

Sustainability-Proofing EU Biodiversity Conservation Policies

CRITICAL ASSESSMENT

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Sustainability -Proofing the Performance of EU Biodiversity Conservation Policies

Assessment of the Soil Monitoring Law, New Deal
for Pollinators, and the Regulation on Invasive Alien
Species

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Introduction

The European Green Deal is a comprehensive strategy initiated by the European Union with the overarching aim of making Europe the first climate-neutral continent by 2050. It encompasses a wide range of policy areas, including sustainable industry, building and renovation, Farm to Fork, eliminating pollution, and sustainable mobility.

In terms of financing, the EU planned support to the policies set out in the Green Deal is to be carried out through an investment plan called InvestEU, which has forecasted the sum of at least €1 trillion in needed investments. Additionally, it is estimated that approximately €260 billion per year will be required by 2030 to achieve the deal's goals.

In order for InvestEU to be adequately implemented, the European Commission has developed the “Technical Guidance on Sustainability Proofing for the InvestEU Fund” (EC 2021). This document outlines key **sustainability-proofing principles** that are designed to ensure that financing and investment operations align with the EU's sustainability commitments. These principles apply across three key dimensions: **climate, environment, and social**.

This report, therefore, aims to critically assess how the sustainability-proofing principles have performed in correlation to a set of nature protection related EU policies — namely, the **Soil Monitoring Law**, the **New Deal for Pollinators**, and Regulation No 1143/2014 on the **prevention and management of the introduction and spread of invasive alien species**.



Sustainability-Proofing Principles

The Technical Guidance on Sustainability Proofing for the InvestEU Fund defines sustainability proofing as an *ex-ante* process to identify and address both the negative and positive impacts of investments on climate, environmental, and social objectives. The principles include:

1. Legal Compliance

- All InvestEU-supported projects must comply with EU and national environmental, social, and governance (ESG) regulations.
- Projects must align with the EU Taxonomy Regulation, including the *Do No Significant Harm (DNSH)* principle.

2. Climate Sustainability Proofing

- Ensures climate neutrality and resilience by integrating climate risk assessments.
- Requires GHG emission accounting and mitigation measures.
- Encourages adaptation measures to improve resilience to climate change.
- Projects inconsistent with EU climate objectives (e.g., fossil fuel-based investments) are ineligible.

3. Environmental Sustainability Proofing

- Projects must undergo an environmental impact screening, considering effects on air, water, soil, biodiversity, and ecosystems.
- Encourages measures to mitigate biodiversity loss, prevent habitat degradation, and restore ecosystems.
- Circular economy and resource efficiency principles should be integrated into project designs.
- Supports the EU Green Deal objectives related to protecting and restoring natural capital.

4. Social Sustainability Proofing

- Focuses on human rights, labour conditions, and social inclusion.
- Requires compliance with the European Pillar of Social Rights and ILO conventions.



- Ensures projects contribute to equity, diversity, and fair working conditions.

5. Proportionality Principle

- The depth of sustainability proofing is proportionate to a project's size, complexity, and potential impacts.
- Thresholds: Projects below €10 million may be exempt from full proofing but are encouraged to adopt sustainability considerations.

6. Integration with Economic Appraisal

- Sustainability proofing is not just a compliance check but should integrate sustainability into economic appraisals and financial decision-making.
- Encourages quantification and monetisation of environmental and social benefits.

7. Transparency and Accountability

- Sustainability proofing results must be documented, monitored, and reported to the European Commission.
- Establishes mechanisms for stakeholder engagement, including grievance redress systems.



Assessment Methodology

The critical assessment of this study will analyse the performance of the policies related to **Invasive Alien Species, Pollinators, and Soil Health** according to the alignment with the aforementioned sustainability-proofing principles and specifications. In short, the study will pursue answering to the following approaches:

- **Legal Compliance:** Do these policies meet EU and national regulatory requirements?
- **Environmental Protection:** Are they reducing biodiversity loss, improving ecosystem resilience, and preventing environmental degradation?
- **Climate Contribution:** Do they support climate adaptation and mitigation (e.g., carbon sequestration in soil restoration policies)?
- **Social and Economic Integration:** Are they creating social benefits, such as improved livelihoods, food security, and equitable access to ecosystem services?
- **Do No Significant Harm:** Are they avoiding trade-offs that might undermine sustainability objectives in other areas?
- **Transparency & Monitoring:** Do they include clear reporting and accountability measures?



Assessment of EU Policies

Soil Monitoring Law

The European Commission's proposed **Soil Monitoring Law**, introduced on 5 July 2023, aims to protect, sustainably manage, and restore EU soils. This initiative is a key component of the EU's broader strategy to achieve healthy soils by 2050, as outlined in the EU Soil Strategy for 2030.

1. Legal Compliance

- The proposed law establishes a legal framework for soil protection across the EU, ensuring compliance with existing environmental regulations.
- It mandates Member States to monitor soil health and implement measures to regenerate degraded soils, aligning with EU environmental directives.

2. Climate Sustainability Proofing

- Healthy soils are vital for achieving climate neutrality, as they play a significant role in carbon sequestration.
- The law promotes sustainable soil management practices that enhance carbon storage and resilience to climate change.
- Specific mechanisms for integrating climate risk assessments and greenhouse gas emission accounting are not detailed in the available information.

3. Environmental Sustainability Proofing

- The law addresses key environmental concerns by setting a framework for monitoring soil health indicators, such as soil biodiversity, contamination levels, and erosion rates.
- It requires Member States to identify potentially contaminated sites and take action to mitigate risks, contributing to a toxic-free environment by 2050.



4. Social Sustainability Proofing

- While the law focuses on environmental objectives, healthy soils are essential for food production, water purification, and human health. By promoting soil health, the law indirectly supports social benefits, such as food security and public health.
- Direct references to social considerations, such as labour conditions or social inclusion, are not evident in the available information.

5. Proportionality Principle

- The law proposes a coherent monitoring framework applicable to all soils across the EU, allowing Member States to tailor measures based on the severity of soil degradation.
- Its approach ensures that actions are proportionate to the specific conditions and needs of different regions.

6. Integration with Economic Appraisal

- The law emphasizes sustainable soil management as the norm in the EU, which can have economic implications for sectors like agriculture and construction.
- The available information does not detail how sustainability considerations are integrated into economic appraisals or financial decision-making processes.

7. Transparency and Accountability

- The law mandates Member States to monitor soil health and report their findings, ensuring transparency.
- It establishes mechanisms for accountability by requiring actions to regenerate degraded soils and address contamination.
- Specific provisions for stakeholder engagement or grievance redress systems are not detailed in the available information.



Table 1. Performance of the Soil Monitoring Law under sustainability-proofing principles.

Principle	Performance	Notes
Legal Compliance	Strong	Aligned with the EU Green Deal and Biodiversity Strategy 2030.
Climate Sustainability Proofing	Moderate	Recognizes soil's role in carbon sequestration but lacks detailed climate risk assessments.
Environmental Sustainability	Strong	Promotes ecosystem restoration and toxic-free soil.
Social Sustainability	Weak	Indirect benefits to food security but lacks direct measures on labour and social inclusion.
Proportionality Principle	Strong	Allows Member States flexibility in implementation.
Economic Appraisal	Moderate	Recognizes economic benefits of healthy soils but lacks specific funding mechanisms.
Transparency and Accountability	Moderate	Requires reporting but lacks strong enforcement measures.

Overall, the Soil Monitoring Law aligns with several core sustainability-proofing principles, particularly in legal compliance, environmental sustainability, proportionality, and transparency (see Table 1). However, there are areas where the law could be strengthened, such as explicitly integrating climate risk assessments, detailing social sustainability considerations, incorporating sustainability into economic



appraisals, and enhancing mechanisms for stakeholder engagement. Addressing these aspects would further ensure that the law comprehensively supports the EU's sustainability objectives.

Key Recommendations

- **Integrate stronger climate risk assessments:** explicitly include soil's role in climate mitigation and adaptation (e.g. extreme weather resilience).
- **Enhance social sustainability measures:** include support mechanisms for farmers adopting soil-friendly practices and integrate labour protections.
- **Strengthen financial incentives:** align soil restoration with InvestEU and CAP (Common Agricultural Policy) for better economic integration.
- **Improve enforcement mechanisms:** set clearer penalties for non-compliance and create stakeholder engagement platforms to ensure transparency.

New Deal for Pollinators

The European Commission's "New Deal for Pollinators," presented on 24 January 2023, aims to address the alarming decline of wild pollinators — e.g. bees, butterflies, hoverflies — in Europe. This initiative revises the 2018 EU Pollinators Initiative and sets objectives to reverse pollinator decline by 2030.

1. Legal Compliance

- The initiative aligns with Regulation (EU) 2024/1991, which mandates legally binding nature restoration targets, including specific commitments for pollinators.
- It also builds on the EU Biodiversity Strategy for 2030 and complies with the European Green Deal — particularly, its targets to halt biodiversity loss by 2030.
- The regulation mandates Member States to take action against pesticide overuse, habitat destruction, and climate change effects on pollinators.



2. Climate Sustainability Proofing

- Pollinators are crucial for ecosystem resilience and carbon sequestration, particularly in agricultural landscapes.
- The initiative acknowledges the connection between pollinator health and climate adaptation but lacks specific climate risk assessments or provisions for integrating greenhouse gas emission considerations.

3. Environmental Sustainability Proofing

- The regulation provides for the restoration of pollinator-friendly habitats, aiming to reverse pollinator decline by 2030.
- It establishes EU-wide pollinator monitoring, habitat conservation, and a ban on pesticides in ecologically sensitive areas.
- The introduction of “buzz lines” (i.e. pollinator corridors) strengthens landscape connectivity, a key requirement for sustainable ecosystems.
- Still, lacks more details on enforcement mechanisms for pesticide restrictions.

4. Social Sustainability Proofing

- The initiative supports food security and sustainable agriculture, indirectly benefiting rural economies.
- It acknowledges that pollinator loss threatens agricultural yields, impacting livelihoods and food prices.
- No explicit social measures (e.g. financial support for farmers transitioning to pollinator-friendly practices) are mentioned.

5. Proportionality Principle

- The policy applies proportionally across EU Member States, considering local biodiversity conditions.
- While it sets EU-wide targets, it allows Member States to tailor measures to their specific agricultural and environmental contexts.

6. Integration with Economic Appraisal

- The regulation recognizes the economic value of pollinators, stating that over €5 billion in annual EU agricultural output depends on them.



- Detailed financial mechanisms (e.g. economic incentives for pollinator-friendly farming) are not clearly defined.

7. Transparency and Accountability

- The regulation mandates Member States to report on pollinator populations and implement monitoring frameworks.
- Public engagement is encouraged, and Member States must ensure stakeholder participation in planning.
- Specific enforcement mechanisms for non-compliance are not clearly outlined.

Table 2. Performance of the New Deal for Pollinators under sustainability-proofing principles.

Principle	Performance	Notes
Legal Compliance	Strong	Aligned with EU Biodiversity Strategy and Nature Restoration Law.
Climate Sustainability Proofing	Partial	Recognizes pollinators' role in ecosystem resilience but lacks direct climate risk assessments.
Environmental Sustainability	Strong	Promotes habitat protection and pesticide restrictions.
Social Sustainability	Weak	Supports food security but lacks direct social protections for farmers and beekeepers.
Proportionality Principle	Strong	Flexible for national implementation based on pollinator decline severity.
Economic Appraisal	Moderate	Recognizes pollinators' economic value but lacks dedicated funding mechanisms.



Principle	Performance	Notes
Transparency and Accountability	Moderate	Monitoring system in place but lacks strong enforcement mechanisms.

Overall, as seen on Table 2, the New Deal for Pollinators performs strongly under legal compliance, environmental sustainability, and proportionality, while the social component represents its weakest area.

Key Recommendations

- **Integrate climate adaptation strategies:** explicitly link pollinator conservation with climate change mitigation.
- **Introduce stronger social measures:** provide financial support and incentives for farmers and beekeepers who implement pollinator-friendly practices.
- **Enhance economic integration:** include dedicated funding for pollinator conservation via InvestEU and CAP schemes.
- **Strengthen enforcement:** ensure pesticide restrictions are consistently applied across Member States with clearer compliance and penalty structures.

Invasive Alien Species

Invasive Alien Species (IAS) are organisms introduced, intentionally or unintentionally, into regions where they are not native. These species can cause significant harm to biodiversity, ecosystems, human health, and the economy. To address these challenges, the European Union enacted Regulation (EU) No 1143/2014 on the prevention and management of the introduction and spread of invasive alien species. This regulation establishes a comprehensive framework aimed at preventing, minimizing, and mitigating the adverse impacts of IAS.



1. Legal Compliance

- Regulation (EU) No 1143/2014 is the primary legal framework governing the prevention, control, and eradication of Invasive Alien Species (IAS) in the EU.
- It aligns with the EU Biodiversity Strategy for 2030 and supports the goals of the European Green Deal in protecting ecosystems and native species.
- The regulation establishes legally binding measures for Member States, including a list of IAS of Union concern, risk assessments, and control mechanisms.

2. Climate Sustainability Proofing

- While the regulation primarily focuses on biodiversity protection, it also contributes to climate resilience by maintaining ecosystem functions.
- IAS can disrupt carbon sequestration (e.g. invasive plants replacing native forests and wetlands), so the regulation indirectly helps preserve carbon sinks.
- It does not explicitly integrate climate risk assessments or the role of climate change in increasing IAS spread.
- Climate change creates new pathways for IAS introduction, yet no direct mitigation strategies are outlined in the regulation.

3. Environmental Sustainability Proofing

- The regulation directly contributes to environmental sustainability by preventing biodiversity loss and restoring damaged ecosystems.
- It mandates action plans for priority IAS pathways and requires Member States to take preventive and remedial measures.
- Monitoring and eradication obligations help maintain ecosystem balance and mitigate negative effects on native species.
- The regulation also includes restoration provisions (Article 20) to repair ecosystems damaged by IAS.



4. Social Sustainability Proofing

- The regulation acknowledges economic and public health risks posed by IAS, which can affect agriculture, fisheries, and human well-being.
- Some IAS pose public health risks (e.g. invasive species spreading diseases), but social aspects (e.g. community adaptation measures) are not explicitly addressed
- No direct measures for stakeholder engagement (e.g. local communities, indigenous knowledge, farmer support).
- No references to labour rights or social inclusion — meaning a limited direct social dimension.

5. Proportionality Principle

- The regulation balances EU-wide action with Member State flexibility.
- It prioritizes high-risk species at the Union level, while allowing Member States to design tailored national response measures for region-specific IAS.
- The approach ensures that resources are allocated efficiently to species that pose the greatest risk.
- Member States are required to submit risk assessments before adding species to the Union list, ensuring proportionate responses.

6. Integration with Economic Appraisal

- IAS cause significant economic damage (e.g. agricultural losses, fisheries impact). The regulation aims to prevent such economic costs but lacks detailed financial mechanisms for response funding.
- The polluter-pays principle (Article 21) ensures that those responsible bear the costs of managing IAS, but enforcement is unclear.
- No specific references to InvestEU funding or economic incentives for businesses and landowners to manage IAS.
- A cost-benefit analysis is required before restoration measures (Article 20), ensuring financial feasibility.



7. Transparency and Accountability

- The regulation establishes mandatory monitoring, reporting, and review mechanisms.
- Member States must submit action plans, conduct surveillance, and provide updates every six years (Article 24).
- A scientific forum supports IAS risk assessments, but public engagement mechanisms (e.g. citizen participation in decision-making) are weak.
- Enforcement remains challenging, as penalties depend on national authorities and compliance varies across Member States.

Table 3. Performance of the Invasive Alien Species Regulation under sustainability-proofing principles.

Principle	Performance	Notes
Legal Compliance	Strong	Aligned with EU biodiversity laws.
Climate Sustainability Proofing	Partial	Climate links exist but lack depth.
Environmental Sustainability	Strong	Focuses on prevention and restoration.
Social Sustainability	Weak	Lacks human-centric measures.
Proportionality Principle	Strong	Balances EU-wide and national actions.
Economic Appraisal	Moderate	Lacks financial incentives and funding
Transparency and Accountability	Moderate	Needs stronger public participation and enforcement.



Overall, the Invasive Alien Species Regulation (EU) No 1143/2014 aligns well with legal, environmental, and proportionality principles (see Table 3). A central component of the regulation is the creation of a list of IAS of Union concern, which is regularly updated based on scientific risk assessments. Species on this list are subject to restrictions, including prohibitions on keeping, importing, selling, breeding, growing, and releasing them into the environment. Nevertheless, it falls short on climate integration, social inclusion, and financial mechanisms.

Key Recommendations

- **Integrate climate considerations:** address how climate change amplifies IAS risks and incorporate adaptive management strategies.
- **Enhance social sustainability:** include stakeholder engagement mechanisms, particularly for rural communities and farmers.
- **Improve economic appraisal:** introduce financial incentives for businesses and landowners involved in IAS management.
- **Strengthen enforcement & penalties:** ensure consistent application across Member States with clearer compliance mechanisms.



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The EU planned support to the policies set out in the Green Deal is to be carried out through an investment plan called InvestEU. In order for InvestEU to be adequately implemented, the European Commission has developed a guidance on sustainability-proofing to ensure that financing and investment operations align with the EU's sustainability commitments.

This report aims to critically assess how the sustainability-proofing principles have performed in correlation to a set of nature protection related EU policies — namely, the Soil Monitoring Law, the New Deal for Pollinators, and the Regulation on invasive alien species.

