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Opinion of the European Committee of the Regions – Soil Monitoring and Resilience (Soil Monitoring Law)

(own-initiative opinion)

(C/2024/5371)

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Reference document: Proposal for a Directive of the European Parliament and of the Council on Soil Monitoring and Resilience (Soil Monitoring Law)
COM(2023) 416

I. RECOMMENDATIONS FOR AMENDMENTS

Amendment 1

Recital 21

Text proposed by the European Commission	CoR amendment
	(21) PFAS (Per- and polyfluoroalkyl substances) have been frequently observed to contaminate groundwater, surface water as well as soil. They may alter soil properties and structures, with some of the reported effects including decrease in soil respiration and water stable aggregates, and increase in soil pH.

Reason

It is also suggested to add soil contamination, including PFAS into Annex I.

Amendment 2

Recital 22b

Text proposed by the European Commission	CoR amendment
	(22b) Thedevelopment of organic agriculture is an important element in improving soil health in agriculture as it offers multiple solutions while also protecting biodiversity, ensuring good water quality, preventing pollution by refraining from the use of synthetic pesticides and fertilisers and storing carbon in soils. Organic farming and other agroecological approaches should be incentivised to achieve the objectives of this Directive.

Amendment 3

Recital 23

Text proposed by the European Commission	CoR amendment
(23) The long- term objective of the Directive is to achieve healthy soils by 2050. As an intermediate step, in light of the limited knowledge about the condition of soils and about the effectiveness and costs of the measures to regenerate their health, the directive takes a staged approach. In the first stage the focus will be on setting up the soil monitoring framework and assessing the situation of soils throughout the EU. It also includes requirements to lay down measures to manage soils sustainably and regenerate unhealthy soils once their condition is established, ***but*** without imposing ***an obligation to achieve healthy soils by 2050 neither intermediate targets***. This proportionate approach will allow sustainable soil management and regeneration of unhealthy soils to be well prepared, incentivised and set in motion. In a second stage, as soon as the results of the first assessment of soils and trends analysis are available, the Commission will take stock of the progress towards the 2050 objective and the experience thereof, and will propose a review of the directive if necessary to accelerate progress towards 2050.	(23) The long-term objective of the Directive is to achieve healthy soils by 2050. As an intermediate step, in light of the limited knowledge about the condition of soils and about the effectiveness and costs of the measures to regenerate their health, the directive takes a staged approach. In the first stage the focus will be on setting up the soil monitoring framework and assessing the situation of soils throughout the EU. It also includes requirements to lay down measures to manage soils sustainably and regenerate unhealthy soils once their condition is established, without imposing ***EU- wide targets, but intermediate objectives for soil health to allow for monitoring and improving soil health towards 2050***. This proportionate approach will allow sustainable soil management and regeneration of unhealthy soils to be well prepared, incentivised and set in motion. In a second stage, as soon as the results of the first assessment of soils and trends analysis are available, the Commission will take stock of the progress towards the 2050 objectives and the experience thereof, and will propose a review of the directive if necessary to accelerate progress towards 2050.

Amendment 4

Recital 24a (new)

Text proposed by the European Commission	CoR amendment
	(24a) Soil districts are the most appropriate level for adopting programmes of measures and intermediate targets, using local soil district plans and considering local conditions and stakeholders views to ensure that the respective soils improve their classification.

Reason

Self-explanatory.

Amendment 5

Recital 25

Text proposed by the European Commission	CoR amendment
(25) In order to ensure an appropriate governance on soils, Member States should be required to appoint a competent authority for each soil district. Member States should be allowed to appoint any additional competent authority at appropriate level including at national or regional level.	(25) In order to ensure an appropriate governance on soils, Member States should be required to appoint a competent authority for each soil district. Member States should be allowed to appoint any additional competent authority at appropriate level including at national or regional level. ***In order to ensure that***

Text proposed by the European Commission	CoR amendment
	all territories are adequately covered by this Directive, Member States should be provided with sufficient flexibility to take into account the specific situation of the EU's outermost regions, as listed in Article 349 of the Treaty on the Functioning of the European Union (TFEU), which provides for specific measures to support those regions.

Amendment 6

Article 1(1)

Text proposed by the European Commission	CoR amendment
1. The objective of the Directive is 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 ***and maintain soils in healthy condition***, so that ***they*** can supply multiple ecosystem services at a scale sufficient to meet environmental, societal and economic needs, prevent and mitigate the impacts of climate change and biodiversity loss, increase ***the*** resilience against natural disasters and for food security and that soil contamination ***is reduced to levels no longer considered harmful*** to human health and the environment.	1. The objective of the Directive is to put in place a solid and coherent soil monitoring ***and resilience*** framework for all soils ***in all Member States*** and to continuously improve soil health with the view to achieve healthy soils ***across the Union*** by 2050, so that ***soils*** can supply multiple ecosystem services at a scale sufficient to meet environmental, societal and economic needs, prevent***,*** mitigate ***and adapt to*** the impacts of climate change and biodiversity loss, increase resilience ***against*** natural disasters and ***ensure*** food security and***, with regard to soil contamination, take risk mitigation measures, such as remediation measures, to ensure*** that soil contamination ***does not pose a risk*** to human health and the environment.

Amendment 7

Article 3, point (27) (new)

Text proposed by the European Commission	CoR amendment
	(27) 'background concentration' means concentrations of contaminants in the environment, either naturally occurring or resulting from widespread human activities, where identifying individual sources is impossible, including contamination from mobile sources, widespread sources, multiple sources and the natural geogenous base content of soil.

Reason

Addition of definition as the term is now used in amendments.

Amendment 8

Article 4(1) and (2)

Text proposed by the European Commission	CoR amendment
1. Member States shall establish soil districts throughout their territory. The number of soil districts for each Member State shall as a minimum correspond to the number of NUTS 1 territorial units established under Regulation (EC) No 1059/2003.	1. Member States shall***, in consultation with local and regional authorities,*** establish soil districts throughout their territory ***and in cross-border areas together with neighbouring Member States where appropriate***. The number of soil districts for each Member State shall***, where appropriate,*** as a minimum correspond to the number of NUTS 1 territorial units established under Regulation (EC) No 1059/2003.
2. When establishing the geographic extent of soil districts, Member States may take into account existing administrative units and shall seek homogeneity within each soil district regarding the following parameters:	2. When establishing the geographic extent of soil districts, Member States may take into account existing administrative units and shall seek homogeneity within each soil district regarding the following parameters:
(a) soil type as defined in the World Reference Base for Soil Resources ([75]);	(a) soil type as defined in the World Reference Base for Soil Resources ([75]);
(b) climatic conditions;	(b) climatic conditions;
(c) environmental zone as described in Alterra Report 2281 ([76]);	(c) environmental zone as described in Alterra Report 2281 ([76]);
(d) land use or land cover as used in the Land Use/Cover Area frame statistical Survey (LUCAS) programme.	(d) land use or land cover as used in the Land Use/Cover Area frame statistical Survey (LUCAS) programme.

Reason

Local and regional authorities must be consulted on the establishment of soil districts.

Amendment 9

Article 5

Text proposed by the European Commission	CoR amendment
Member States shall designate the competent authorities responsible at an appropriate level for carrying out the duties laid down in this Directive.	Member States shall designate the competent authorities responsible at an appropriate level for carrying out the duties laid down in this Directive***, taking into account existing administrative divisions and overlapping responsibilities, particularly where soil districts are in cross- border territories***.
Member States shall designate one competent authority for each soil ***district*** established in accordance with Article 4.	Member States shall designate one competent authority for each ***or several*** soil ***districts*** established in accordance with Article 4.

Reason

To increase flexibility, avoid unnecessary bureaucracy and better align soil districts with existing administrative divisions and mandates, it should be clarified that the same competent authority can, where appropriate, be responsible for multiple soil districts. It also recognises the importance of cross-border cooperation when applicable.

Amendment 10

Article 6(7a) (new)

Text proposed by the European Commission	CoR amendment
	7a. The digital soil health data portal shall include a publicly available, free of charge Sustainable Soil Management Toolbox.

Reason

Exchange of best practices on soil management is crucial to ensure the dissemination of those practices among the soil district operators.

Amendment 11

Article 8(5)

Text proposed by the European Commission	CoR amendment
5. Member States shall ensure that new soil measurements are performed at least every 5 years.	5. ***a)*** Member States shall ensure that new soil measurements are performed at least every 5 years. ***In soil districts with a population density of 10 people per square km or less, new soil measurements shall be performed at least every 10 years.***
Member States shall ensure that the value of the land take and soil sealing indicators are updated at least every year.	***b)*** Member States shall ensure that the value of the land take and soil sealing indicators are updated at least every ***2*** year***s***.

Reason

Slow moving systems where substantial changes will not be measurable as often as every five years should have longer measurement periods.

Amendment 12

Article 9(1) (new)

Text proposed by the European Commission	CoR amendment
	1. Member States shall, in consultation with local and regional authorities, establish operational percentage-based objectives for soil health in their territory. These targets should be set for the years 2035 and 2050, seeking to achieve the objectives of healthy soils by 2050

Reason

Clarification of the wording.

Amendment 13

Article 9(2)

Text proposed by the European Commission	CoR amendment
2. A soil is considered healthy in accordance with this Directive where the following cumulative conditions are fulfilled:	2. A soil is considered healthy in accordance with this Directive where the following cumulative conditions are fulfilled:
(a) the values for all soil descriptors listed in part A of Annex I meet the criteria laid down therein and, where applicable, adapted in accordance with Article 7;	(a) the values for all soil descriptors listed in part A of Annex I meet the criteria laid down therein and, where applicable, adapted in accordance with Article 7;
(b) the values for all soil descriptors listed in part B of Annex I meet the criteria set in accordance with Article 7 ('healthy soil').	(b) the values for all soil descriptors listed in part B of Annex I meet the criteria set in accordance with Article 7 ('healthy soil').
By way of derogation from the first subparagraph the assessment of soils within a land area listed in the fourth column of Annex I, shall not take into account the values set out in the third column for that land area.	By way of derogation from the first subparagraph the assessment of soils within a land area listed in the fourth column of Annex I, shall not take into account the values set out in the third column for that land area.
Soil is unhealthy where at least one of the criteria referred to in subparagraph 1 is not met ('unhealthy soil').	***Soil achieving a status below healthy shall follow a traffic-light approach and be classified as moderate, poor or bad.***
	A soil for which the values for one or more soil descriptors listed in part A or B of Annex I deviate moderately from the criteria shall be classified as moderate.
	A soil for which the values for one or more soil descriptors listed in part A or B of Annex I deviate substantially from the criteria shall be classified as poor.
	A soil for which the values for one or more soil descriptors listed in part A or part B of Annex I deviate substantially from the criteria and where critical loss of ecosystem services in accordance with paragraph 3 is observed shall be classified as bad.
	Criteria not met due to natural background concentrations may be exempted.

Reason

Concentrations of substances found in Annex I occur naturally in some soils without anthropogenic influence and therefore do not mean that a soil should be classified as unhealthy. In addition, soils that do not qualify as healthy should be differentiated according to the severity of the contamination.

Amendment 14

Article 10(1)

Text proposed by the European Commission	CoR amendment
1. From (OP: please insert the date = 4 years after date of entry into force of the Directive), Member States shall take at least the following measures, taking into account the type, use and condition of soil:	1. From (OP: please insert the date = 4 years after date of entry into force of the Directive), Member States shall take at least the following measures, taking into account the type, use and condition of soil:
(a) defining sustainable soil management practices respecting the sustainable soil management principles listed in Annex III to be gradually implemented on all managed soils and, on the basis of the outcome of the soil assessments carried out in accordance with Article 9, regeneration practices to be gradually implemented on the	(a) defining sustainable soil management practices respecting the sustainable soil management principles listed in Annex III to be gradually implemented on all managed soils and, on the basis of the outcome of the soil assessments carried out in accordance with Article 9, regeneration practices to be gradually implemented on the

Text proposed by the European Commission	CoR amendment
unhealthy soils in the Member States;	unhealthy soils in the Member States, ***especially in situations where unhealthy soil compromises the intended type of land use***;
(b) defining soil management practices and other practices affecting negatively the soil health to be avoided by soil managers.	(b) defining soil management practices and other practices affecting negatively the soil health to be avoided by soil managers. ***Member States shall list and detail the practices to be implemented and the practices to be avoided in a sustainable soil management implementation plan at the latest 2 years after the entry into force of this directive, to be made publicly available.***
When defining the practices and measures referred to in this paragraph, Member States shall take into account the programmes, plans, targets and measures listed in Annex IV as well as the latest existing scientific knowledge including results coming out of the Horizon Europe Mission a Soil Deal for Europe.	When defining the practices and measures referred to in this paragraph, Member States shall take into account the programmes, plans, targets and measures listed in Annex IV as well as the latest existing scientific knowledge including results coming out of the Horizon Europe Mission a Soil Deal for Europe.
	Member States shall categorise the practices and measures referred to in this paragraph with regard to the intended type of land use.
Member States shall identify synergies with the programmes, plans and measures set out in Annex IV. The soil health monitoring data, the results of the soil health assessments, the analysis referred to in Article 9 and the sustainable soil management measures shall inform the development of the programmes, plans and measures set out in Annex IV.	Member States shall identify synergies with the programmes, plans and measures set out in Annex IV. The soil health monitoring data, the results of the soil health assessments, the analysis referred to in Article 9 and the sustainable soil management measures shall inform the development of the programmes, plans and measures set out in Annex IV.
Member States shall ensure that the process of elaboration of the practices referred to in the first subparagraph is open, inclusive and effective and that the ***public concerned, in particular landowners and managers***, are involved and are given early and effective opportunities to participate in their elaboration.	Member States shall ensure that the process of elaboration of the practices referred to in the first subparagraph is open, inclusive and effective and that the ***relevant stakeholders*** are involved and are given early and effective opportunities to participate in their elaboration.

Amendment 15

Article 10(4) (new)

Text proposed by the European Commission	CoR amendment
	4. In order to adapt the sustainable soil management principles to take into account scientific and technical progress, the Commission will give guidance and instructions to the efficient implementation of Annex III.

Reason

Soil management principles must be implemented with a good knowledge of local conditions. In-stead of delegated acts, the Commission could support the competent authorities and soil managers by providing guidance about latest advancements in the field.

Amendment 16

Article 11

Text proposed by the European Commission	CoR amendment
Member States shall ensure that the following principles are respected in case of land take:	Member States shall ensure that the following principles***, taking into consideration social, economic and environmental sustainability,*** are respected in case of land take:
(a) avoid or reduce as much as technically and economically possible the loss of the capacity of the soil to provide multiple ecosystem services, including food production, by:	(a) avoid or reduce as much as technically and economically possible the loss of the capacity of the soil to provide multiple ecosystem services, including food production, by:
(i) reducing the area affected by the land take to the extent possible and	(i) reducing the area affected by the land take to the extent possible and
(ii) selecting areas where the loss of ecosystem services would be minimized and	(ii) selecting areas where the loss of ecosystem services would be minimized and
(iii) performing the land take in a way that minimizes the negative impact on soil;	(iii) performing the land take in a way that minimizes the negative impact on soil;
(b) compensate as much as possible the loss of soil capacity to provide multiple ecosystem services.	(b) compensate as much as possible the loss of soil capacity to provide multiple ecosystem services.

Amendment 17

Article 12

Text proposed by the European Commission	CoR amendment
1. Member States shall manage the risks for human health and the environment of potentially contaminated sites and contaminated sites, and keep them to acceptable levels, taking account of the environmental, social and economic impacts of the soil contamination and of the risk reduction measures taken pursuant to Article 15 paragraph 4.	1. Member States shall manage the risks for human health and the environment of potentially contaminated sites and contaminated sites, and keep them to acceptable levels, taking account of the environmental, social and economic impacts of the soil contamination and of the risk reduction measures taken pursuant to Article 15 paragraph 4. ***Assessment of risks for human health shall always be executed in relation to the type of land use.***
2. By … (OP: please insert the date =4 years after the date of entry into force of the Directive) Member States shall establish a risk-based approach for the following:	2. By … (OP: please insert the date =4 years after the date of entry into force of the Directive) Member States shall establish a risk-based approach for the following:
(a) the identification of potentially contaminated sites in accordance with Article 13;	(a) the identification of potentially contaminated sites in accordance with Article 13;
(b) the investigation of potentially contaminated sites in accordance with Article 14;	(b) the investigation of potentially contaminated sites in accordance with Article 14;
(c) the management of contaminated sites in accordance with Article 15.	(c) the management of contaminated sites in accordance with Article 15.
3. The requirement laid down in paragraph 2 is without prejudice to more stringent requirements arising from Union or national legislation.	3. The requirement laid down in paragraph 2 is without prejudice to more stringent requirements arising from Union or national legislation.

Text proposed by the European Commission	CoR amendment
4. The public concerned shall be given early and effective opportunities:	4. The public concerned shall be given early and effective opportunities:
(a) to participate in the establishment and concrete application of the risk-based approach as defined in this Article;	(a) to participate in the establishment and concrete application of the risk-based approach as defined in this Article; '
(b) to provide information relevant for the identification of potentially contaminated sites in accordance with Article 13, the investigation of potentially contaminated sites in accordance with Article 14 and the management of contaminated sites in accordance with Article 15;	(b) to provide information relevant for the identification of potentially contaminated sites in accordance with Article 13, the investigation of potentially contaminated sites in accordance with Article 14 and the management of contaminated sites in accordance with Article 15;
(c) to request correction of information contained in the register for contaminated sites and potentially contaminated sites in accordance with Article 16.	(c) to request correction of information contained in the register for contaminated sites and potentially contaminated sites in accordance with Article 16.

Reason

The proposed risk-based approach does not make it clear how to use the description 'unhealthy soils' and mixes human health risks with environmental impacts. It is important to always assess the risks to human health depending on the type of land use in order to allow the use of soils.

Amendment 18

Article 13(3)

Text proposed by the European Commission	CoR amendment
3. Member States shall ensure that ***all*** potentially contaminated sites are identified by (OP: please insert date = 7 years after date of entry into force of the Directive) and are duly recorded in the register referred to in Article 16 by that date.	3. Member States shall ensure that potentially contaminated sites are identified by (OP: please insert date = 7 years after date of entry into force of the Directive) and are duly recorded in the register referred to in Article 16 by that date.

Amendment 19

Article 14(1)

Text proposed by the European Commission	CoR amendment
1. Member States shall ensure that all potentially contaminated sites identified in accordance with Article 13 are subject to soil investigation.	1. Member States shall ensure that all potentially contaminated sites identified in accordance with Article 13 are subject to soil investigation ***where appropriate according to the risk-based principle set out in Annex VI***.

Reason

Risk assessment at each management step, to obtain further information in line with a general understanding of a risk-based approach, ensures that the increasing costs of each step are focused on the relevant contaminants. This requires an expansion of the risk assessment set out in Annex VI.

Amendment 20

Article 15(2)

Text proposed by the European Commission	CoR amendment
2. Member States shall define what constitutes an unacceptable risk for human health and the environment resulting from contaminated sites by taking into account existing scientific knowledge, the precautionary principle, local specificities, and current and future land use. 4. On the basis of the outcome of the assessment referred to in paragraph 3, the responsible competent authority shall ***take the*** appropriate measures to bring the risks to an acceptable level for human health and the environment ('risk reduction measures').	2. Member States shall define what constitutes an unacceptable risk for human health and the environment resulting from contaminated sites by taking into account existing scientific knowledge, the precautionary principle, ***social and economic sustainability,*** local specificities, and current and future land use. 4. On the basis of the outcome of the assessment referred to in paragraph 3, the responsible competent authority shall ***ensure that*** appropriate measures ***are taken*** to bring the risks to an acceptable level for human health and the environment ('risk reduction measures').

Amendment 21

Article 15(7) (new)

Text proposed by the European Commission	CoR amendment
	7. To adapt the list of risk reduction measures and the requirements for site-specific risk assessment to scientific and technical progress, the Commission will give guidance and instructions to ensure efficient implementation of Annexes V and VI.

Reason

Risk management practices must be carried out with a good knowledge of local conditions and re-quire long-term planning. Instead of delegated acts, the Commission could support the competent authorities by providing guidance about latest advancements in the field.

Amendment 22

Article 15(8) (new)

Text proposed by the European Commission	CoR amendment
	8. The risk reduction measures may consist of the measures referred to in Annex V. When deciding on the appropriate risk reduction measures and their timing, the competent authority shall take into consideration the current and planned land use, the costs, benefits, effectiveness, durability, and technical feasibility of available risk reduction measures.

Reason

It is important that the competent authority can define the appropriate time of management practices, taking into account the land use needs and risks to the environment and human health.

Amendment 23

Article 16(6) (new)

Text proposed by the European Commission	CoR amendment
	6. The power to adopt delegated acts referred to in Articles 8 and 16 shall be conferred on the Commission for an indeterminate period of time from the date of entry into force of this Directive.

Reason

Adjustment as a result of amendments in articles 10 and 15.

Amendment 24

Article 18

Text proposed by the European Commission	CoR amendment
1. Member States shall electronically report the following data and information to the Commission and to the EEA every 5 years:	1. Member States shall electronically report the following data and information to the Commission and to the EEA every 5 years:
(a) the data and results of the soil health monitoring and assessment carried out in accordance with Articles 6 to 9;	(a) the data and results of the soil health monitoring and assessment carried out in accordance with Articles 6 to 9;
(b) a trend analysis of the soil health for the descriptors listed in parts A, B, and C of Annex I and for the land take and soil sealing indicators listed in part D of Annex I in accordance with Article 9;	(b) a trend analysis of the soil health for the descriptors listed in parts A, B, and C of Annex I and for the land take and soil sealing indicators listed in part D of Annex I in accordance with Article 9;
(c) a summary of the progress on:	(c) a summary of the progress on:'
(i) implementing sustainable soil management principles in accordance with Article 10;	(i) implementing sustainable soil management principles in accordance with Article 10;
(ii) the registration, identification, investigation, and management of contaminated sites in accordance with Articles 12 to 16;	(ii) the registration, identification, investigation, and management of contaminated sites in accordance with Articles 12 to 16;
	(iii) the fulfilment of the targets for healthy soil established in accordance with Article 9 a);
(d) the data and information contained in the register referred to in Article 16.	(d) the data and information contained in the register referred to in Article 16.
The first reports shall be submitted by … (OP: please insert date = 5 years and 6 months after entry into force of the Directive).	The first reports shall be submitted by … (OP: please insert date = 5 years and 6 months after entry into force of the Directive).
	2. Member States shall, in cooperation with soil district operators, develop and adopt soil health plans with a clear pathway to meet the Directive's objectives.

Amendment 25

Article 23(3), point (d) (new)

Text proposed by the European Commission	CoR amendment
	(d) the 'polluter pays' principle.

Reason

It is important to make sure that penalties target those responsible in accordance with the 'Polluter Pays' Principle.

Amendment 26

Annex III

Text proposed by the European Commission	CoR amendment
(h) ***use site-adapted species in the*** cultivation ***of crops, plants or trees where this can prevent*** soil degradation ***or contribute*** to improving soil health***, also taking into consideration the*** adaptation to climate change;	(h) ***carry out crop, plant and tree*** cultivation ***practices that take into account*** soil degradation ***prevention, contributions*** to improving soil health ***and*** adaptation to climate change;

Reason

A better approach to achieving objectives aimed at avoiding soil degradation, contributing to improving soil health and adapting to climate change through agricultural methods and practices, rather than by limiting the use of different crop, plant and tree species.

Amendment 27

Annex VI

Text proposed by the European Commission	CoR amendment
	2. A risk assessment shall be carried out based on the relevant protection objective(s) for each site. Such protection objectives may include land use, groundwater, surface water, nature or agricultural use.

Reason

The risk assessment is undertaken with reference to the end point or protection objective. Where no protection objective is relevant, including the current land use, the protection objective is the possible future land use, and the measures may stop at registration, in line with the risk-based principle as described in Annex VI.

Amendment 28

Annex VI

Text proposed by the European Commission	CoR amendment
	1. A risk assessment shall be carried out during each management step, after which it is decided whether to move on to the next management step for the site, as part of a step-by-step approach.

Reason

Applying the standardised risk-based principle ensures that resources are targeted at the sites that present the highest risk.

Amendment 29

Annex VII

Text proposed by the European Commission	CoR amendment
(f) next actions and management steps required and referred to in Articles 14 and 15, including their timeline.	

Reason

The next management step may be a long way in the future and subject to ongoing prioritisation. Where no protection objective is relevant, the protection objective is the possible future land use, and the measures may stop at registration, in line with the risk-based principle. There is then no need for a systematic next step.

II. **POLICY RECOMMENDATIONS**

THE EUROPEAN COMMITTEE OF THE REGIONS (CoR),

1. welcomes the European Commission's aim to lay down a coherent and integrated EU soil protection framework to achieve healthy soils by 2050 and stresses that healthy soil is an essential basis for the European economy, for achieving climate neutrality and zero pollution, halting and reversing biodiversity loss, achieving food and water security and preserving public health and in addition highlights the costs of inaction on soil degradation, with estimates in the Union exceeding EUR 50 billion per year, as currently up to 70 % of soils across the EU are estimated to be in an unhealthy state;

2. acknowledges the critical role of Local and Regional Authorities (LRAs) in implementing sustainable soil management practices, particularly in less developed regions, and emphasises the importance of their active participation in soil health improvement initiatives;

3. stresses that healthy soils are essential to achieve the objectives of the European Green Deal such as climate neutrality, zero pollution, biodiversity restoration, healthy and sustainable food systems, water security and preserving public health;

4. stresses that soil policies have a strong local and territorial dimension. This is due to widely differing conditions in terms of ecosystems, soil composition, natural background concentrations, differences in land use, population density and climatic conditions as well as different administrative structures at local, regional and national levels. This diversity must be taken into account through a fully applied multilevel governance approach, ensuring the adequate implication of LRAs in all relevant policies and programmes. This is the only way to ensure clear, but flexible and locally implementable soil descriptors and criteria relevant to all soils, while still allowing for comparability between Member States;

5. urges the European Commission to provide specific support and capacity-building initiatives for LRAs, especially in less developed regions, enabling them to implement effective soil conservation strategies and combat plastic pollution within their communities;

6. recognises that the proposed Soil Monitoring Law is an important first step in achieving healthy soils that fills an important legislative gap complementing existing legislation on water and air, and regrets that rather than being a Soil Health Law, this Directive is primarily a Soil Monitoring tool;

7. believes that soil districts may be a beneficial tool but has concerns about how the division will be performed, as there is a fragile balance to be struck between the administrative division and the comparable soil units. This calls for sufficient flexibility in terms of how to divide and manage soil districts and for districts to be established in close consultation with local and regional authorities, without disregarding the possibility of cross-border districts;

8. calls on the Member States, in cooperation with the managing district authorities and the relevant local and regional authorities (LRAs), to set soil district targets aimed at monitoring soil health and planning and prioritising measures to be taken to restore the health of degraded soils and protect intact soils and soil biodiversity. Emphasises the importance of carbon sequestration in healthy soils, highlights the role of soil ecosystems in mitigating and adapting to climate change and encourages Member States to promote afforestation and reforestation initiatives and ensuring technical coordination and operational effectiveness on European territory of forest fire fighting activities;

9. calls on the Commission, the Members States and LRAs to improve and speed up efforts to fully exploit the value in water, in particular to achieve the full reuse of nutrients and valuable components found in wastewater in order to improve circularity in agriculture and avoid excessive discharge of nutrients into the environment;

10. recognises that soil health on agricultural land is of great importance but is concerned that the proposal, in terms of descriptors and criteria, focuses too heavily on soil health on agricultural land, which makes the proposal distorted and not entirely relevant to those regions where other forms of land use are more dominant;

11. recognises that biodiversity loss, exacerbated by pollution, weakens ecosystems' ability to provide essential services, including carbon sequestration and decontamination. Calls for integrated policies addressing biodiversity conservation in line with soil health initiatives.

12. highlights the importance of ensuring that the elements in Annexes I and II are well balanced, clear and relevant to all soils, exploring synergies with already existing monitoring systems and paying due attention to all the necessary exclusions. The effect of the proposed descriptors, criteria and methodologies on different soil types must be thoroughly examined and open to revision;

13. stresses the need for an integrated approach between EU climate and environmental regulations reducing regulatory overlap and is convinced that measures in other legislation, such as the Regulation on the Sustainable Use of Plant Protection Products and the Commission's various legislative initiatives in progress to prevent plastic pollution, are needed in order to ensure that precautionary principles are taken upstream;

14. encourages the Member States, in cooperation with LRAs, to introduce coherent soil protection measures in their national CAP Strategic Plans and ensure the wide use of agronomic practices based on agroecology and carbon farming; invites the Commission to assess whether CAP National Strategic Plans ensure a high level of soil protection and to promote actions to regenerate degraded agricultural soils; calls for measures to promote less intensive tillage practices which cause minimum soil disturbance, organic farming, and the use of organic matter additions to soil;

15. calls for more technical and financial support for the implementation of soil health in European territories, in close collaboration with the European Soil Mission, focused on innovation and exchanging of ideas and best practice, promoting and establishing nature-positive solutions such as community gardens, regenerative farms and parks and sustainable planning projects. Direct cooperation should be established between the living labs and those LRAs that are not part of the Soil mission, including transnational clusters. In addition, using and promoting existing tools such as CAP (Eco schemes) and Horizon (Soil Mission) can further support the ambition to achieve healthy soils by 2050 and encourage action at local, regional and national levels, for example, by rewarding farmers for good management of land and natural resources and for the delivery of ecosystem services. Furthermore, asks from the European Commission to evaluate whether the funds at disposal are sufficient to cover additional input into soil health and, if proven insufficient, to consider including dedicated, adequate funding in the next MFF;

16. warns at the same time of the serious risk to the European economy of limiting this ambition to EU territory alone, emphasises the need to pursue a level playing field in relation to products entering from third countries and support the European agriculture sector, making sure that European farmers remain competitive on the international market and addressing the risk of exporting environmental problems and damage to soil ecosystems to third countries where regulations are less strict;

17. warns that soil is a vital issue which has not yet fully captured the public interest. Calls for moves to raise the awareness of land managers as well as individuals and other key stakeholders regarding the importance of soil health and calls for the CoR to reach out to the European Network of Soil Awareness in order to contribute to targeted communication campaigns and wider societal engagement on the ground. Believes that awareness and education will also contribute to creating new and future-proof business models;

18. calls for an increased focus on climate mitigation and the importance of setting aside land for climate adaptation measures. Due to a changing climate with more droughts and heavy rainfall, the stability of the soil can change which can increase the risk of erosion and landslides. Particular attention should be paid to the monitoring of marine coastal areas to prevent and address any instances of unlawful conduct and unauthorised exploitation of the environment;

19. highlights the importance of a well-balanced approach regarding administrative and financial burdens and underlines the importance of a realistic but ambitious timeline, as well as a clear division of responsibilities between actors, respecting the subsidiarity principle. Calls for the application of the polluter pays principle , including historical and future contaminations by ensuring that the polluter is required to make an appropriate financial contribution to the costs arising from damage to soil ecosystems;

20. warns that unsustainable soil management threatens food security and has the power to aggravate biodiversity and the effects of climate change. In view of this and given Russia's war on Ukraine, welcomes the support for sustainable soil management and emphasises the need for soil managers to receive financial assistance until sustainable soil management delivers the expected benefits. Calls however on the Member States to ensure adequate involvement of LRAs, in particular as regards promoting sustainable soil practices and the dissemination of best practices, but also in the area of capacity building;

21. calls on the Commission to include, in the digital soil health data portal, a publicly available, free of charge Sustainable Soil Management Toolbox that provides soil managers with practical information on the use of sustainable soil management practices based on different soil type, land use and climatic conditions.

22. sees a need for clarification regarding how a contaminated area within a soil district affects soil health classification, when the requirements stipulated by the directive involve risk reduction measures and not remediation;

23. considers that the proposed one out-all out principle is unbalanced, which may lead to a distorted perception of the status of soil health in the Member States. An assessment model that classifies soil health into four categories (healthy, moderate, poor or bad) would give a better overview of the soil status in the Member States and so provide a better basis for prioritisation when setting targets;

24. calls for a mechanism to determine what is point-source pollution and what is diffuse pollution. The natural and anthropogenic background concentrations of substances resulting from diffuse pollution may lead to significant concentrations of contaminants, to an extent that makes it challenging to address point-source pollution. Background levels should therefore also be taken into account when identifying point sources and defining actions to address them. Background concentrations of substances also impact the possibilities for recycling materials from these areas;

25. emphasises the importance of upholding the principles of proportionality and subsidiarity and stresses that measures affecting town and country planning cannot be decided under the ordinary legislative procedure in accordance with Article 192 TFEU.

Brussels, 19 June 2024.

The President
of the European Committee of the Regions
Vasco ALVES CORDEIRO