

# Public Consultation on the future EU Initiative on No Net Loss of Biodiversity and Ecosystem Services

Background Information	
Are you responding to this consultation as an individual or on behalf of an organization? -single choice reply-(compulsory)	As an organisation.
What type of organisation do you represent? -single choice reply-(compulsory)	business: industrial interest group, business association, sectoral association (EU level)
Please indicate the country where your organisation is located. -single choice reply-(compulsory)	Belgium
Please provide the name of your organisation. -open reply-(compulsory)	IMA-Europe
Please provide your name and title. -open reply-(compulsory)	Aurela SHTIZA Environment & Industrial Affairs Advisor
How well informed do you consider yourself to be about the EU No Net Loss Initiative? -single choice reply-(compulsory)	Very well informed
Unless you specify otherwise, your contribution will be published on the Commission's website. Please indicate here if you wish your contribution to be anonymous. (for full information please refer to the Specific Privacy Statement) -single choice reply-(compulsory)	You can publish this contribution as it is.
Scope and Objectives of the future EU No Net Loss initiative.	
The future EU initiative on No Net Loss will cover the following causes of biodiversity loss: land-use change, over-exploitation of natural resources and diffuse pollution to water and soil. -single choice reply-(compulsory)	Neutral
You are invited to explain your answer to the previous question. -open reply-(optional)	There seems to be no evidence that mining & quarrying are having any significant impact on biodiversity in the EU today (EU land-cover data typically does not split mining & quarrying from other much more widespread activities) such as fisheries and agriculture. The extractive industries temporarily occupy less than a fraction of 1% of the European land base at any one time and are heavily regulated at EU, national and sub-national level. The extractive industry has gathered evidence that some well managed mining activities have a positive impact on biodiversity.
The future EU initiative on No Net Loss will focus on territory outside the Natura 2000 network. -single choice reply-(compulsory)	I agree strongly
	Agreeing and supporting the principles of "smart regulation", it is our opinion that

<p>You are invited to explain your answer to the previous question. -open reply-(optional)</p>	<p>NNL should compliment but not overlap other existing legislations which already regulate some species, areas accordingly. Few examples of these legislations are: Natura 2000, Habitat Directive and so on.</p>
<p>Do you think that the future EU initiative on No Net Loss should, in the first instance, cover the terrestrial environment and subsequently be extended to cover the marine environment, or should the initiative cover, from the start, both the terrestrial and the marine environment? -single choice reply-(compulsory)</p>	<p>The terrestrial environment at first and later the marine environment.</p>
<p>Agriculture -single choice reply-(compulsory)</p>	<p>Very important</p>
<p>Built development (public and private) -single choice reply-(compulsory)</p>	<p>Important</p>
<p>Energy infrastructure -single choice reply-(compulsory)</p>	<p>Important</p>
<p>Extractive industries -single choice reply-(compulsory)</p>	<p>Not at all important</p>
<p>Fisheries and aquaculture. -single choice reply-(compulsory)</p>	<p>Very important</p>
<p>Forestry -single choice reply-(compulsory)</p>	<p>Very important</p>
<p>Transport infrastructure -single choice reply-(compulsory)</p>	<p>Important</p>
<p>Other sectors (provide details in the question below) -single choice reply-(compulsory)</p>	<p>No opinion</p>
<p>You are invited to explain your answers to the previous question including the identification of sectors that you had in mind if you indicated that "other sectors" were "very important" or "important". -open reply-(optional)</p>	<p>EEA and other reports indicate that agriculture and fisheries are major sectors driving the loss of biodiversity for EU. Therefore it is important that NNL principles apply equally to all sectors which have an impact in biodiversity loss. Wuppertal Institute experts report that: "Currently, the European land is used: 43% by agriculture, 36% by forestry and 17% by other uses (including settlements and infrastructure). Total amount of Land use by EU industry is about 1.6%, extraction is below 1%.</p>
<p><b>The mitigation hierarchy including compensation and offsetting.</b></p>	
<p>What is your opinion concerning the following statement- 'the correct application of the mitigation hierarchy is essential if No Net Loss of biodiversity and ecosystem services is to be achieved' -single choice reply-(compulsory)</p>	<p>I agree strongly</p>
<p>Some stakeholders, while supporting the mitigation hierarchy in principle, are concerned that in practice the steps in the sequence will not be respected and that efforts to avoid, reduce and restore will be put aside in favour of compensation/offsetting.  In your opinion, should the future EU initiative</p>	<p>The future EU initiative should include compensation/offsetting.</p>

on No Net Loss of biodiversity and ecosystem services, address compensation/offsetting OR should this be excluded. -single choice reply- (compulsory)	
You are invited to provide an explanation of your answer to the previous question. -open reply- (optional)	To be applied on case by cases after a careful assessment is carried out. In light of a better regulation agenda, to look at local conditions, proportionate measures. Compensation and offsetting is one way to go, however the diversity of industry in Europe should also be considered during the implementation phase. This issue can be part and discussed in the Business & Biodiversity platform.
How well do you think the mitigation hierarchy is built into existing EU legislation and policies? -single choice reply-(optional)	Neutral
Please provide an explanation of your response to the previous question. -open reply-(optional)	

## The Future EU Initiative on No Net Loss of Biodiversity and Ecosystem Services

Enhancing the scope and strengthening the implementation of the Environmental Liability Directive. -single choice reply-(optional)	Strongly against the inclusion of this measure as part of the initiative.
Strengthening the EIA Directive and improving its implementation. -single choice reply-(optional)	Strongly against the inclusion of this measure as part of the initiative.
Strengthening the SEA Directive and improving its implementation -single choice reply-(optional)	Strongly against the inclusion of this measure as part of the initiative.
Improving spatial planning in the terrestrial, coastal and marine environments. -single choice reply-(optional)	Support the inclusion of this measure as part of the initiative.
Enhancing the mainstreaming of environmental measures in the CAP so as to better protect semi-natural areas. -single choice reply-(optional)	Strongly support the inclusion of this measure as part of the initiative.
Addressing NNL objectives in the context of the EU Forest Strategy. -single choice reply-(optional)	Strongly support the inclusion of this measure as part of the initiative.
Biodiversity proofing of the EU budget. -single choice reply-(optional)	Strongly against the inclusion of this measure as part of the initiative.
Developing a voluntary EU framework for compensation/ offsetting including technical guidelines and benchmarking good practice. -single choice reply-(optional)	Support the inclusion of this measure as part of the initiative.
Developing a legal framework at the EU level for compensation/offsetting including general principles and common standards. -single choice reply-(optional)	Against the inclusion of this measure as part of the initiative.
Promoting the use of market instruments to	Against the inclusion of this measure as part of the initiative.

support the NNL objective including a possible "No Net Loss" label. -single choice reply-(optional)	
Can you suggest other measures in addition to those identified in the previous question that would be important to include in the future EU NNL initiative? -open reply-(optional)	Any EU-level NNL Initiative must be fully compliant with the established Subsidiarity Principle of the EU. Biodiversity issues are already regulated with EIA, Natura 2000, Habitats Directive and the Wild Birds Directive. "Ordinary biodiversity" through application of the mitigation hierarchy requires local approaches best regulated within the Member States.
Take steps to improve the effectiveness of the existing legislation and policies including through better enforcement, increasing awareness and technical guidelines. -single choice reply-(compulsory)	Desirable to be included
Reviewing and where appropriate revising existing pieces of environmental legislation to ensure that the principle of No Net Loss of Biodiversity and Ecosystems is respected and that the mitigation hierarchy is properly integrated. -single choice reply-(compulsory)	Should not be included
Ensure that policies and actions supported by EU funds respect the principle of No Net Loss and apply the mitigation hierarchy appropriately. -single choice reply-(compulsory)	Desirable to be included
A framework at EU level to promote the coherent and consistent use of compensation/offsetting, including technical guidance and benchmarking best practice. -single choice reply-(compulsory)	Should not be included
Other measures (see below) -single choice reply-(optional)	
If, in answering the previous question, you indicated that "other measures" were either "essential to be included" OR "desirable to be included" you are invited to provide further details regarding what those measures are. -open reply-(optional)	Have a balanced approach and consider not only the subject matter of biodiversity but the global subject of sustainability across sectors with the highest impact on Biodiversity and NNL. The industry is willing to progress and do what is economically, socially and environmentally feasible to reduce potential negative impact on biodiversity. However, it should be carefully evaluated if these measures are not resulting into relocation of industries in countries that do not foresee such measures.
<b>Addressing the challenges of compensation/offsetting.</b>	
Compensation/offsetting measures can be carried out at, or in close proximity to, the site where the damage took place. This is so called "on site" compensation/offsetting. In some cases compensation/offsetting is done at another location, away from the site where the damage occurred. This is so called "off-site" compensation/offsetting. We would like to get your opinion regarding "on-site" vs "off-site" compensation/offsetting. -single choice reply-(compulsory)	The choice of on-site vs offsite compensation/offsetting should be made on a case by case basis with a view to achieving the best outcomes for biodiversity and ecosystem services.
Compensation/Offsetting can be designed to	The choice of "like for like" compensation/offsetting vs

<p>replace the biodiversity and the ecosystem services that are lost with the same kind of biodiversity and the same ecosystem services. This type of compensation/offsetting is referred to as "like for like" . In other cases, the biodiversity and/or ecosystem services that are lost, are replaced with biodiversity of a higher value and/or critical/priority ecosystem services although in such cases the area of land dedicated to the compensation/offset may be less than the area of the land where the damage occurred. This type of compensation/offsetting is referred to as "trading up". We would like to get your opinion concerning "like for like" vs "trading up". -single choice reply-(compulsory)</p>	<p>"trading-up" should be made on a case basis with a view to achieving the best outcomes for biodiversity and ecosystem services.</p>
<p>Making sure that the compensation/offset is additional and that it represents a gain in biodiversity and/or ecosystem services that would not have happened without the compensation/offset. This is known as 'additionality'. -single choice reply-(compulsory)</p>	<p>Important</p>
<p>Securing the compensation/offset over time and making sure that the compensation/offset is protected and managed appropriately. -single choice reply-(compulsory)</p>	<p>Important</p>
<p>Putting in place appropriate measures to monitor the compensation/offset and to enforce compliance with the conditions under which the compensation/offset is established. -single choice reply-(compulsory)</p>	<p>Neutral</p>
<p>The possibility of using compensation/offsetting measures strategically (e.g. pooling compensation/offsetting obligations linked to several different projects) in the framework of co-ordinated spatial planning in order to optimize the outcomes for biodiversity and ecosystem services. -single choice reply-(compulsory)</p>	<p>Neutral</p>
<p>In order to provide compensation/offsets you need to understand what is going to be lost in terms of biodiversity and ecosystem services and you need to assess what will be gained by the compensation/offset. In this way you can make sure that the gain represented by the compensation/offset is at least equivalent to what is going to be lost. In this question we are asking for your opinion on how to assess losses and how to assess the value of the compensation/offset.</p>	<p>The type of assessment that is appropriate should be determined in a flexible manner taking into account the complexity, the scale and the type of biodiversity and ecosystem services that are likely to be affected.</p>

-single choice reply-( <b>compulsory</b> )	
<p>There should be a proportionate approach to metrics, with more streamlined procedures and simpler baseline studies and metrics for impacts that are low level, or which only affect widespread biodiversity and non-critical ecosystem services, but detailed, full assessments and metrics for more significant impacts. -single choice reply-(<b>optional</b>)</p>	I agree
<p>Compensation/Offsets should preferably be in place before the impact occurs, but if this is not possible, the issue of time preferences can be integrated into the metrics which are used to discount future benefits. -single choice reply-(<b>optional</b>)</p>	No opinion.
<p>For non-threatened/common biodiversity, compensation in the form of payments into a trust fund (fee 'in lieu') could be allowed. -single choice reply-(<b>optional</b>)</p>	I disagree strongly
<p>In relation to the location of compensation/offsets which take place off-site, "service areas" could be designated on a bio-geographic basis in which compensation/offsets could be implemented. -single choice reply-(<b>optional</b>)</p>	Neutral
<p>Compensation/Offsets can take quite a lot of time and resources to implement and therefore it may not be appropriate to require compensation/offsetting in cases where the impacts on biodiversity and/or ecosystem services are comparatively trivial and for this reason a threshold could be applied such that impacts below the threshold would not be subject to compensation/offsetting. -single choice reply-(<b>optional</b>)</p>	I agree
<p>Are there any other issues concerning compensation/offsetting that are not covered by the preceding questions in this section and which you consider should be taken into account? -open reply-(<b>optional</b>)</p>	recognition that extractive sectors is regulated by various legislations: Mining waste Directive (2006/21/EC); Technical guidelines (2009/335/EC) for the establishment of the financial guarantee in accordance with Directive 2006/21/EC
<p>Which national (voluntary or mandatory) measures on compensation/offsets are you aware of and how effective are they (excluding national measures transposing the requirements of the Habitats Directive and the Environmental Liability Directive)? -open reply-(<b>optional</b>)</p>	

## Closing questions

Do you have additional comments that you would like to make concerning the development of the No Net Loss initiative? -open reply-(optional)	Safeguard the principle of subsidiarity; Extractive sector in EU is required to restore sites during/after operations; ensure that all sectors which have a contribution are regulated in a proportionate manner.
Do you have any comments you would like to make concerning the consultation and the questionnaire? -open reply-(optional)	
Do you accept to be contacted by the Commission in the event that further details concerning your replies would be helpful? -single choice reply-(compulsory)	Yes