

To: Agriculture Ministers of EU Member States

Cc: Executive Vice-President for the European Green Deal, Commissioners for Agriculture, for Health and Food Safety, and for Environment, and the Chairs of the European Parliament Agriculture and Environment Committees

RE: Input to the EU Agriculture and Fisheries Council Meeting, Brussels 18 September 2023

Brussels, 12 September 2023

Dear Minister,

On behalf of the European Environmental Bureau, I am writing to share with you our views for your discussion of the agenda point "Directive on soil health (agricultural aspects)" at the upcoming EU Agriculture and Fisheries Council on 18 September 2023.

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 for an EU Directive on Soil Monitoring and Resilience** is the first step towards realising that commitment. An ambitious Soil Health Law is a **precondition for the success of the European Green Deal objectives**, recognising that healthy soil is crucial for attaining climate neutrality, halting and reversing biodiversity loss, achieving zero pollution and circular economy.

Healthy soils and intact soil biodiversity are the **bedrock of food security**. They not only ensure high yields, but also much-needed resilience to climate change-induced weather events. Protecting soil health is an **investment in our future food supply and provides long-term resilience to farmers' livelihoods**. The cost of inaction on soil degradation is significant: The Impact Assessment that was carried out for the Soil Monitoring Law states that soil degradation and contamination could lead to **economic costs of up to €361,3 billion 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 enhance the state of European soils and bring soil health back into focus, **this proposal needs to be significantly improved**. We invite you to consider the following points during the policy debate in the EU Agriculture and Fisheries Council as well as during the follow up elaboration of the Council's position:

I. Targets and ambition

- 1. Strengthen 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. It does not impose an obligation on Member States to achieve this 2050-target nor set any other intermediate targets. We recommend that the directive includes a clear legal obligation to achieve healthy soils by 2050, alongside intermediate targets for 2030 and 2040.

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).

- 2. Include legally binding targets on priority issues:** In addition to the time bound targets, the proposal should also set targets for priority issues such as the restoration of soil biodiversity and the achievement of no-net land take. Not including such targets leads to a weak legal instrument that misses the necessary tools to achieve its own objectives.

II. Governance

- 3. Include the obligation for Member States to draw up plans:** Mandatory soil health plans are essential to ensure action, effective change and accountability, however they are missing from the proposal. Such plans would offer a straightforward path for Member States to meet the Directive's objective. These mechanisms are not burdens, they are indispensable tools that facilitate implementation of the Directive for Member States.
- 4. Safeguard 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. However, they must go hand in hand with strong governance mechanisms.
- 5. Follow the science:** 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”. This approach leaves much flexibility to Member States to establish lax definitions. To adequately protect European citizens and the environment, the proposal should set science based mandatory thresholds for a list of key pollutants.

III. Responsibility

- 6. Make polluters pay:** The proposal lacks 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. One effective approach could involve the implementation of an Extended Producer Responsibility Scheme, a concept already included in the Commission's proposal for a revision of the Urban Wastewater Treatment Directive. Such a scheme not only promotes accountability but can serve as an additional funding source for Member States.

IV. Biodiversity

- 7. Include mandatory soil biodiversity descriptors:** 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.



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

Thank you for considering these points, which support the ambitions of the European Green Deal for the benefit of European people, farmers and businesses. We urge you to work closely with your environmental counterparts in making this Commission proposal stronger. Together with swift and effective implementation, an ambitious Soil Law can set the EU on the pathway towards healthy soils by 2050.

Kind regards,

Patrick ten Brink,
Secretary General of the European Environmental Bureau