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# Striving for Just Ecological Restoration: A Critical Analysis of the EU Nature Restoration Regulation

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## Abstract

Ecological restoration is increasingly recognized as essential for combating the biodiversity and climate crises. However, restoration activities can also produce or exacerbate social and environmental injustices. This article explores the extent to which the European Union's 2024 Nature Restoration Regulation (NRR) enables 'just ecological restoration'. Drawing on the three dimensions of environmental justice – distributive, recognitional, and procedural – we assess whether the NRR adequately includes justice considerations. Our analysis finds that while the Regulation includes several justice-relevant provisions, many are implicit and lack enforceable guarantees. Disparities in expected costs and benefits raise concerns over distribution, limited safeguards may exclude marginalized communities, and participation mechanisms vary across Member States. The potential of the NRR to foster fair and inclusive restoration depends largely on how Member States implement their national restoration plans and whether the European Commission provides clear guidance and support to ensure socially responsible action.

**Keywords:** Ecological restoration; Environmental justice; Just ecological restoration; European Union Nature Restoration Regulation; EU law; Biodiversity

## 1. Introduction

The state of the global biodiversity crisis is worrying, with habitats and species disappearing at an unprecedented rate.<sup>1</sup> By now, it has become clear that conserving what is left of nature no longer suffices, as many habitats are too degraded to sustain life.<sup>2</sup> Against this backdrop, restoration has gained prominence in environmental policy, and has become an integral part of the solution for the biodiversity and climate crises.<sup>3</sup>

<sup>1</sup> S. Díaz et al., *Summary for Policymakers of the IPBES Global Assessment Report on Biodiversity and Ecosystem Services* (Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), 2019), p. 12.

<sup>2</sup> See, e.g., K. Bastmeijer, 'Ecological Restoration in International Biodiversity Law: A Promising Strategy to Address Our Failure to Prevent?', in M. Bowman, P. Davies & E. Goodwin (eds), *Research Handbook on Biodiversity and Law* (Edward Elgar, 2016), pp. 387–413, at 407.

<sup>3</sup> H.-O. Pörtner et al., *Scientific Outcome of the IPBES-IPCC Co-Sponsored Workshop on Biodiversity and Climate Change* (IPBES/Intergovernmental Panel on Climate Change (IPCC), 2021), p. 17; see,

Recognizing the urgency of these challenges, the European Union (EU) has taken a significant step by adopting the Nature Restoration Regulation (NRR),<sup>4</sup> the first law that mandates large-scale binding restoration efforts across Member States. However, translating this legal ambition into practice requires more than ecological and legal expertise – it demands an understanding of the broader societal context in which restoration takes place. While ecological restoration is often framed as a scientific and technical endeavour, it also has deep political, economic, and social dimensions.<sup>5</sup> Even though perhaps not immediately apparent, the relationship between biodiversity and inequality is strong: in a 2019 report, the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) found that more unequal societies tend to experience higher rates of biodiversity loss.<sup>6</sup> This, in turn, can create a vicious cycle, as the decline in biodiversity and ecosystem services can exacerbate existing inequalities and give rise to new ones, disproportionately affecting marginalized communities.<sup>7</sup> Ecological restoration can thus be a double-edged sword: it can reduce inequalities by restoring access to essential ecosystem services, but it can also reinforce existing disparities, for instance, when restoration projects restrict land access or exclude local communities.<sup>8</sup> Moreover, incorporating justice considerations in a restoration project can help to boost legitimacy perception and,<sup>9</sup> consequently, increase the success rate of the project.<sup>10</sup> With restoration projects being increasingly widespread, the question of what exactly entails ‘just ecological restoration’ becomes

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e.g., United Nations General Assembly Resolution 73/284, ‘United Nations Decade on Ecosystem Restoration (2021–2030)’, 1 Mar. 2019, UN Doc. A/RES/73/284.

- <sup>4</sup> Regulation (EU) 2024/1991 on Nature Restoration and Amending Regulation (EU) 2022/869 [2024] OJ L 2024/1991 (NRR).
- <sup>5</sup> A.M. Tedesco et al., ‘Beyond Ecology: Ecosystem Restoration as a Process for Social-Ecological Transformation’ (2023) 38(7) *Trends in Ecology and Evolution*, pp. 643–53, at 644.
- <sup>6</sup> Díaz et al., n. 1 above, pp. 15–6. Similarly, see L. Chancel & T. Piketty, ‘Carbon and Inequality: From Kyoto to Paris – Trends in the Global Inequality of Carbon Emissions (1998–2013) & Prospects for an Equitable Adaptation Fund’, Paris School of Economics, 3 Nov. 2015, available at: <https://piketty.pse.ens.fr/les/ChancelPiketty2015.pdf> (on the correlation between carbon dioxide (CO<sub>2</sub>) emissions and socio-economic inequalities, as discussed in C. Armeni, ‘What Justice? The Scope for Public Participation in the European Union Just Transition’ (2023) 60(4) *Common Market Law Review*, pp. 1027–54, at 1030).
- <sup>7</sup> J. Fischer et al., ‘Making the UN Decade on Ecosystem Restoration a Social-Ecological Endeavour’ (2021) 36(1) *Trends in Ecology and Evolution*, pp. 20–8, at 24.
- <sup>8</sup> Ibid.; Tedesco et al., n. 5 above, p. 651. In this regard see S. Shao, L. Liu & Z. Tian, ‘Does the Environmental Inequality Matter? A Literature Review’ (2022) 44(9) *Environmental Geochemistry and Health*, pp. 3133–56, at 3136 (pointing out that environmental inequality ‘may stem from environmental injustice and may itself lead to further environmental injustice’). Environmental inequality and environmental injustice are thus inextricably linked.
- <sup>9</sup> J. Pickering et al., ‘Rethinking and Upholding Justice and Equity in Transformative Biodiversity Governance’, in I.J. Visseren-Hamakers & M.T.J. Kok (eds), *Transforming Biodiversity Governance* (Cambridge University Press, 2022), pp. 155–78, at 163; B.J. Richardson & T. Lefroy, ‘Restoration Dialogues: Improving the Governance of Ecological Restoration’ (2016) 24(5) *Restoration Ecology*, pp. 668–73, at 671.
- <sup>10</sup> See, e.g., C. Armeni & M. Lee, ‘Participation in a Time of Climate Crisis’ (2021) 48(4) *Journal of Law and Society*, pp. 549–61, at 560; M. Reed et al., ‘A Theory of Participation: What Makes Stakeholder and Public Engagement in Environmental Management Work?’ (2018) 26(S1) *Restoration Ecology*, pp. S7–S17. Additionally, see Pickering et al., n. 9 above, p. 163.

both an ethical consideration and a practical strategy to ensure long-term sustainability of interventions.<sup>11</sup>

The contribution is structured as follows. Section 2 outlines the key features of ecological restoration. Section 3 then turns to the conceptual foundations of environmental justice and explores its three dimensions in relation to ecological restoration. It is against this background that Section 4, finally, presents the case study of the NRR. The three dimensions of environmental justice serve as an analytical framework to assess the extent to which its provisions allow for ‘just ecological restoration’ and where potential shortcomings still exist.

## 2. What is Ecological Restoration?

There is no universally agreed definition of ecological restoration, and this plurality reflects the diverse goals, actors, and contexts in which restoration takes place.<sup>12</sup> A widely cited definition by the Society for Ecological Restoration (SER) describes it as ‘the process of assisting the recovery of an ecosystem that has been degraded, damaged, or destroyed’.<sup>13</sup> Similarly, IPBES refers to it as ‘any intentional activity that initiates or accelerates the recovery of an ecosystem from a degraded state’.<sup>14</sup> Ecological restoration can encompass a broad spectrum of intervention: from reforestation and wetlands rehabilitation, to the reintroduction of native species or passive rewilding.<sup>15</sup> Such activities are often presented as capable of simultaneously promoting biodiversity and well-being through enhanced ecosystem services such as flood regulation, carbon sequestration, or soil fertility.<sup>16</sup> Yet, beyond these ecological framings lies a web of competing visions, practices, and assumptions that can be highly contentious and tricky to navigate.<sup>17</sup> This is as a result not only of structural disparities underlying degradation,<sup>18</sup> but also of the fact that restoration activities are value-driven.<sup>19</sup> As Löfqvist and co-authors note, ‘what qualifies as restoration depends on

<sup>11</sup> L. Dawson et al., ‘Governance and Management Dynamics of Landscape Restoration at Multiple Scales: Learning from Successful Environmental Managers in Sweden’ (2017) 197 *Journal of Environmental Management*, pp. 24–40, at 29.

<sup>12</sup> See, e.g., A. Mendes et al., ‘Towards a Legal Definition of Ecological Restoration: Reviewing International, European and Member States’ Case Law’ (2023) 32(1) *Review of European, Comparative & International Environmental Law*, pp. 3–7, at 5.

<sup>13</sup> G.D. Gann et al., *International Principles and Standards for the Practice of Ecological Restoration* (Society for Ecological Restoration, 2<sup>nd</sup> edn, 2019), p. 79.

<sup>14</sup> R. Scholes, *Summary for Policymakers of the Assessment Report on Land Degradation and Restoration of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Service* (IPBES, 2018), p. 18.

<sup>15</sup> Gann et al., n. 13 above.

<sup>16</sup> J. Aronson et al., ‘Ecological Restoration: A New Frontier for Nature Conservation and Economics’ (2006) 14(3–4) *Journal for Nature Conservation*, pp. 135–9.

<sup>17</sup> D. Egan, E. Hjerpe & J. Abrams, *Human Dimensions of Ecological Restoration: Integrating Science, Nature, and Culture* (Island Press, 2011).

<sup>18</sup> C.J. Schell et al., ‘The Ecological and Evolutionary Consequences of Systemic Racism in Urban Environments’ (2020) 369(6510) *Science*, pp. 1–11.

<sup>19</sup> H.B.M. Wells et al., ‘Equity in Ecosystem Restoration’ (2021) 29(5) *Restoration Ecology*, article e13385, p. 1.

what outcomes are valued from the perspectives of which stakeholder'.<sup>20</sup> Therefore, broader social conflicts are often reproduced in restoration activities, such as decisions on where restoration should take place, its specific aims, and the choice of baseline.<sup>21</sup> Indeed, 'different restoration interventions produce diverse mixes of outcomes'.<sup>22</sup>

This contested nature is compounded by temporal mismatches: while ecological recovery typically unfolds over decades, social demands for land use or economic returns operate on much shorter timescales.<sup>23</sup> As a result, conflicts emerge between long-term environmental goals and short-term social or economic pressures. Trying to address this issue, the SER has begun to include social dimensions more explicitly through the concept of a 'Social Benefits Wheel' (SBW), which frames restoration as a process embedded within broader social, cultural, and economic systems. This model encourages practitioners to consider diverse values, local knowledge, and long-term community engagement, rather than merely ecological metrics.<sup>24</sup> Of course, as noted by different scholars, following this procedure does not guarantee socially just outcomes.<sup>25</sup> Moreover, the SBW is designed primarily for better planning and management of single projects, and is not applicable to wider and large-scale intervention.

Having elaborated on the concept of ecological restoration, the next section introduces environmental justice. We will discuss its key theoretical features and demonstrate how it is intertwined with restoration activities.

### 3. What is Environmental Justice?

The concept of environmental justice<sup>26</sup> emerged in the United States during the 1970s and 1980s, driven by social movements that exposed the systemic racism embedded in planning and development decisions, which particularly affected minority groups.<sup>27</sup>

<sup>20</sup> S. Löfqvist et al., 'How Social Considerations Improve the Equity and Effectiveness of Ecosystem Restoration' (2023) 73(2) *BioScience*, pp. 134–48, at 135. See also L. De Siqueira et al., 'Gender Inclusion in Ecological Restoration' (2021) 29(7) *Restoration Ecology*, article e13497, p. 3.

<sup>21</sup> Löfqvist et al., n. 20 above, p. 135.

<sup>22</sup> *Ibid.*, p. 139.

<sup>23</sup> J.F. Fernández-Manjarrés, S. Roturier & A.-G. Bilhaut, 'The Emergence of the Social-Ecological Restoration Concept' (2018) 26(3) *Restoration Ecology*, pp. 404–10, at 404.

<sup>24</sup> Gann et al., n. 13 above.

<sup>25</sup> See, e.g., M. Elias et al., 'Ten People-Centered Rules for Socially Sustainable Ecosystem Restoration' (2022) 30(4) *Restoration Ecology*, article e13574, p. 2 (pointing out the inadequacy of the SER's Social Benefits Wheel).

<sup>26</sup> Note that 'environmental justice' takes on different meanings depending on the context. In the literature, scholars often resort to different variations of this term, such as 'socio-ecological/social equity', 'equity-centred ecosystem restoration' or 'just transition', to convey or highlight a different nuance. While there exists no hierarchy between these different terminologies, for the purposes of our research we choose to stick to 'environmental justice'. See, e.g., Pickering et al., n. 9 above, p. 158, and citations therein; Wells et al., n. 19 above; Löfqvist et al., n. 20 above.

<sup>27</sup> See, e.g., R.D. Bullard, *Dumping in Dixie: Race, Class, and Environmental Quality* (Routledge, 2000); L. Cole & S. Foster, *From the Ground Up: Environmental Racism and the Rise of the Environmental Justice Movement* (NYU Press, 2000); H.N. Brehm & D.N. Pellow, 'Environmental Justice: Pollution, Poverty and Marginalized Communities', in P.G. Harris (ed.), *Routledge Handbook of Global Environmental Politics* (Routledge, 2<sup>nd</sup> edn, 2022), pp. 348–61, at 348–9; E. Van Gool, 'Searching for

In Europe, the concept has only recently gained prominence, particularly in relation to the increasing evidence of low air quality in poorer neighbourhoods in urban areas, drawing attention to the environmental burdens faced by disadvantaged communities.<sup>28</sup> Currently, environmental justice debates have evolved into a broader framework, encompassing social, economic, and political rights related to the environment, reflecting a growing awareness of the need for systemic and intersectional approaches.<sup>29</sup> Environmental justice is thus understood not only as a normative goal but also as an analytical lens to assess how power, identity, and history shape human–environment relations.<sup>30</sup> Scholars commonly distinguish three inter-related dimensions – distributive justice, recognitional justice, and procedural justice – which we now illustrate, considering their relevance in the restoration context.<sup>31</sup>

### 3.1. Distributive Justice

Distributive justice concerns the allocation of environmental costs and benefits among different groups and individuals, with the aim of achieving a fair distribution and ensuring equal access to resources and protection from environmental harm.<sup>32</sup>

Theories of justice have long debated which principles – such as equality, need, or aggregate social utility – should govern this allocation, with each approach placing significant importance on the outcomes of the distribution.<sup>33</sup> In the context of ecological restoration, intervention can yield significant economic, health-related, and environmental advantages for certain groups while simultaneously imposing

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“Environmental Justice” in EU Environmental Law’ (2022) 31(5) *European Energy and Environmental Law Review*, pp. 334–46, at 335; É. Laurent, ‘Issues in Environmental Justice within the European Union’ (2011) 70 *Ecological Economics*, pp. 1846–53, at 1846. Lately, the new Trump administration in the United States has announced it intends to shut down the environmental justice offices of the Environmental Protection Agency, ending three decades of easing ‘the disproportionately high levels of pollution’ faced by poor communities, even dubbing such policy ‘forced discrimination’: L. Friedman, ‘E.P.A. Plans to Close All Environmental Justice Offices’, *The New York Times*, 11 Mar. 2025, available at: <https://www.nytimes.com/2025/03/11/climate/epa-closure-environmental-justice-offices.html?searchResultPosition=1>.

<sup>28</sup> See, e.g., M.E. Harris, ‘Air Quality Inequality and Access to Effective Remedies in the Revision of the Ambient Air Quality Directive 2008/50/EC’ (2023) 3 *Rivista Quadrimestrale di Diritto dell’Ambiente*, pp. 37–64; L. Squintani & H. Schoukens, ‘Towards Equal Opportunities in Public Participation in Environmental Matters in the European Union’, in L. Squintani et al. (eds), *Managing Facts and Feelings in Environmental Governance* (Edward Elgar, 2019), pp. 22–52.

<sup>29</sup> H. Svarstad & T.A. Benjaminsen, ‘Reading Radical Environmental Justice through a Political Ecology Lens’ (2020) 108 *Geoforum*, pp. 1–11.

<sup>30</sup> D. Schlosberg, *Defining Environmental Justice: Theories, Movements, and Nature* (Oxford University Press, 2009).

<sup>31</sup> Some authors make more and/or different distinctions; see, e.g., A. Aragão, S. Jacobs & A. Cliquet, ‘What’s Law Got to Do with It? Why Environmental Justice is Essential to Ecosystem Service Valuation’ (2016) 22(B) *Ecosystem Services*, pp. 221–7, at 221.

<sup>32</sup> D. Bell & J. Carrick, ‘Procedural Environmental Justice’, in R. Holifield, J. Chakraborty & G. Walker (eds), *The Routledge Handbook of Environmental Justice* (Routledge, 2017), pp. 101–12, at 101–2.

<sup>33</sup> A. Kaswan, ‘Distributive Environmental Justice’, in B. Coolsaet (ed.), *Environmental Justice: Key Issues* (Routledge, 2020), pp. 21–36, at 23; B.H. Weston, ‘The Theoretical Foundations of Intergenerational Ecological Justice: An Overview’ (2012) 34(1) *Human Rights Quarterly*, pp. 251–66, at 258–9.

disadvantages or costs on others.<sup>34</sup> For example, several studies on mine reclamation efforts,<sup>35</sup> or on the conversion of abandoned spaces into green urban areas, have emphasized the great potential of restoration in improving the quality of life for affected communities.<sup>36</sup> In other cases, achieving net-positive outcomes is more difficult. For instance, peatland restoration often involves the rewetting of land previously drained for agricultural purposes.<sup>37</sup> While this transformation is highly advantageous for climate and biodiversity,<sup>38</sup> it forces farmers to change their traditional and/or extensive practices by, for example, only growing crops suitable for paludiculture (i.e., wet agriculture).<sup>39</sup> This trade-off can create dissatisfaction and even conflict, as the burden of transition falls disproportionately on individual stakeholders, while society as a whole benefits from improved ecosystem services.

Distributive justice also has an intergenerational dimension.<sup>40</sup> In the case of restoration, the burden of today's projects lies primarily with current generations, whereas future generations will be the ones to benefit most from those efforts.<sup>41</sup> Simultaneously, proceeding with business-as-usual practices will severely compromise the ability of future generations to access essential resources, potentially violating the principle of sustainable development.<sup>42</sup> While identifying the sources of uneven cost-benefit distribution is quite straightforward, designing effective policies to address these imbalances is far more complex.

### 3.2. *Recognitional Justice*

Recognitional justice involves acknowledging and respecting cultural differences and diverse worldviews in environmental decision-making: the right of a group to raise claims or express their views in the decision-making process, whatever the content of those claims or views may be.<sup>43</sup> As suggested by Bennett and co-authors, it is the 'very

<sup>34</sup> R. Friedman et al., 'How Just and Just How? A Systematic Review of Social Equity in Conservation Research' (2018) 13(5) *Environmental Research Letters*, pp. 1–13, at 3.

<sup>35</sup> C. Beckett & A. Keeling, 'Rethinking Remediation: Mine Reclamation, Environmental Justice, and Relations of Care' (2018) 24(3) *Local Environment*, pp. 216–30.

<sup>36</sup> C. Palamar, 'From the Ground Up: Why Urban Ecological Restoration Needs Environmental Justice' (2010) 5(3) *Nature and Culture*, pp. 277–98.

<sup>37</sup> D. Zak & R.J. McInnes, 'A Call for Refining the Peatland Restoration Strategy in Europe' (2022) 59(11) *Journal of Applied Ecology*, pp. 2698–704, at 2700–2.

<sup>38</sup> *Ibid.*

<sup>39</sup> R. Ziegler et al., 'Wet Peatland Utilisation for Climate Protection: An International Survey of Paludiculture Innovation' (2021) 5 *Cleaner Engineering and Technology*, article 100305.

<sup>40</sup> Schlosberg, n. 30 above. On these concepts see, e.g., E. Brown Weiss, 'Intergenerational Equity' (2021) *Max Planck Encyclopedia of Public International Law* (Oxford University Press), available at: <https://opil.ouplaw.com/display/10.1093/law/epil/9780199231690/law-9780199231690-e1421?prd=MPIL>.

<sup>41</sup> European Environment Agency (EEA), 'Delivering Justice in Sustainability Transitions', Briefing, 28 Feb. 2024, p. 7, available at: <https://www.eea.europa.eu/publications/delivering-justice-in-sustainability-transitions>.

<sup>42</sup> The principle of sustainable development is discussed in more detail in the next section.

<sup>43</sup> See A. Honneth, 'Recognition and Justice: Outline of a Plural Theory of Justice' (2004) 47(4) *Acta Sociologica*, pp. 351–64; B. Coolsaet & P.-Y. Néron, 'Recognition and Environmental Justice', in

basis of all forms of justice’, as ‘without it, neither procedural nor distributional justice will be possible for some groups’.<sup>44</sup> This requires acknowledging and respecting ‘the distinct rights, worldviews, knowledge, needs, livelihoods, histories and cultures of different groups in decisions’.<sup>45</sup>

In ecological restoration, recognitional justice plays a crucial role because different communities perceive nature, ecosystem services, and environmental intervention in diverse ways. What is deemed just, essential, or desirable as an outcome of a project is therefore shaped by social, economic, and cultural values,<sup>46</sup> making it clear that one-size-fits-all approaches can unfairly disadvantage marginalized or underrepresented groups.<sup>47</sup> Agroecology, for example, illustrates how the failure to recognize diverse knowledge systems can hinder sustainable environmental practices.<sup>48</sup> While agro-ecological practices – such as agricultural diversification<sup>49</sup> – enhance soil health and contribute to resilient food systems,<sup>50</sup> their adoption remains limited. This is primarily as a result of the lack of recognition of the role, knowledge, and contributions of peasant farmers and local communities, whose valuable insights, rooted in traditional practices, have been marginalized and delegitimized by industrial farming.<sup>51</sup>

### 3.3. Procedural Justice

Procedural justice, in turn, focuses on fairness in decision-making processes,<sup>52</sup> investigating how the design and implementation of regulations and policies increase or diminish inequalities.<sup>53</sup> At its core, procedural justice addresses who gets to participate in and influence decision-making processes, as well as how power

Coolsaet (ed.), n. 33 above, pp. 52–63; S. Gantry, ‘Poverty as Misrecognition: What Role for Antidiscrimination Law in Europe?’ (2021) 21(4) *Human Rights Law Review*, pp. 962–1007.

- <sup>44</sup> N.J. Bennett et al., ‘Just Transformations to Sustainability’ (2019) 11(14) *Sustainability*, pp. 3881–5.
- <sup>45</sup> *Ibid.*, p. 3884.
- <sup>46</sup> U. Pascual et al., ‘Social Equity Matters in Payments for Ecosystem Services’ (2014) 64(11) *BioScience*, pp. 1027–36, at 1027–9.
- <sup>47</sup> B. Almassi, ‘Ecological Restorations as Practices of Moral Repair’ (2017) 22(1) *Ethics & The Environment*, pp. 19–40, at 19, 26. In this respect, see also Löfqvist et al., n. 20 above, p. 135.
- <sup>48</sup> J. Garcia-Polo et al., ‘Restoring Ecosystems and Eating Them Too: Guidance from Agroecology for Sustainability’ (2021) 29(8) *Restoration Ecology*, article e13509.
- <sup>49</sup> G. Tamburini et al., ‘Agricultural Diversification Promotes Multiple Ecosystem Services without Compromising Yield’ (2020) 6(45) *Science Advances*, article eaba1715.
- <sup>50</sup> S. Jose, ‘Agroforestry for Ecosystem Services and Environmental Benefits: An Overview’ (2009) 76(1) *Agroforestry Systems*, pp. 1–10, at 1. On agroecology more generally see, e.g., Food and Agriculture Organization of the United Nations (FAO), *The 10 Elements of Agroecology: Guiding the Transition to Sustainable Food and Agricultural Systems* (FAO, 2018), available at: <https://openknowledge.fao.org/server/api/core/bitstreams/3d7778b3-8fba-4a32-8d13-f21dd5ef31cf/content>.
- <sup>51</sup> B. Coolsaet, ‘Towards an Agroecology of Knowledges: Recognition, Cognitive Justice and Farmers’ Autonomy in France’ (2016) 47(A) *Journal of Rural Studies*, pp. 165–71, at 167; R. Kimmerer, ‘Restoration and Reciprocity: The Contributions of Traditional Ecological Knowledge’, in D. Egan et al. (eds), *Human Dimension of Ecological Restoration* (Island Press, 2011), pp. 257–76.
- <sup>52</sup> Bell & Carrick, n. 32 above, p. 101.
- <sup>53</sup> A. Martin, S. McGuire & S. Sullivan, ‘Global Environmental Justice and Biodiversity Conservation’ (2013) 179(2) *The Geographical Journal*, pp. 122–31; S. Davoudi & E. Brooks, ‘When Does Unequal Become Unfair? Judging Claims of Environmental Injustice’ (2014) 46(11) *Environment and Planning A: Economy and Space*, pp. 2686–702; Squintani & Schoukens, n. 28 above.

imbalances are managed.<sup>54</sup> Research has focused on the principles that should guide the engagement and the decision-making process,<sup>55</sup> and the methodology for including relevant communities and actors,<sup>56</sup> recognizing that enabling participation does not necessarily constitute a guarantee for procedurally just outcomes. Yet, as convincingly argued by Gellers and Jeffords, procedural environmental rights ‘matter for the environment, the pursuit of environmental justice, and the quality of democratic governance in a state’.<sup>57</sup> A just process requires access to information, meaningful participation, and access to justice, ensuring that affected communities can influence the policies that have an impact on them.<sup>58</sup>

In ecological restoration, procedural justice is particularly relevant because decision-making often reflects power imbalances, with technical experts and policymakers dominating discussions while marginalized groups struggle to be heard. Even when public participation is legally required – as is, for example, the case with the EU Water Framework Directive (WFD)<sup>59</sup> – its effectiveness depends on how it is implemented. Indeed, it was repeatedly reported that participation under the WFD has too often been limited to mere consultation rather than active decision-making, with bureaucratic dominance, inaccessible technical information, and uneven national implementation restricting the impact of the participatory process.<sup>60</sup>

The above discussion of the three dimensions of environmental justice highlights several normative considerations that emerge when applying them to ecological restoration. Ensuring distributive justice calls for policy mechanisms that can support groups that are disproportionately affected by restoration so that the costs of ecological transition are not unfairly concentrated on specific communities. Recognition justice, in turn, demands that restoration efforts move beyond technocratic approaches and instead integrate local knowledge systems, worldviews, and cultural values, particularly those of historically marginalized communities. Procedural justice requires more than formal participation: decision-making must be inclusive, transparent, and genuinely capable of shaping outcomes.

<sup>54</sup> Martin, McGuire & Sullivan, n. 53 above; Davoudi & Brooks, n. 53 above.

<sup>55</sup> K.R.M. Suiseeya, ‘Procedural Justice Matters: Power, Representation, and Participation in Environmental Governance’, in Coolsaet, n. 33 above, pp. 37–51, at 47.

<sup>56</sup> *Ibid.*, p. 38; Bell & Carrick, n. 32 above, pp. 104–5.

<sup>57</sup> J.C. Gellers & C. Jeffords, ‘Toward Environmental Democracy? Procedural Environmental Rights and Environmental Justice’ (2018) 18(1) *Global Environmental Politics*, pp. 99–121, at 99–100.

<sup>58</sup> As explained in Section 4.1, these three procedural rights in the environmental sphere have been elaborated in the Aarhus Convention (n. 72 below), which also underlines the relevance of education and awareness as ‘important foundations for the implementation of the Convention’s three pillars’: *ibid.*, Art. 3. See also United Nations Economic Commission for Europe (UNECE), *The Aarhus Convention: An Implementation Guide* (UNECE, 2<sup>nd</sup> edn, 2014), p. 64, available at: [https://unece.org/DAM/env/pp/Publications/Aarhus\\_Implementation\\_Guide\\_interactive\\_eng.pdf](https://unece.org/DAM/env/pp/Publications/Aarhus_Implementation_Guide_interactive_eng.pdf). On the educational aspects see also Squintani & Schoukens, n. 28 above, pp. 25–6.

<sup>59</sup> Directive 2000/60/EC establishing a Framework for Community Action in the Field of Water Policy [2000] OJ L 327/1 (WFD).

<sup>60</sup> N. Voulvoulis et al., ‘The EU Water Framework Directive: From Great Expectations to Problems with Implementation’ (2017) 575 *Science of the Total Environment*, pp. 358–66; T. Moss, ‘The Governance of Land Use in River Basins: Prospects for Overcoming Problems of Institutional Interplay with the EU Water Framework Directive’ (2004) 21(1) *Land Use Policy*, pp. 85–94.

Taken together, these reflections suggest that achieving justice in ecological restoration involves actively addressing structural inequalities, fostering inclusive governance, and designing context-sensitive intervention.<sup>61</sup>

#### 4. Environmental Justice in the EU

While the three dimensions of environmental justice have been elaborated mostly within sociological scholarship, they are also present in legal frameworks. In this section, we provide an overview of how environmental justice considerations have been incorporated into the EU law *acquis* to date, highlighting key trends and developments.

##### 4.1. Primary EU Law

Environmental justice has received limited recognition in the EU policy and legal framework. While sustainability and environmental protection have become central to EU law, explicit engagement with environmental justice remains underdeveloped.<sup>62</sup> This is not entirely surprising as, for a long time, the EU prioritized economic integration as a means to achieve peace and unity.<sup>63</sup> Even though social considerations have been present from the outset,<sup>64</sup> it was only at a later stage that socio-ecological concerns began to enter the core of the EU agenda.<sup>65</sup>

Nevertheless, primary EU law does encompass some provisions relevant to environmental justice. To begin with, Article 2 of the Treaty on the European Union (TEU)<sup>66</sup> lists the fundamental values of the EU, including equality.<sup>67</sup> Similarly,

<sup>61</sup> M. Strzelecka et al., 'Environmental Justice in Natura 2000 Conservation Conflicts: The Case for Resident Empowerment' (2021) 107 *Land Use Policy*, pp. 1–10, at 6–7; H. Köckler et al., 'Environmental Justice in Western Europe', in Holifield, Chakraborty & Walker, n. 32 above, pp. 627–40, at 637.

<sup>62</sup> See, e.g., Laurent, n. 27 above; L. Laurian, 'La Distribution des Risques Environnementaux: Méthodes d'Analyse et Données Françaises' (2008) 63(4) *Population*, pp. 711–29; B. Coolsaet & V. Deldrève, 'Exploring Environmental Justice in France: Evidence, Movements, and Ideas' (2023) 33(5) *Environmental Politics*, pp. 757–77. This is also reflected in the paucity of publications on the nexus between environmental justice and EU law: Van Gool, n. 27 above, p. 334.

<sup>63</sup> R. von Borries, 'European Coal and Steel Community (ECSC)' (2009) *Max Planck Encyclopedia of Public International Law* (Oxford University Press), para. 8, available at: <https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e617>.

<sup>64</sup> K. Möller, 'From the Ventotene Manifesto to Post-Democratic Integration: A Reconstructive Approach to Europe's Social Dimension', in H. Brunkhorst, C. Gaitanides & G. Grözinger (eds), *Europe at a Crossroad: From Currency Union to Political and Economic Governance?* (Nomos Verlagsgesellschaft, 2015), pp. 228–46.

<sup>65</sup> F.C. Mayer & S.P. Thies, 'European Union, Historical Evolution' (2019) *Max Planck Encyclopedia of Public International Law* (Oxford University Press), paras 2, 8, available at: <https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e642?rsk=Qn8sX1&result=1&prd=OPIL>.

<sup>66</sup> Lisbon (Portugal), 13 Dec. 2007, in force 1 Dec. 2009, available at: <http://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A12012M%2FTXT>.

<sup>67</sup> Other relevant values include, among others, the rule of law and respect for human rights, including persons belonging to minorities, pluralism, non-discrimination, tolerance, justice, solidarity; see Art. 2 TEU; J. Jaria-Manzano, 'Environmental Justice in EU law and Policies: A Fundamental Challenge', in

Article 20 of the Charter of Fundamental Rights of the European Union (EU Charter) affirms the principle of equal treatment,<sup>68</sup> which the Court of Justice of the European Union has recognized as a general principle of EU law.<sup>69</sup> Considering the inherent link between unequal societies and biodiversity loss discussed in the Introduction,<sup>70</sup> these provisions provide a legal basis for addressing all three dimensions of environmental justice. Indeed, resolving the biodiversity crisis will also require ‘acknowledging and resolving the entrenched heritage of inequality’.<sup>71</sup>

A more direct entry point for procedural justice in environmental matters comes from the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention).<sup>72</sup> This international treaty, to which the EU acceded in 2005,<sup>73</sup> introduces three pillars of procedural rights to reach its objectives: (i) access to information, (ii) public participation, and (iii) access to justice in environmental matters.<sup>74</sup> These provisions were further implemented through the Aarhus Regulation in 2006,<sup>75</sup> making them an integral part of the EU law *acquis*.<sup>76</sup> Despite these efforts, the implementation of the treaty, and in particular the provisions on access to justice, has not been fully completed. Indeed, the

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M.C. Eritja (ed.), *The European Union and Global Environmental Protection: Transforming Influence into Action* (Routledge, 2020), pp. 166–82, at 170.

<sup>68</sup> [2012] OJ C 326/391, Art. 20, available at: [https://www.europarl.europa.eu/charter/pdf/text\\_en.pdf](https://www.europarl.europa.eu/charter/pdf/text_en.pdf).

<sup>69</sup> S. Kadelbach, ‘Are Equality and Non-Discrimination Part of the EU’s Constitutional Identity?’, in T. Giegerich (ed.), *The European Union as Protector and Promoter of Equality* (Springer, 2020), pp. 13–24, at 17, and citations therein.

<sup>70</sup> See Section 1. See also I. Kubiszewski et al., ‘The Complex Relationships Between Economic Inequality and Biodiversity: A Scoping Review’ (2024) 11(1) *The Anthropocene Review*, pp. 49–66, at 62–3.

<sup>71</sup> R.W. Collin & R.M. Collin, ‘Sustainable Development: Environmental Justice and Sustainability’, in M. Redclift & D. Springett (eds), *Routledge International Handbook of Sustainable Development* (Taylor & Francis, 2015), pp. 209–21, at 210.

<sup>72</sup> Aarhus (Denmark), 25 June 1998, in force 30 Oct. 2001, available at: <https://www.unece.org/env/pp/treatytext.html>. See, e.g. C. Nadal, ‘Pursuing Substantive Environmental Justice: The Aarhus Convention as a Pillar of Empowerment’ (2008) 10(1) *Environmental Law Review*, pp. 28–45, at 28. Pursuant to Art. 216(2) TFEU (n. 73 below), all international agreements to which the EU is a party form an integral part of EU law. Furthermore, international agreements take precedence over secondary EU legislation.

<sup>73</sup> See ratification status at United Nations Treaty Collection, ‘13. Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters’, available at: [https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&cmdtsg\\_no=XXVII-13&chapter=27](https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&cmdtsg_no=XXVII-13&chapter=27); Treaty on the Functioning of the European Union (TFEU), Art 216 (Lisbon (Portugal), 13 Dec. 2007, in force 1 Dec. 2009 [2012] OJ C 326/47, available at: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:326:FULL:EN:PDF>).

<sup>74</sup> Aarhus Convention, n. 72 above, Arts 4, 6, 9.

<sup>75</sup> Regulation (EC) No. 1367/2006 on the Application of the Provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community Institutions and Bodies [2006] OJ L 264/13.

<sup>76</sup> See more generally, e.g., M. van Wolferen & M. Eliantonio, ‘Access to Justice in Environmental Matters in the EU: The EU’s Difficult Road Towards Non-compliance with the Aarhus Convention’, in M. Peeters & M. Eliantonio (eds), *Research Handbook on EU Environmental Law* (Edward Elgar, 2020), pp. 148–63; Armeni, n. 6 above.

EU has very strict rules on standing for actors, such as environmental non-governmental organizations (NGOs),<sup>77</sup> who wish to litigate public interests.<sup>78</sup>

Looking at EU environmental policy more broadly, a couple of provisions come to the forefront. Article 11 of the Treaty on the Functioning of the European Union (TFEU)<sup>79</sup> introduces the so-called integration principle, which prescribes that environmental protection requirements have to be integrated throughout all EU policies and activities. While this does not entail that environmental considerations are granted priority over other concerns, it mandates their consideration and offers potential leverage for addressing environmental injustices through policymaking.<sup>80</sup> Article 11 TFEU further stipulates that environmental protection requirements should be integrated ‘with a view to promoting sustainable development’.<sup>81</sup> Both the concept of sustainable development as such and its significance for environmental justice are somewhat contested.<sup>82</sup> In any case, because of the intergenerational focus of sustainable development and its potential to expose ‘past acts of oppression and environmental impact’ and ‘reveal contemporary privilege’, its built-in social notion and its capacity to strengthen procedural obligations, sustainable development could also be used as tool to integrate all three dimensions of environmental justice in EU policy.<sup>83</sup>

The importance of integration and sustainable development is also echoed in Article 37 of the EU Charter, which prescribes that a high level of environmental protection must be integrated into the Union policies ‘and ensured in accordance with the principle of sustainable development’.<sup>84</sup> Although Article 37 belongs to the category of

<sup>77</sup> Environmental NGOs do have a prominent role within the Aarhus Convention; see, e.g., Aarhus Convention, n. 72 above, Arts 2(5) and 3(4).

<sup>78</sup> Van Wolferen & Eliantonio, n. 76 above, pp. 149–54. There has been ongoing discussion between the EU and the Aarhus Convention Compliance Committee, but the issue has still not been entirely resolved. A more in-depth account of the long and ongoing implementation process of the Aarhus Convention in the European legal order can be found in S.D. Bechtel, ‘Access to Justice on EU Level: The Long Road to Implement the Aarhus Convention’ (2021) 19(2) *Opolskie Studia Administracyjno-Prawne*, pp. 19–42.

<sup>79</sup> N. 73 above.

<sup>80</sup> M. Montini, ‘The Principle of Integration’, in M. Faure (ed.), *Elgar Encyclopedia of Environmental Law* (Edward Elgar, 2023), pp. 139–49, at 145–6.

<sup>81</sup> *Ibid.* The notion of sustainable development was famously described as ‘development that meets the needs of the present without compromising the ability of future generations to meet their own needs’ in the Brundtland Report: UN General Assembly, Report of the World Commission on Environment and Development, ‘Our Common Future’, 4 Aug. 1987, UN Doc. A/42/427 (1987), available at: <https://digitallibrary.un.org/record/139811?ln=en&v=pdf#files>; U. Beyerlin, ‘Sustainable Development’ (2013) *Max Planck Encyclopedia of Public International Law* (Oxford University Press), para. 1, available at: <https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e1609?rskey=eEUMDR&result=4&prd=OPIL>.

<sup>82</sup> Some authors are sceptical about the potential of development to promote environmental justice on the basis of contradictions between both notions; see, e.g., Van Gool, n. 27 above, p. 345; Jaria-Manzano, n. 67 above. In this regard, see also Pedersen for an overview of the main arguments against and in favour of sustainable development in the context of environmental justice: O.W. Pedersen, ‘Environmental Principles and Environmental Justice’ (2010) 12(1) *Environmental Law Review*, pp. 26–49, at 43–8.

<sup>83</sup> Collin & Collin, n. 71 above, p. 212; Pedersen, n. 82 above.

<sup>84</sup> EU Charter, n. 68 above, Art. 37.

principles (and not rights),<sup>85</sup> it confirms the importance and role of the integration principle and sustainable development principle<sup>86</sup> within the EU legal order.<sup>87</sup>

A final provision of interest is Article 191 TFEU, which forms the legal basis of the NRR.<sup>88</sup> It stipulates that the environmental policy of the EU has to preserve, protect and improve the quality of the environment as well as protect human health.<sup>89</sup> This provision has often been interpreted alongside principles such as solidarity, sincere cooperation between Member States, and the aforementioned sustainable development, thereby straddling both environmental and socio-economic considerations.<sup>90</sup> Importantly, it further refers to the precautionary principle, the principle of prevention, and the polluter pays principle, while also stipulating that policies shall take ‘into account the diversity of situations in the various regions of the Union’.<sup>91</sup> These principles can have several and contrasting environmental justice implications. For instance, Pedersen suggests that while the polluter pays principle can support equitable outcomes by internalizing environmental costs, it may also unintentionally burden low-income households if poorly implemented (for example, through regressive carbon taxes or price increase on eco-friendly goods).<sup>92</sup>

#### 4.2. Secondary EU Law

Turning to secondary EU legislation, environmental justice as such is not explicitly taken into consideration, yet there exist various regulations and directives that can (in)directly affect its dimensions. In this regard, Van Gool raises a worthwhile consideration. He points out that EU environmental law norms generally impose an environmental standard that is then uniformly applied.<sup>93</sup> Although this can lead to a level playing field of environmental standards, it is not always necessary – and, arguably, desirable – to have uniform implementation: sometimes it is crucial to take into consideration national idiosyncrasies. The degree of flexibility that is given to Member States in transposing a directive into national legislation could be an

<sup>85</sup> E. Morgera & G. Marin-Duran, ‘Article 37’, in S.J. Peers et al. (eds), *Commentary on the EU Charter of Fundamental Rights* (Hart, 2<sup>nd</sup> edn, 2021), pp. 1041–46, paras. 37.28–9; M. Kenig-Witkowska, ‘The Concept of Sustainable Development in the European Union Policy and Law’ (2017) 1(1) *Journal of Comparative Urban Law and Policy*, pp. 64–80, at 80.

<sup>86</sup> Sustainable development is also mentioned in the Preamble to the EU Charter, n 68 above.

<sup>87</sup> See also Art. 6 TEU, n. 66 above.

<sup>88</sup> Art. 191 TFEU; see European Commission, Explanatory Memorandum, ‘Proposal for a Regulation of the European Parliament and of the Council on Nature Restoration’, COM(2022) 304 final, 22 June 2022 (Proposal for the NRR).

<sup>89</sup> Art. 191(1) TFEU.

<sup>90</sup> R. Giuffrida & F. Amabili, *La Tutela dell’Ambiente nel Diritto Internazionale ed Europeo* (Giappichelli, 2018), pp. 8–12.

<sup>91</sup> Art. 191(2) TFEU.

<sup>92</sup> Pedersen, n. 82 above, p. 40. See also K. Arabadjieva & S. Bogojević, ‘The European Green Deal: Climate Action, Social Impacts and Just Transition Safeguards’ (2024) 43 *Yearbook of European Law*, pp. 34–55, at 39. See Ireland’s equity measures for the implementation of the ‘smoky coal’ ban on how such injustices could be remedied: EEA, *Unequal Exposure and Unequal Impacts: Social Vulnerability to Air Pollution, Noise and Extreme Temperatures in Europe*, EEA Report 22/2018 (EEA, 2018), p. 63, available at: <https://www.eea.europa.eu/en/analysis/publications/unequal-exposure-and-unequal-impacts>.

<sup>93</sup> Van Gool, n. 27 above, pp. 336–7.

opportunity to accommodate such national characteristics and weave in environmental justice considerations.<sup>94</sup> This pattern is reflected, for example, in the Birds Directive<sup>95</sup> and the Habitats Directive,<sup>96</sup> two key biodiversity legislative instruments. They are focused primarily on protecting high-quality habitats and threatened species, irrespective of their location or potential impacts on local communities.<sup>97</sup> Yet, these areas are often located in rural or coastal areas where local communities depend heavily on agricultural, fishing or industrial activities for their livelihoods, and conservation measures can disproportionately generate conflicts.<sup>98</sup> By contrast, urban green spaces, like parks, rarely fall within the scope of the Directives, even though they can be of crucial importance to the urban dwellers who live around them.

A similar disregard of environmental justice concerns can be found in respect of legislation targeting air pollution.<sup>99</sup> As Van Gool notes, positive justice outcomes resulting from EU environmental law tend to be co-benefits rather than deliberate policy objectives.<sup>100</sup> The same view was also upheld by the European Environment Agency (EEA): in 2018, the EEA wrote that ‘more emphasis is needed in environmental, social and economic policies on addressing the unequal exposure to hazards and unequal vulnerabilities of different groups’.<sup>101</sup>

Since the adoption of the European Green Deal (EGD),<sup>102</sup> however, there has been a change in the right direction. This strategy, which strives to transform the EU into a climate-neutral continent by 2050, aims to bring a transition that is ‘just and inclusive’: the EGD will ‘put people first, and pay attention to the regions, industries and workers who will face the greatest challenges’.<sup>103</sup> Furthermore, ‘careful attention will have to be paid when there are potential trade-offs between economic, environmental and social objectives’ to ensure that ‘no one is left behind’.<sup>104</sup> Although several authors have expressed doubts as to the robustness of the social considerations in the EGD, it still marks an important shift in EU discourse: it shows that the EU is willing to take

<sup>94</sup> *Ibid.*, pp. 341–3.

<sup>95</sup> Directive 2009/147/EC on the Conservation of Wild Birds (codified version) [2010] OJ L 20/7 (Birds Directive).

<sup>96</sup> Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora [1992] OJ L 206/7 (Habitats Directive).

<sup>97</sup> Van Gool, n. 27 above, p. 337.

<sup>98</sup> *Ibid.*

<sup>99</sup> EEA, n. 92 above, p. 40; Harris, n. 28 above.

<sup>100</sup> Van Gool, n. 27 above, p. 338.

<sup>101</sup> EEA, n. 92 above, p. 4.

<sup>102</sup> European Commission, ‘The European Green Deal’, 11 Dec. 2019, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52019DC0640> (EGD).

<sup>103</sup> *Ibid.*, p. 2.

<sup>104</sup> *Ibid.*, p. 4. See, e.g., the Just Transition Mechanism, introducing the Just Transition Fund (JTF): European Commission, ‘About the Fund’, available at: [https://commission.europa.eu/funding-tenders/find-funding/eu-funding-programmes/just-transition-fund\\_en](https://commission.europa.eu/funding-tenders/find-funding/eu-funding-programmes/just-transition-fund_en); EGD, n. 102 above, p. 16. On the shortcomings of the JTF see, e.g., M. Akgüç, K. Arabadjieva & B. Galgóczi, ‘Why the EU’s Patchy “Just Transition” Framework Is Not Up to Meeting its Climate Ambitions’, European Trade Union Institute Policy Brief 2022.06, pp. 1–8. A detailed evaluation of these new mechanisms falls outside the scope of this article.

environmental justice considerations seriously.<sup>105</sup> However, this momentum is at risk of stalling. In February 2025, the Von der Leyen II Commission presented its new policy agenda – the ‘Clean Industrial Deal’<sup>106</sup> – a strategy that, at first glance, diverges from the EGD’s socially conscious rhetoric. At the same time the Commission has maintained that it intends to support the efforts to achieve the objectives of the EGD.<sup>107</sup> It remains to be seen if it will continue with this ambition.

Having elucidated the main dimensions of environmental justice and their embeddedness in EU law, the next section takes a closer look at the NRR, and assesses the extent to which environmental justice considerations were integrated into this new legislation.

## 5. The Nature Restoration Regulation

### 5.1. General Overview

In June 2022, the European Commission first presented its proposal for a new Nature Restoration Regulation, as part of the implementation of the objectives of the EGD.<sup>108</sup> The NRR has a fourfold objective: (i) to enable the recovery of nature, (ii) to contribute to climate mitigation and adaptation, (iii) to contribute to the EU’s international commitments, and (iv) to enhance food security.<sup>109</sup>

The legislative process was tumultuous, to say the least. Defamation and disinformation campaigns led to a high number of amendments, which severely weakened the proposal.<sup>110</sup> Yet, on 17 June 2024, the NRR was finally adopted. Below, we briefly discuss key provisions of the Regulation, as published in the *Official Journal* of the EU.

<sup>105</sup> K. Zimmermann & V. Gengnagel, ‘Mapping the Social Dimensions of the European Green Deal’ (2023) 25(4) *European Journal of Social Security*, pp. 523–44, at 523; Arabadjieva & Bogojević, n. 92 above.

<sup>106</sup> European Commission, ‘The Clean Industrial Deal: A Joint Roadmap for Competitiveness and Decarbonisation’, 26 Feb. 2025, available at: [https://commission.europa.eu/document/download/9db1c5c8-9e82-467b-ab6a-905feeb4b6b0\\_en?filename=Communication%20-%20Clean%20Industrial%20Deal\\_en.pdf](https://commission.europa.eu/document/download/9db1c5c8-9e82-467b-ab6a-905feeb4b6b0_en?filename=Communication%20-%20Clean%20Industrial%20Deal_en.pdf).

<sup>107</sup> European Commission, ‘Questions and Answers on the Clean Industrial Deal’, 26 Feb. 2025, available at: [https://ec.europa.eu/commission/presscorner/detail/en/qanda\\_25\\_551](https://ec.europa.eu/commission/presscorner/detail/en/qanda_25_551).

<sup>108</sup> European Commission, ‘Green Deal: Pioneering Proposals to Restore Europe’s Nature by 2050 and Halve Pesticide Use by 2030’, Press Release, 22 June 2022, available at: [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_22\\_3746](https://ec.europa.eu/commission/presscorner/detail/en/ip_22_3746); European Commission, Proposal for the NRR, n. 88 above.

<sup>109</sup> NRR, n. 4 above, Art. 1.

<sup>110</sup> Power dynamics strongly affected the negotiation process. After the initial largely positive reception of the proposal, the Regulation became the target of a disinformation campaign, led largely by agricultural lobbies. They spread unfounded statements about the proposal and its impact, making a calm debate about the actual content of the law almost impossible; see, e.g., Z. Weise & L. Guillot, ‘How Repairing Nature Became the EU’s Most Contentious Green Project’, *Politico*, 25 May 2023, available at: <https://www.politico.eu/article/how-repairing-nature-became-the-eus-most-contentious-green-project>; E. Gentili, ‘Nature Restoration Law: EU Agriculture’s Lawmakers Vote Against Farmers’ Future and Food Security’, European Environmental Bureau, 23 May 2023, available at: <https://eeb.org/nature-restoration-law-eu-agricultures-lawmakers-vote-against-farmers-future-and-food-security>. For a more in-depth analysis of the negotiation process see A. Cliquet et al., ‘The Negotiation Process of the EU Nature Restoration Law Regulation Proposal: Bringing Nature Back in Europe Against the Backdrop of Political Turmoil?’ (2024) 32(5) *Restoration Ecology*, article e14158.

The NRR puts forward an EU-wide target, which stipulates that by 2050 restoration measures must be in place in all ecosystems in need of restoration.<sup>111</sup> This overarching objective is further complemented and fleshed out by additional individual targets. For instance, in all terrestrial and coastal, freshwater, and marine ecosystems – as listed in Annex I and Annex II – Member States shall put in place measures necessary to restore degraded areas to good condition.<sup>112</sup> Other provisions address, for instance, agricultural lands, forests, and pollinator populations.<sup>113</sup> An important feature is that the restoration measures are also applicable to non-Natura 2000 sites, although Member States are expected to focus on these protected sites until 2030.<sup>114</sup>

The NRR also introduces a novel instrument for its implementation: Member States are required to adopt a national restoration plan (NRP), in which they set out how they will implement the obligations of the NRR.<sup>115</sup> The plans are required to map the different areas in need of restoration and list the measures that will be taken in order to return them to a good condition.<sup>116</sup> The Commission will assess the NRPs and make observations where needed, which the Member State in question must take into consideration.<sup>117</sup> Every ten years, the NRPs will be reviewed and revised.<sup>118</sup> Monitoring of the implementation will be carried out by the Commission, with assistance from the EEA.<sup>119</sup>

## 5.2. Assessment of the NRR Against the Three Dimensions of Environmental Justice

This section assesses the NRR against the three dimensions of environmental justice. At first reading, the Regulation does not include any specific reference to environmental justice; however, justice-related considerations are implicit throughout the text. For example, the word ‘fair’ is repeated three times, whereas the participatory dimension is underscored by repeated use of the terms ‘participation’ and ‘stakeholder(s)’ – appearing, respectively, three and ten times. Interestingly, the word ‘justice’ is mentioned only once.

### *Distributional justice*

One of the main aspects emerging from the first articles of the NRR is the collaborative and collective nature of the envisioned effort: the NRR intends ‘to jointly cover, as a Union target, throughout the areas and ecosystems . . . at least 20% of land and at least 20% of seas areas by 2030, and all ecosystems in need of restoration by 2050’.<sup>120</sup>

<sup>111</sup> NRR, n. 4 above, Art. 1.

<sup>112</sup> *Ibid.*, Arts 4–5.

<sup>113</sup> *Ibid.*, Arts 8–13.

<sup>114</sup> *Ibid.*, Art. 2.

<sup>115</sup> *Ibid.*, Arts 14–5.

<sup>116</sup> *Ibid.*

<sup>117</sup> *Ibid.*, Art. 17.

<sup>118</sup> *Ibid.*, Art. 19.

<sup>119</sup> *Ibid.*, Art. 21.

<sup>120</sup> *Ibid.*, Art. 1.

The positive effects of restoration are not only evident at the national level but also at the regional level, considering, for instance, restored rivers crossing multiple countries, the well-being of migratory birds, and the health of Mediterranean coasts. However, the contribution from each Member State may vary significantly and, at this stage, it is still unclear how the overarching target will be broken down at Member State level.<sup>121</sup> According to the data circulated by the Commission,<sup>122</sup> France, Spain, and Finland will incur the highest absolute costs, while other countries (such as Austria, Germany, and Italy) will face more moderate expenses, especially in the first phase, where Natura 2000 sites are prioritized.<sup>123</sup> The Commission emphasized that, despite these differences, ‘costs and benefits are reasonably equally spread between EU Member States’.<sup>124</sup> Countries with higher costs are expected to experience greater long-term benefits, effectively countering concerns of distributional injustice.<sup>125</sup> Yet, the full picture of the balance between costs and benefits will become clear only once NRPs are drafted and the expected costs are revealed.

Turning to the national level, some authors have argued that the implementation of the NRR could negatively affect the fundamental right to conduct business and jeopardize the sustainability of economic activities, raising concerns about intra-generational justice.<sup>126</sup> The alleged infringement of Article 16 of the EU Charter<sup>127</sup> appears misplaced in this case, as a thriving environment is not just a limit to economic activities, but also a prerequisite to them.<sup>128</sup> Moreover, the final version of the NRR includes several references to the ‘socio-economic impacts and estimated benefits’ and establishes derogations to restoration activities with the aim of mitigating the potential negative effects on society.<sup>129</sup> However, the NRR does not specify the nature of the derogations and leaves their scope and application open to interpretation.<sup>130</sup>

This discussion, stemming from distributional concerns, highlights the importance of carefully designing funding allocations to support restorative practices and the ecological

<sup>121</sup> Other targets, such as Art. 4 NRR (restoration of terrestrial, coastal, and freshwater ecosystems), operate at the level of each Member State.

<sup>122</sup> European Commission, Staff Working Document, ‘Impact Assessment Accompanying the Proposal for a Regulation on Nature Restoration’, COM(2022) 304 final, 22 June 2022, p. 104.

<sup>123</sup> This calculation is based on (i) the distribution of specific ecosystem types across Member States and (ii) their condition: European Commission, *ibid.*

<sup>124</sup> *Ibid.*, p. 105.

<sup>125</sup> *Ibid.*

<sup>126</sup> P. Leino-Sandberg, ‘Nature Restoration and Fundamental Rights’, *Verfassungsblog*, 17 Nov. 2022, available at: <https://verfassungsblog.de/nature-restoration-and-fundamental-rights>.

<sup>127</sup> This provision reads in relevant part: ‘the freedom to conduct a business in accordance with Union law and national laws and practices is recognized’: EU Charter, n. 68 above, Art. 16.

<sup>128</sup> See, e.g., the statement by numerous business associations and companies, such as Coca-Cola, Ikea, and the Corporate Leaders Group: Our Nature, Our Business, ‘Business Statement Ahead of the Final Votes on the Nature Restoration Law: Nature is Our Business, Our Future, Our Life’, 12 June 2023, available at: <https://www.ournatureourbusiness.eu>; Corporate Leaders Group, ‘Business Networks’ Letter on the Nature Restoration Law’, 15 May 2023, available at: [https://www.corporateleadersgroup.com/files/clg\\_europe\\_led\\_letter\\_on\\_nature\\_restoration\\_-\\_may\\_2023.pdf](https://www.corporateleadersgroup.com/files/clg_europe_led_letter_on_nature_restoration_-_may_2023.pdf). See also, e.g., K. Declerck & A. Cliquet, ‘Nature Restoration: Proposed Law under Threat’ (2023) 619 *Nature*, p. 252.

<sup>129</sup> NRR, Arts. 7, 12, 22.

<sup>130</sup> See, e.g., Cliquet et al., n. 110 above, p. 5.

transition. To face this issue, the European Commission presents a list of possible sources of funding in the Annexes to the Proposal. It is stated that ‘to support the transition to enhanced ecosystem condition and to compensate the stakeholders who may experience foregone income, incentive payments and opportunity costs can be compensated through EU, national, regional, local and private funds’.<sup>131</sup> The report further indicates that the estimated costs to reach restoration objectives could reach ‘around EUR 6 to 8 billion annually until 2030, excluding restoration and maintenance costs for marine, urban and soil ecosystems as well as pollinators’, to be collected from existing EU funding sources, market-based instruments and national budgets.<sup>132</sup> Importantly, the Commission points out that these estimates will materialize only on the condition that restoration efforts become a priority of Member States action.<sup>133</sup>

Despite these general statements, the final version of the NRR ignores the need to support a just transition in sectors disproportionately affected by restoration, such as agriculture, fishery, and forestry.<sup>134</sup> While paragraph 70 of the Preamble to the NRR<sup>135</sup> stipulates that Member States are allowed to allocate funding from different sources, such as the Common Agricultural Policy (CAP) and the LIFE programmes,<sup>136</sup> they are not obliged to reprogramme their funding under the CAP and the Common Fisheries Policy within the multi-annual financial framework of 2021 to 2027.<sup>137</sup> This is a missed opportunity to immediately steer affected sectors towards less harmful practices, such as paludiculture, agroecology, and aquaculture.<sup>138</sup>

In its wording, the NRR is strongly future-oriented: the expression ‘long-term’ appears 26 times in the text. Restoration of nature itself is described as an ‘insurance policy to ensure the EU’s long-term sustainability and resilience’,<sup>139</sup> aligning with the ambition of the EGD to transform unsustainable production systems.<sup>140</sup> Indeed, the NRR is presented as a multiplier of opportunities, where ‘the benefits of restoring degraded ecosystems to good condition in all land and sea areas far outweigh the costs of restoration’.<sup>141</sup>

<sup>131</sup> European Commission, n. 122 above, p. 143.

<sup>132</sup> *Ibid.*, p. 259.

<sup>133</sup> *Ibid.*, p. 260.

<sup>134</sup> The agricultural sector was particularly active during the negotiation phases, probably based on its historical role within the EU institutions and its powerful lobby. Unsurprisingly, references to ‘farmers’ far outweigh those to ‘fishers’ and ‘foresters’. However, during the voting phases, both the Agriculture (AGRI) and Fisheries (PESC) Committees voted against the NRR.

<sup>135</sup> NRR, Preamble, para. 70.

<sup>136</sup> *Ibid.*, Preamble, para. 53.

<sup>137</sup> *Ibid.*, Art. 11(5)(b).

<sup>138</sup> The new multi-annual financial framework (MFF) says little about funding for nature. At the moment, it does not look as if this will change towards the next MFF cycle: European Commission, ‘The Road to the Next Multiannual Financial Framework’, COM(2025) 46 final, 11 Feb. 2025.

<sup>139</sup> NRR, Preamble, para. 19.

<sup>140</sup> EGD, n. 102 above, p. 2.

<sup>141</sup> NRR, Preamble, para. 13. This statement is backed by scientific research; see, e.g., R.B. Bradbury et al., ‘The Economic Consequences of Conserving or Restoring Sites for Nature’ (2021) 4(7) *Nature Sustainability*, pp. 602–8; G. Pe’er et al., ‘Scientists Support the EU’s Green Deal and Reject the Unjustified Argumentation Against the Sustainable Use Regulation and the Nature Restoration Law’, *Zenodo*, 9 July 2023, available at: <https://zenodo.org/records/8128624>.

Despite this forward-looking aspiration, the NRR has faced criticism, particularly concerning the costs associated with its implementation. While such concerns – particularly from sectors like agriculture – are frequently voiced, they are often raised in advance of implementation, when empirical evidence on actual economic repercussions is still limited. The key question is whether today’s sacrifices, such as potential reductions in yields or new restoration obligations, will be compensated by long-term gains in productivity or climate resilience. However, the uncertainty surrounding these potential benefits fuels a narrative of short-term economic losses and contributes to resistance that may overshadow the broader vision of sustainable livelihoods and resilient ecosystems.

As NRPs are developed and restoration measures take shape, it will be crucial to monitor whether policies maintain a balance between immediate socio-economic needs and long-term environmental goals.<sup>142</sup> Intragenerational and intergenerational justice are closely intertwined: failure to ensure fair and inclusive outcomes for communities today can generate resistance, erode public trust, and ultimately jeopardize the long-term viability of restoration initiatives. In this sense, unjust outcomes in the present risk not only reinforcing existing inequalities, but also compromising the ability of future generations to enjoy the benefits of a restored environment. Without careful attention to these dynamics, there is a risk that short-term interests could undermine the ambitious objectives of the NRR, especially in ensuring a just transition for future generations.<sup>143</sup>

### *Recognitional justice*

The implementation of the NRR will require a significant collective effort and, with that, a complex multi-level governance system. To ensure uniform enforcement across the EU, the Commission opted for a regulation instead of a directive, bypassing the need for national transposition and imposing directly applicable obligations on Member States. This choice was justified on various grounds: the extraordinary scale and transboundary nature of biodiversity loss and ecosystem degradation, the risks to the EU economy, and the failure of voluntary commitments.<sup>144</sup> While the NRR sets overarching objectives and coordinates intervention, it also provides Member States with significant flexibility in deciding how to achieve these goals through national restoration plans, which are later assessed and approved at the EU level.<sup>145</sup>

<sup>142</sup> In economic literature, this concept is usually referred to as ‘discount rate’ for future generations; see, e.g., S. Polasky & N.K. Dampha, ‘Discounting and Global Environmental Change’ (2021) 46(1) *Annual Review of Environment and Resources*, pp. 691–717.

<sup>143</sup> M.K. MacKenzie, ‘Institutional Design and Sources of Short-Termism’, in I. González-Ricoy & A. Gosseries (eds), *Institutions for Future Generations* (Oxford University Press, 2016), pp. 24–46.

<sup>144</sup> European Commission, n. 122 above, p. 40. This approach confirms the trend of EU institutions of establishing stricter and more binding policies in environmental matters; see M. Ferrara, ‘A Prima Lettura del Regolamento UE sul Ripristino della Natura (Reg. UE 2024/1991)’ (2024) 24 *Federalismi.it*, pp. 114–28, at 116.

<sup>145</sup> NRR, Art. 17.

Even though the flexibility granted to Member States under the NRR is intended to tailor governance strategies to local ecological and socio-economic conditions, it also creates risks of unequal participation in practice. Without clear safeguards, historically underrepresented communities – such as Indigenous groups, rural populations, and small-scale land users – may be sidelined in both the planning and implementation phases of restoration projects.<sup>146</sup> The Regulation requires coordination with subnational authorities and stakeholders to ensure there is alignment with existing environmental plans (for example, river basin and Natura 2000 site management plans). However, there are no explicit guarantees that marginalized voices will be meaningfully considered. Without mechanisms to prevent power imbalances, restoration decisions may disproportionately reflect the interests of more politically and economically influential actors, undermining recognitional justice and the equitable distribution of restoration benefits.

### *Procedural justice*

The influence of the Aarhus Convention is clearly visible in the text, with references to all three of its pillars (access to information, participation, and access to justice). As for access to information, it is relevant to start by saying that there is, to date, often still limited availability of consistent and accurate information on the status of nature in the various Member States.<sup>147</sup> It is therefore not surprising that the term ‘monitoring’ appears frequently throughout the NRR, reflecting a desire to increase commitments in this regard.<sup>148</sup> Article 20 lists the elements that Member States are expected to monitor,<sup>149</sup> and mandates that the resulting data be made publicly available.<sup>150</sup> The same goes for the three-/six-yearly reports that Member States are required to submit to the Commission.<sup>151</sup> There has been criticism in respect of the delaying of the reporting obligations, but it is positive that there is a fairly high degree of transparency with regard to the monitoring obligations.<sup>152</sup> Still, it is unclear how the monitoring will be made available to the public.

The second pillar of the Aarhus Convention also features throughout the NRR. As stated in the Explanatory Memorandum, the European Commission carried out an

<sup>146</sup> Similarly, national energy and climate plans mandated by Regulation (EU) 2018/1999 on the Governance of the Energy Union and Climate Action ([2018] OJ L 328/1) have been criticized and litigated for failing to carry out proper consultation processes, thus failing to recognize and include different social groups; see Climate Action Network Europe (CAN), ‘Taking Flawed National Energy and Climate Plans to Court: Lessons Learned from Previous Cases’, 22 Mar. 2024, p. 6.

<sup>147</sup> See, e.g., NRR, Arts 4(4)(a) and 5(4)(a).

<sup>148</sup> In total 46 times.

<sup>149</sup> NRR, Art. 20.

<sup>150</sup> *Ibid.*, Art. 20(8).

<sup>151</sup> *Ibid.*, Art. 21(8).

<sup>152</sup> A. Cliquet et al., ‘The EU Nature Restoration Law: Avoiding Legal Pitfalls in Further Negotiations’, SERE Legal Working Group, 25 Oct. 2023, available at: <https://ser-europe.org/files/2023/10/2SERE-Legal-Working-Group-legal-pitfalls-in-negotiations-on-NRL-251023.pdf>.

online public consultation and organized stakeholder consultations and workshops before drafting the text of the proposal.<sup>153</sup> The stakeholders that were involved in the process included ‘in particular representatives of Member States, environmental organizations, research institutes, agriculture and forest associations, and business representatives’,<sup>154</sup> focusing on ‘potential social, economic and wider environmental impacts’.<sup>155</sup> In the further roll-out of the NRR, citizens and other stakeholders are also assigned a role. For instance, the Commission also looks at citizen science to fill knowledge gaps.<sup>156</sup> The Commission expects the Member States to put in place the necessary measures to engage a broad range of local and regional stakeholders as well as the general public in the preparation, review, and implementation of the NRPs, but also to foster dialogue and to diffuse information about biodiversity and the benefits of restoration.<sup>157</sup>

Notably, the Commission’s NRP template includes a dedicated section on public participation (Part A, Section 2.1), requiring Member States to summarize how participation and stakeholder engagement were conducted.<sup>158</sup> This formal requirement reflects a clear intent to institutionalize transparency and inclusiveness in the planning process. Although promising, it remains to be seen whether all relevant stakeholders will be considered and the extent to which they will be able to influence the drafting of the NRPs, as the actual design and delivery of this consultative process lies with the Member States.<sup>159</sup> Additional guidance on how this process should be carried out could be useful to ensure it is in line with the standards put forward by the Aarhus Convention.

There are also two references to education in the Preamble,<sup>160</sup> however, nowhere in the Proposal is this further concretized. There were several amendment proposals to reinforce participation rights in the Report of European Parliament Rapporteur Luena of December 2022.<sup>161</sup> Most remarkable was the suggestion to introduce a new article focused solely on ‘public participation, access to public information and public awareness’, which put special emphasis on educational programmes to raise awareness.<sup>162</sup> The amendment, however, was discarded.

<sup>153</sup> European Commission, Proposal for the NRR, n. 88 above, p. 9.

<sup>154</sup> Ibid.

<sup>155</sup> Ibid.

<sup>156</sup> NRR, Art. 10(4).

<sup>157</sup> NRR, Preamble, para. 83 and Art. 15(3)(w).

<sup>158</sup> Commission Implementing Regulation (EU) 2025/912 of 19 May 2025 Laying Down Rules for the Application of Regulation (EU) 2024/1991 as regards a Uniform Format for the National Restoration Plan, OJ L 2025/912.

<sup>159</sup> Ibid.

<sup>160</sup> NRR, Preamble, paras 6, 20.

<sup>161</sup> European Parliament, ‘Draft Report on the Proposal for a Regulation of the European Parliament and of the Council on Nature Restoration’, Committee on the Environment, Public Health and Food Safety, Rapporteur César Luena, 2022/0195(COD), 5 Dec. 2022.

<sup>162</sup> Ibid., Amendment 143, para. 4. On the importance of a restoration narrative see also J. Blignaut & J. Aronson, ‘Developing a Restoration Narrative: A Pathway Towards System-Wide Healing and a Restorative Culture’ (2020) 168 *Ecological Economics*, article 106483.

The third pillar – access to justice – is where the NRR falls short. The initial proposal included a separate provision on access to justice, which stated explicitly that environmental NGOs were considered to have a sufficient interest to challenge the substantive or procedural legality of NRPs.<sup>163</sup> This explicit recognition would have significantly strengthened their position to litigate and serve as an additional watchdog to monitor progress and implementation. Indeed, as remarked by Born and Schoukens, to date there are ‘no explicit provisions [which] guarantee broad access to justice in biodiversity-related cases under EU law, with the exception of such Directives as the E[nvironmental] I[m]pact A[ssessment] and the Industrial Emissions Directive’.<sup>164</sup> The provision was deleted during negotiations, and now the only reference to access to justice is in the Preamble, which refers to Article 19(1) TEU and the Aarhus Convention.<sup>165</sup> At this point, it is hard to predict what the exact impact of this deletion will be.

To summarize, it follows from our assessment that the NRR does take into account the different dimensions of environmental justice, albeit sometimes in a more implicit manner. However, the Regulation contains significant ambiguities, particularly in key provisions, which open the door to misinterpretation or even misuse, potentially resulting in unjust outcomes. As Member States begin to draft and implement their national restoration plans, it is essential that they remain attentive to justice considerations throughout the process.

We see, however, two essential actions that can guide the Member States in the right direction. Firstly, the European Commission, assisted by the EEA, should provide clarification on ambiguous concepts, such as the content and relevance of ‘foreseeable socio-economic impacts and estimated benefits of the implementation of the restoration measures’,<sup>166</sup> or of what can be considered a ‘project of overriding public interest’,<sup>167</sup> to avoid counter-effective interpretations. Secondly, Member States should enable participatory processes and incorporate the input they receive in their NRPs.

## 6. Conclusion

To face the twin biodiversity and climate crises, ecological restoration of degraded nature is pivotal. The impact of restoration projects, moreover, can extend beyond merely ecological aspects and can potentially increase inequalities. Creating synergies between both types of benefit is challenging, yet crucial, in order to bring about the much-needed ecological change without prejudicing people’s livelihoods. In this article, we assessed the Nature Restoration Regulation through the lenses of

<sup>163</sup> European Commission, Proposal for the NRR, n. 88 above, Art 16.

<sup>164</sup> C.-H. Born & H. Schoukens, ‘Biodiversity Litigation Before the Court of Justice of the European Union: A Promising Pathway for Better Enforcement of International Biodiversity Law?’, in G. Futhazar, S. Maljean-Dubois & J. Razzaque (eds), *Biodiversity Litigation* (Oxford University Press, 2022), pp. 293–329, at 315.

<sup>165</sup> NRR, Preamble, para. 71(b).

<sup>166</sup> *Ibid.*, Art.15(3)(s).

<sup>167</sup> *Ibid.*, Arts 4(14)(c), 4(15)(c), 5(11)(c).

distributive, procedural, and recognitional justice, the three components of environmental justice. Our main research question was to what extent the NRR allows for ‘just ecological restoration’.

From a distributive justice perspective, our analysis shows that the NRR promotes collaborative restoration efforts, as its overarching goal to restore at least 20% of land and sea areas is to be achieved collectively. However, the burden of restoration efforts appears to be unevenly distributed across Member States and economic sectors. Although that can be justified as the types of ecosystem and their conditions vary significantly between countries, it also means that some Member States will need to undertake far greater restoration efforts than others, raising concerns about how responsibilities are shared if no additional burden-sharing measures are integrated. Similarly, while the Regulation broadly acknowledges financial support mechanisms – such as the CAP and the Just Transition Fund (JTF)<sup>168</sup> – there are gaps in ensuring adequate funding for a just transition in key sectors like agriculture, forestry, and fishery. The lack of specific financial instruments to assist industries in undergoing significant change risks exacerbating inequalities and failing to incentivize more sustainable practices.

The long-term vision of the NRR aligns with intergenerational justice principles and reflects the EGD goal of transforming environmentally unsustainable production systems. While the Regulation sets ambitious future-oriented objectives, concerns over immediate costs and economic disruptions have fuelled resistance from certain industries. This tension between short-term economic interests and long-term ecological sustainability is likely to persist as restoration policies unfold.

From a recognitional justice perspective, the NRR emphasizes inclusive decision-making and mandates coordination with subnational authorities and stakeholders. However, it lacks concrete assurances that historically marginalized communities – such as rural populations and small-scale landowners – will have a meaningful voice in restoration planning. Without clear mechanisms to address power asymmetries, there is a risk that economically and politically dominant actors will shape the process to their advantage, leaving vulnerable communities with limited influence over decisions that have a direct impact on their livelihoods and cultural heritage.

Finally, in terms of procedural justice, the assessment revolved around the three pillars of the Aarhus Convention: access to information, participation in environmental decision-making, and access to justice. The first two indicators are fairly well incorporated, as the NRR addresses the knowledge gap in a transparent manner. This will not only enable policymakers to improve the design of their legislative and policy instruments, but also facilitate the monitoring of the implementation of obligations. Participation is also included, and Member States should put in place participatory processes to involve their citizens in the drafting and roll-out of NRPs. Access to justice is the least prominent of the three Aarhus pillars, with merely a reference to general provisions. This is a missed opportunity to bolster the enforcement of obligations. A proposal by the European Parliament to include a specific provision on access to

<sup>168</sup> See Akgüç, Arabadjieva & Galgóczi, n. 104 above.

justice, which also aimed to foster awareness about restoration and stimulate educational initiatives, was discarded.

In essence, while the NRR demonstrates a strong commitment to ecological restoration and constitutes a groundbreaking piece of environmental legislation, our analysis reveals areas for improvement to ensure environmental justice and equitable outcomes for all stakeholders involved in restoration projects. The NRR can play a pivotal role in transforming damaged ecosystems, but it can also tackle social issues. However, much remains to be seen as it is only the implementation of the NRPs that will reveal how Member States put the targets into practice. In addition, the Commission should provide guidance by interpreting ambiguous articles of the NRR to facilitate more fruitful dialogue with and within Member States, and to promote the appropriate distribution of funding opportunities for a fair and just ecological transition.

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