

(English version)

Question for written answer E-001683/26
to the Commission
Sander Smit (ECR)
(24 April 2026)

Subject: Nature restoration obligations based on a non-verifiable national methodology

At the end of 2025, the Netherlands submitted its report under Article 17 covering the period 2019-2024, which shows that 28 of the 52 habitat types in the Netherlands are deteriorating. The Agrifacts Foundation has reported that the Dutch methodology differs from that of other Member States, partly because approximately 1 000 typical species are used for the 52 habitat types, including rare species and species not yet found in the Netherlands ⁽¹⁾. The underlying measurement data and the assessment criteria for the 2019-2024 cycle were not publicly available at the time of submission, meaning that the report cannot be independently verified.

1. Does the Commission regard restoration obligations under Article 14(8) of Regulation (EU) 2024/1991, which arise from a national methodology that goes beyond the minimum requirements of Directive 92/43/EEC, as obligations under EU law or as national policy choices?
2. Does the Commission consider the limited public access to measurement data and methodology to be compatible with Directive 2003/4/EC on public access to environmental information and with Regulation (EC) No 1049/2001?
3. How does the lack of a direct legal remedy for stakeholders against methodological choices made by local authorities relate to the principle of effective legal protection as referred to in Article 9(3) of the Aarhus Convention and Article 47 of the EU Charter?

Submitted: 24.4.2026

Answer given by Ms Roswall on behalf of the European Commission
(6 July 2026)

The Commission has no indication that would lead it to consider that the methodology of the Netherlands to assess the condition of protected habitat types goes beyond the requirements of the Habitats Directive ⁽¹⁾. It has recently published technical guidelines to improve the streamlining of condition assessments ⁽²⁾ among Member States.

Article 14(8) ⁽³⁾ of the Nature Restoration Regulation (NRR) ⁽⁴⁾ requires Member States, if applicable, to determine the reduction of the extent of the rewetting of peatland under agricultural use ⁽⁵⁾.

This is as such not a restoration obligation. While the NRR builds, among others, on the concepts, definitions and data of the Habitats Directive, Article 14(8) refers to drained peatlands under agricultural use, which are not necessarily (and do not have to become) habitat types of Annex I.

Citizens who are interested in the underlying measurement data and methodologies used by a Member State in reporting under the Habitats Directive can ask the national authorities for information according to Article 8(2) of the directive 2003/4/EC ⁽⁶⁾. Public access to the documents held by the Commission can be requested in accordance with Regulation (EC) No 1049/2001 ⁽⁷⁾.

Where the conditions of Article 9(3) of the Aarhus Convention ⁽⁸⁾, read in conjunction with Article 47 of the Charter of Fundamental Rights of the EU, are met, the Netherlands, as Party to the Convention, must provide adequate access to justice, in particular where an act or omission may contravene environmental law.

¹ <https://stichtingagrifacts.nl/nederlandse-natuur-fors-verslechterd-onderbouwing-niet-beschikbaar/>.

⁽¹⁾ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, OJ L 206, 22.7.1992, p. 7-50.

⁽²⁾ <https://biodiversity.europa.eu/europes-biodiversity/habitats/technical-guidelines-for-assessing-and-monitoring-the-condition-of-annex-i-habitat-types>.

⁽³⁾ The Commission assumes that the Honourable Member might probably have meant Article 4(8) rather than 14(8).

⁽⁴⁾ 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, OJ L, 2024/1991, 29.7.2024.

⁽⁵⁾ As referred to in Article 11(4), fifth subparagraph.

⁽⁶⁾ Article 8(2) of Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC, OJ L 41, 14.2.2003, p. 26-32: '[u]pon request, public authorities shall reply to requests for information ... reporting to the applicant on the place where information, if available, can be found on the measurement procedures ... used in compiling the information, or referring to a standardised procedure used'.

⁽⁷⁾ Information reported by Member States under Article 17 of the Habitats Directive to the Commission is available on the European Environment Agency's reportnet: <https://rod.eionet.europa.eu/obligations/269>.

⁽⁸⁾ https://environment.ec.europa.eu/law-and-governance/aarhus_en.

Where such an act is based on a methodology, the compliance of that methodology with environmental law should be open to direct or incidental review. The procedural design remains up to national discretion, provided that effective judicial protection is ensured.
