

To: Coreper I, Deputy Permanent Representatives

CC: Environment and Agriculture attachés, Mertens coordinators

Dear Ambassadors,

In the run up to your discussion on the Council General Approach on the Soil Monitoring Law (SML), the EEB would like to urge you to ensure an ambitious Council position on the EC proposal. It is estimated that 60 to 70% of EU soils are unhealthy – a critical situation given the fact that healthy soil ecosystems are intrinsically linked to many of the challenges we face today. While we welcome the European Commission's initiative for a Soil Monitoring Law, it is too weak to result in the achievement of healthy soils by 2050. For this reason, it is in the hands of the Council to agree on an ambitious position and defend it in further negotiations so that the first EU soil law can put our soils on a path to recovery by 2030.

More specifically, we urge you to...

- **...strengthen Article 11 on land take:** Land take is an important driver of soil degradation. In 2020, the Council [affirmed](#) its commitment to advance towards the objective of “**zero net land take**” by 2050. The Soil Monitoring Law should incorporate such a target – ideally as a legally binding mandate, or at the very least as a non-binding objective in the spirit of compromise. As the European Parliament has considerably weakened Article 11, it will be crucial that the Council at least **retains the EC proposal’s level of ambition and ideally strengthens it.**
- **...maintain and improve Article 22 on access to justice:** Both the Commission and European Parliament have recognised the importance of including a clear provision on access to justice in the SML. Consequently, we **urge you to uphold Article 22 and to fill in any gaps** that are missing from the EC proposal. This is key for ensuring the proper implementation and harmonious enforcement of the Directive¹.
- **...put soil biodiversity at the core of the law:** A recent [study](#) revealed that soil is likely home to 59% of species, making it the single most biodiverse habitat on Earth. Soil biodiversity is intrinsically connected to the provision of essential soil ecosystem services and has a direct beneficial relationship with agricultural production and the resilience of both farm and food systems. For this reason, the Soil Monitoring Law should **introduce a definition of soil biodiversity, include a more robust list of mandatory soil biodiversity descriptors and pave the way for their inclusion in the soil health assessment.**

More generally, we also recommend to...

- **...include legally binding targets:** The Directive should include **long-term and intermediate legally binding targets to achieve healthy soils by 2050**, while at the very least and as a

¹ For more information on Access to Justice in the Soil Monitoring Law, including why access to justice is a legal obligation, what Article 22 would do and not do and why it should be maintained in the Soil Monitoring Law, see [“Technical briefing on the importance of access to justice” \(EEB/ClientEarth\)](#).

bare minimum maintaining them in the form of the overarching and aspirational objective. Targets are a standard EU legal tool that facilitate implementation and ensure continuous progress towards achieving the objective of the Directive.

- **...apply the Polluter Pays Principle:** While the Polluter Pays Principle is enshrined in the EU treaties, the existence alone of this principle is insufficient to ensure its thorough application. A special report by the [European Court of Auditors](#) highlighted the incomplete and varying application of the principle across EU environmental policies. It is therefore clear that, given its complexity, the **principle must be robustly framed within the Soil Monitoring Law, with explicit references and mechanisms** to ensure its effective implementation.
- **...ensure sustainable soil management:** Given recent decisions by the European Parliament to strip away most obligations regarding sustainable soil management, it becomes imperative for the Council to **preserve Article 10 in its entirety with its mandatory character** and establish a clear roadmap for implementing soil management practices.
- **...improve public participation and information to the public:** We recommend the Council to address existing limitations of the Commission proposal regarding public participation and information to the public, recognising the **importance of procedures that inform the public and open timely, effective and equal dialogues**.
- **...better address soil pollution:** In Europe, contamination of soil is widespread. It is therefore key that the Soil Monitoring Law is equipped with the **necessary instruments to tackle this problem** and achieve zero pollution by 2050. We therefore recommend monitoring and assessing a robust list of soil pollutants, including pesticides, and establishing a watch list to detect emerging chemicals.

An ambitious Soil Law is a **precondition for our survival** as healthy soils are crucial for attaining climate neutrality, halting and reversing biodiversity loss, achieving zero pollution, food and water security as well as circular economy. **Healthy soils and the ecosystem services they provide are key to a [well-functioning economy](#)**. The cost of soil degradation in Europe amounts to at least [97 billion euros](#) per year. The costs of inaction outweigh the costs of action by a [factor of six](#), and these costs are, and will be, primarily borne by [farmers and society at large](#). **Healthy soils are also the bedrock of food security**. They not only ensure high yields, but also much-needed resilience to climate change-induced weather events. By supporting a robust Soil Monitoring Law, we are not only investing in our future food supply but also providing long-term resilience and stability to farmers' livelihoods.

Adopting a strong Soil Monitoring Law also means answering the calls of a broad spectrum of stakeholders in support of stronger EU policies on soil, including the [private sector, farmers, scientists and civil society \(see letter signed by more than 250 signees\)](#), the business coalition [OP2B](#), [water service providers](#) and the [biogas industry](#).

Healthy soils are crucial for our economy and society - and healthy soils by 2050 can only be achieved through this law.

Yours sincerely,



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