

Soil monitoring and resilience (Soil Monitoring Law)

2023/0232(COD) - 10/04/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 336 votes to 242, with 33 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council on Soil Monitoring and Resilience (Soil Monitoring Law).

The position adopted by the European Parliament at first reading under the ordinary legislative procedure amends the proposal as follows:

Objective

The objective of the Directive is to put in place a **clear, solid, coherent and flexible framework for soil monitoring and assessment for all soils across the EU** in order to continuously improve soil health in the Union with the view to achieve healthy soils by 2050 and maintain soils in healthy condition and prevent their deterioration.

The proposed Directive, therefore, establishes a framework within which Member States are required to put in place measures that are technically feasible and based on a cost-benefit analysis, with a view to achieving healthy soils by 2050. It lays down measures on monitoring, maintaining, improving, rehabilitating and assessing soil health, based on its ecological status.

Members proposed a **five-level classification** to assess soil health (high, good, moderate ecological status, degraded, and critically degraded soils). Soils with either good or high ecological status would be considered healthy.

Soil districts

Member States should, in consultation with local, regional and cross-regional authorities, establish soil districts, based on, where appropriate, existing administrative units throughout their own territory and in cross-border territories together with neighbouring Member States.

The Commission should support Member States in ensuring that their soil districts cooperate on a cross-border basis and should facilitate harmonisation of monitoring systems, transfer functions, monitoring design and classification of ecological status at the level of the soil descriptors listed in Annex I.

Monitoring and assessment of soil health

The Directive will require Member States to first monitor and then assess the condition of all soils in their territory. National authorities should apply the **indicators** that best illustrate the characteristics of each soil type at national level.

Member States should put in place a monitoring framework based on soil management districts to ensure regular and accurate monitoring of soil health. They should monitor soil health and artificialisation in each soil management district using the expertise of national research institutes, existing national monitoring systems and available data.

The Commission should ensure that the first soil measurement is performed by three years from the entry into force of this Directive. It should contribute to the monitoring carried out by Member States by providing sampling and analysing of at least 20 % of the size of national samples.

Member States should ensure that assessments of soil ecological status are performed **at least every 6 years** and that the first assessment is performed by 5 years after date of entry into force of the Directive, accompanied by reports on relative improvement, trends, progress or regression.

Sustainable Soil Management Toolbox

A new article is introduced concerning the establishment, by the Commission, of a sustainable soil management toolbox providing soil managers with practical information on the use of sustainable soil management practices, which includes information provided by the Member States.

The toolbox should contain recommendations and examples of best practices from the Member States' competent authorities which monitor the impact of soil management practices.

The toolbox should be publicly available free of charge and be included in the digital soil health data portal.

Identification of potentially contaminated sites

Member States should also investigate, assess and clean up contaminated sites to address unacceptable risks to human health and the environment due to soil contamination. Costs must be paid by polluters in line with the 'polluter pays' principle.

The amended text stated that when identifying the potentially contaminated sites Member States should take into account the following criteria: (a) any areas used for the abstraction of drinking water; (b) occurrence of any disease that is presumed to be linked to exposure to contamination via the soil; (c) any information provided by the public or Member State authorities.

Potentially contaminated sites located in areas used for the abstraction of water for human consumption should be prioritised for soil investigation.

Union financing

Given the priority inherently attached to the establishment of soil monitoring and sustainable management and regeneration of soils, by 12 months from the entry into force of this Directive, the Commission should submit a report to the European Parliament and to the Council evaluating the financial resources available at Union level for the implementation of this Directive.

Members proposed that additional financial resources should be put in place for the post-2027 period in order to promote the sustainable management of soils, their permanent regeneration and monitoring activities.

Furthermore, Members wish to engage the European Investment Bank to facilitate the use of innovative mechanisms and the Do No Significant Harm principle to be observed as general rule.

European Union Soil Observatory (EUSO) Forum

The amended text included a new article concerning the EUSO Forum which should facilitate the cooperation at regular intervals between stakeholders, including Member States' competent authorities at all relevant levels, industry, civil society, and the scientific community.

Evaluation and review

From eight years from the date of entry into force of this Directive and every five years thereafter, the Commission should report on the implementation of this Directive including the measures necessary to comply with this Directive taken by Member States. The report should include an overall assessment of the progress made towards achieving healthy soils.