which are due by 31st July this year. Furthermore, the European Environment Agency carries out a public consultation before finalising the draft EU-biogeographical assessment of the data reported by national authorities in the context of the 6-yearly reporting under the Birds³ and Habitats Directives. SSNC is invited to participate in this consultation.

Finally, regarding the use of Article 4(13) of the NRR by Sweden, the Commission considers that it is the choice of each Member State to apply this provision or not. If the choice is made to use this alternative approach to the implementation of the non-deterioration provisions, a Member State must ensure that all pre-conditions for an effective implementation of this approach are established (e.g. capacity to take compensation measures, etc.) to meet the respective requirements.

Please rest assured that the Commission remains committed to ensuring full implementation of the nature legislation, including reporting requirements, as well as timely and effective implementation of the NRR.

I am grateful for your commitment to the protection of nature and environment in Sweden.

Yours sincerely,

Electronically signed

Humberto DELGADO ROSA

³ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds