

TO: PARTICIPANTS OF THE INFORMAL MEETING OF ENVIRONMENT MINISTERS, VALLADOLID, SPAIN, 10-11 JULY 2023

Re: Open letter concerning EC proposal for a Directive on Soil Monitoring and Resilience

Brussels, 10 July 2023

Dear Minister,

We are writing to you regarding the recently published legislative proposal for a Directive on Soil Monitoring and Resilience (Soil Law). While an ambitious piece of legislation is urgently needed to significantly improve the health of European soils, **the proposal by the European Commission fails to provide the necessary tools for effective change**. On the occasion of the Informal Environment Council, we urge you to increase the ambition of the proposed directive and would like to share with you some of our key recommendations on how this legislative proposal can be improved.

In the EU Soil Strategy for 2030, the EU committed to adopt a new Soil Health Law to protect and restore soils and ensure that they are used sustainably. The Commission's proposal is the first step towards realising that commitment. An ambitious Soil Law is desperately needed to fill the legal vacuum and give soil the same footing that air, water and marine environments have long had. It is a **precondition for the success of crucial European Green Deal objectives**, such as achieving climate neutrality or halting and reversing biodiversity loss, for ensuring food security and adapting to climatic conditions on a warming planet. Strong soil policy is therefore essential to tackle the triple climate, biodiversity and pollution crises.

By providing long-term resilience to food systems and farmers' livelihoods and by sustaining productivity of many European economic sectors, healthy soils produce important socio-economic benefits to society. The Impact Assessment that was carried out for the Soil Monitoring Law states that soil degradation and contamination results in **significant economic costs of up to 361,3 billion euros per year**, with the loss of soil biodiversity not even quantified yet¹. As stated in the Soil Strategy, the cost of inaction on soil degradation outweighs the costs of action by a factor of six².

To effectively improve the state of European soils and put soil health back into focus, **this proposal must be significantly improved**. With the 2024 European elections approaching, it is also critical that the proposal progresses significantly in the co-decision process before the elections.

The following are the key elements that must be improved to give the Soil Law the teeth it needs to succeed:

1. **Strengthening the overarching objective:** The proposal sets overarching objectives to put in place a monitoring framework and to continuously improve soil health with the view to achieve healthy soils by 2050. However, without a roadmap, milestones, legally binding targets and mandatory plans, it remains unclear how this objective could be achieved. In addition, achieving healthy soils by 2050 is only mentioned as a perspective and potential

¹ Commission Staff Working Document. Impact Assessment Report. Annex 9. Table 4-9: Revised estimates of cost of soil degradation in Europe, p. 376.

² EU Soil Strategy for 2030 (COM(2021) 699).

consequence of action. The overarching objective of this proposal should be to achieve healthy soils by 2050.

2. Including legally binding targets: The proposal does not include the legally binding targets needed to pave the way towards healthy soils by 2050. This will lead to a weak legal instrument that misses the necessary tools to achieve its own objectives. The proposal should set time specific targets for 2030, 2040 and 2050 and targets for priority issues such as the restoration of soil biodiversity and the achievement of no-net land take.
3. Focusing on soil biology: While it is positive that the list of soil descriptors includes the loss of soil organic carbon, the lack of sufficient mandatory soil biodiversity descriptors is very concerning. The proposal should be based on a pro-biological progressive understanding of soil health which is a pre-condition for effective action. It should include a mandatory and detailed list of multiple soil biodiversity descriptors, based on the latest science.
4. Making polluters pay: The proposal does not include concrete mechanisms to ensure the application of the polluter pays principle. The Soil Law should ensure that big players whose activities degrade soil are held accountable and contribute financially to soil monitoring and restoration.
5. Safeguarding provisions on information to the public and access to justice: We welcome the inclusion of specific articles on information to the public and access to justice - a step in the right direction towards ensuring better enforcement and implementation of the law and promoting environmental democracy. These articles should be maintained.
6. Ensuring effective governance: Mandatory plans are essential to ensure action, effective change and accountability, however they are missing from the proposal. The Soil Law should require such plans.
7. Cleaning up contaminated sites: The Commission has opted for a risk-based approach to contaminated sites, based on definitions of what constitutes an “unacceptable risk to human health and the environment” . To adequately protect European citizens and the environment, the proposal should set science based mandatory thresholds for a list of key pollutants.

You can find more information on our general policy recommendations on the Soil Law in our [EEB Position Paper](#).

We urge you to consider these elements when negotiating the file in the Council. Together with swift and effective implementation, an ambitious Soil Law can set the EU on the pathway towards healthy soils by 2050.

Kind regards,



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Secretary General, European Environmental Bureau (EEB)