

## Biodiversity without excuses

**As scientists, we call on the European Institutions and EU energy ministers not to reduce existing biodiversity protection controls, not even to accelerate the deployment of renewable energies.**

The European Commission, at the request of the European Council, submitted on 9 November 2022 to the Council of the European Union a proposal for a regulation to accelerate the deployment of renewable energies ([COM/2022/591/final](#)). The proposal amends the regime for the prohibition of the deterioration of ecosystems.

Current legislation prohibits the deterioration of species, habitats and sites in the Natura 2000 network, as well as the status of surface and groundwater. These prohibitions have few and strict exceptions (Article 6.4 Directive [92/43](#) and Article 9.1.a Directive [2009/147](#) and Article 4.7 Directive [2000/60](#)).

One of the conditions of these exceptions is that projects that will be allowed to damage ecosystems must demonstrate a specific and sufficient "overriding public interest".

The Commission's proposal reduces this requirement by stating that renewable energy production plans and projects will be generally presumed to be "of overriding public interest and contribute to public health and safety", thus exempting developers from proving such interest and contribution on a case-by-case basis.

This presumption breaks the strict nature of these exceptions and therefore facilitates the deterioration of ecosystems through the legal fiction of presuming a reality without the need to prove it.

The main reason against this is that science has shown that, even with existing protection measures, it has not been possible to stop the decline in terms of massive destruction of biodiversity ([ipbes.net](#) and [eea.europa.eu](#)). We need to strictly enforce the prohibition of deterioration and extend protection with additional new measures.

There are also many other reasons not to support this proposal ([legal report](#)), not least that its adoption contradicts the obligation to fully integrate biodiversity protection requirements into the definition and implementation of energy policy (Article [11](#) TFEU and Article [37](#) of the Charter of Fundamental Rights).

Those of us who work to increase scientific knowledge and apply it in public policies want to draw attention to the intergenerational responsibility we have as a society and the imperative need not to take any steps backwards in the protection of biodiversity, not even for the deployment of renewable energies. We must not protect one asset by damaging another. The deployment of renewable energies can be carried out without endangering biodiversity.