










Procedure file

Basic information	
<p>COD - Ordinary legislative procedure (ex-codecision procedure) Directive</p> <p>2023/0232(COD)</p>	Awaiting Council's 1st reading position
<p>Soil monitoring and resilience (Soil Monitoring Law)</p> <p>Subject</p> <p>3.70.01 Protection of natural resources: fauna, flora, nature, wildlife, countryside; biodiversity</p> <p>3.70.06 Soil pollution, deterioration</p> <p>Legislative priorities</p> <p>Joint Declaration 2023-24</p>	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Environment, Public Health and Food Safety		12/09/2023
		 HOJSÍK Martin	
		Shadow rapporteur	
		 NOVAK Ljudmila	
		 COVASSI Beatrice	
		 RIPA Manuela	
		 VISTISEN Anders	
		 ZALEWSKA Anna	
		 MODIG Silvia	
Council of the European Union	Committee for opinion	Rapporteur for opinion	Appointed
	 Agriculture and Rural Development (Associated committee)		12/09/2023
European Commission	Commission DG	Commissioner	
	Environment	SINKEVIČIUS Virginijus	
European Economic and Social Committee			

Key events			
05/07/2023	Legislative proposal published	COM(2023)0416	Summary
16/10/2023	Committee referral announced in Parliament, 1st reading		
16/10/2023	Referral to associated committees announced in Parliament		
11/03/2024	Vote in committee, 1st reading		
20/03/2024	Committee report tabled for plenary, 1st reading	A9-0138/2024	Summary
10/04/2024	Decision by Parliament, 1st reading	T9-0204/2024	Summary

Technical information	
Procedure reference	2023/0232(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	Rules of Procedure EP 57; Treaty on the Functioning of the EU TFEU 192-p1
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Awaiting Council's 1st reading position
Committee dossier	ENVI/9/12519

Documentation gateway					
Legislative proposal		COM(2023)0416	05/07/2023	EC	Summary
Document attached to the procedure		SEC(2023)0416	05/07/2023	EC	
Document attached to the procedure		SWD(2023)0416	05/07/2023	EC	
Document attached to the procedure		SWD(2023)0417	05/07/2023	EC	
Document attached to the procedure		SWD(2023)0418	05/07/2023	EC	
Document attached to the procedure		SWD(2023)0423	05/07/2023	EC	
Committee draft report		PE754.698	24/10/2023	EP	
Amendments tabled in committee		PE756.296	27/11/2023	EP	
Amendments tabled in committee		PE757.024	27/11/2023	EP	
Amendments tabled in committee		PE757.025	27/11/2023	EP	
Amendments tabled in committee		PE756.994	29/11/2023	EP	
Committee opinion	AGRI	PE754.669	15/02/2024	EP	
Committee report tabled for plenary, 1st reading/single reading		A9-0138/2024	20/03/2024	EP	Summary

Text adopted by Parliament, 1st reading/single reading		T9-0204/2024	10/04/2024	EP	Summary
Additional information					
Research document	Briefing	20/03/2024			

Soil monitoring and resilience (Soil Monitoring Law)

PURPOSE: put in place a solid and coherent soil monitoring framework for all soils across the EU to achieve healthy soils by 2050.

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: soil is a vital, limited, non-renewable and irreplaceable resource that is crucial for the economy, the environment and the society. Healthy soils are in good chemical, biological and physical condition so that they can provide ecosystem services that are vital to humans and the environment, such as safe, nutritious and sufficient food, biomass, clean water, nutrients cycling, carbon storage and a habitat for biodiversity. However, 60 to 70 % of the soils in the Union are deteriorated and continue to deteriorate.

In addition, soil degradation affects the potential long-term fertility of agricultural soils. It is estimated that between 61% and 73% of agricultural soils in the EU is affected by erosion, loss of organic carbon, nutrient (nitrogen) exceedances, compaction or secondary salinisation (or a combination of these threats). For instance, soil compaction can lower crop yields by 2.5-15 %. Without sustainable management and action to regenerate soils, deteriorating soil health will be a central factor in future food security crises.

Sustainable management and regeneration of soils makes sound economic sense and can significantly increase the price and value of the land in the Union.

Current EU law contains several provisions of relevance to soil but there is a clear and indisputable gap in the current EU legal framework that this proposal on soil health is designed to close.

In its [resolution](#), the European Parliament called on the Commission to develop an EU legal framework for soil including the definition and criteria for good soil status and sustainable use, objectives, harmonised indicators, a methodology for monitoring and reporting, targets, measures, and financial resources.

The proposal complements existing environmental legislation by providing a coherent EU-level framework for soils.

CONTENT: the Commission is proposing this draft Directive which aims to put in place a solid and coherent soil monitoring framework for all soils across the EU and to continuously improve soil health in the Union with the view to achieve healthy soils by 2050 at the latest, so that they can supply multiple services at a scale sufficient to meet environmental, societal and economic needs and to reduce soil pollution to levels no longer considered harmful to human health. The draft directive contributes to preventing and mitigating the impacts of climate change, increasing resilience against natural disasters and ensuring food security.

The operational objectives are:

- to establish measures to stop degrading soils and regenerate soil health;
- to establish an effective framework to ensure implementation in particular by the obligation for the Member States to assess soil health as well as for reporting and review.

Monitoring

There is currently a lack of comprehensive and harmonised data on soil health from soil monitoring. Some Member States have soil monitoring schemes in place, but they are fragmented, not representative and not harmonised. Member States apply different sampling methods, frequencies and densities, and use different metrics and analytical methods, resulting in a lack of consistency and comparability across the EU. This proposal aims to address the current gap of knowledge on soils.

The soil monitoring framework is crucial to provide the data and information needed to define the right measures. This data is also likely to lead to technological development and innovation and stimulate academic and industrial research, for example artificial intelligence solutions based on data from sensing systems and field-based measuring systems. It will also support the development of remote sensing for soil and enable the Commission to pool resources, based on current mechanisms and technology (LUCAS, Copernicus) to offer cost-efficient services to interested Member States. This technological progress is expected to give farmers and foresters easier access to soil data, and also lead to a wider range, better availability and more affordable technical support for sustainable soil management, including decision support tools.

Contaminated sites

The proposal sets an overarching obligation to take a risk-based approach to identifying and investigating potentially contaminated sites and for managing contaminated sites. It sets out that Member States must carry out a site-specific risk assessment to ascertain whether the contaminated site poses unacceptable risks to human health or the environment and to take the appropriate risk reduction measures.

Member States should be required to draw up a register of contaminated sites and potentially contaminated sites. The register should be publicly accessible and kept up to date.

The proposal will also improve the application of the polluter pays principle and strengthen societal equity by stimulating actions that will benefit disadvantaged households living near contaminated sites.

Union financing

Given the priority inherently attached to the establishment of soil monitoring and sustainable management and regeneration of soils, the implementation of this Directive should be supported by existing Union financial programmes in accordance with their applicable rules and conditions.

Soil monitoring and resilience (Soil Monitoring Law)

The Committee on the Environment, Public Health and Food Safety adopted the report by Martin HOJSÍK (Renew, SK) on the proposal for a directive of the European Parliament and of the Council on Soil Monitoring and Resilience (Soil Monitoring Law).

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend 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.

Soil districts

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.

Soil health and land take monitoring framework

Member States should monitor soil health and land take in each soil district. Member States shall make use of the expertise of national research institutes, existing national monitoring systems and available data. The monitoring activities carried out by the Member States should not result in a financial burden for the land managers.

Assessment of the soil health

Member States shall 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 be publicly available free of charge and be included in the digital soil health data portal.

Identification of potentially contaminated sites

The amended text stated that when identifying the potentially contaminated sites Member States should take into account the following criteria:

- any areas used for the abstraction of drinking water;
- occurrence of any disease that is presumed to be linked to exposure to contamination via the soil.

Risk assessment and management of contaminated sites

The report stated that 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 coordinated implementation of Union law and policies related to soil health monitoring and the improvement of soil health, inter alia by exchange of experience and good practices, including on sustainable soil management and regeneration practices, as well as exchange of experience on soil management practices to be avoided.

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.

Soil monitoring and resilience (Soil Monitoring Law)

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.

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.

Transparency				
RIPA Manuela	Shadow rapporteur	ENVI	16/04/2024	European Environmental Bureau Pesticide Action Network Europe
HOJSÍK Martin	Rapporteur	ENVI	04/04/2024	European Landowners' Organization asbl
HOJSÍK Martin	Rapporteur	ENVI	03/04/2024	Agrární komora České republiky Svaz chemického průmyslu České republiky, z.s. Zemědělský svaz České republiky
NOICHL Maria	Rapporteur for opinion	AGRI	20/03/2024	Umweltbundesamt Deutschland
RIPA Manuela	Shadow rapporteur	ENVI	20/03/2024	European Environmental Bureau Umweltbundesamt (UBA)
COVASSI Beatrice	Shadow rapporteur	ENVI	20/03/2024	German Environment Agency
HOJSÍK Martin	Rapporteur	ENVI	20/03/2024	European Association of Mining Industries, Metal Ores & Industrial Minerals (Euromines)
HOJSÍK Martin	Rapporteur	ENVI	15/03/2024	Universidade de Coimbra
HOJSÍK Martin	Rapporteur	ENVI	12/03/2024	Fleisham Hillarf
HOJSÍK Martin	Rapporteur	ENVI	08/03/2024	European Association for Coal and Lignite
FRITZON Helène	Member	20/03/2024	Lantbrukarnas Riksförbund	
	Member	15/02/2024	ENEDIS	
FRITZON Helène	Member	13/02/2024	Byggföretagen Industriarbetsgivarna	
SKYTTEDAL Sara	Member	13/02/2024	Svemin	
TORVALDS Nils	Member	06/02/2024	Swedish Food Federation	
BERNHUBER Alexander	Member	31/01/2024	Deutscher Bauernverband	
TORVALDS Nils	Member	31/01/2024	Confederation of Swedish Enterprise	
JAHR Peter	Member	31/01/2024	Deutscher Bauernverband	
GLÜCK Andreas	Member	30/01/2024	BDI	

Jahr Peter	Member	30/01/2024	Fertilizers Europe	
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