



# ECOS Feedback

## Public Consultation on the Soil Monitoring and Resilience Directive proposal

Brussels, October 2023

The Environmental Coalition on Standards (ECOS) welcomes the proposal for a Directive on Soil Monitoring and Resilience - a crucial step to **protect soil and the life-sustaining ecosystem services it provides**. Dedicated legislation is essential to address the dramatic soil degradation we have seen in the EU, where 60-70% of soils are unhealthy due to intensive anthropogenic activities and the lack of a legislative framework that solely addresses soil.

A law protecting and restoring soils is needed to achieve the European Green Deal objectives. Healthy soils **reverse biodiversity loss and protect nature, support a clean and circular economy, and provide nutritious food** within planetary boundaries and safeguard human health.

The current proposal leaves room for improvement and we call on policymakers to implement **tangible changes** that will increase the ambition and robustness of this long-awaited legislation.

### Key recommendations

#### Set legally binding targets and mandatory national plans

We wholeheartedly support the European Commission's aim for **healthy soils by 2050** (as also highlighted in the EU Soil Strategy) and that it has proposed to put in place a monitoring framework. To realistically achieve this goal, however, EU policymakers need to:

- introduce **legally binding targets for Member States to achieve healthy soils** (long-term - 2050, medium-term - 2030 and 2040) **to measure progress, ensure traceability and accountability**. Moreover, add binding medium and long-term **targets for priority issues**, e.g. restoring soil biodiversity, reducing pesticides and erosion, to ensure that Member States address the most pressing challenges threatening soil health;
- introduce the obligation for **Member States to set mandatory national soil health strategies or plans**. Member States should define the obligations for competent authorities to ensure effective action, traceability and accountability as well as identify funding sources for these measures. Such measures would guarantee that Member States have a roadmap to follow to reach the Directive's objectives.

Legally binding targets and mandatory national soil health strategies or plans are fundamental to support the full potential of articles 19 and 22 - **access to justice and provision of information to the public**. We welcome the inclusion of these two articles in the text proposal, and we believe it is imperative to keep them in for safeguarding accountability and environmental democracy, in

line with the obligations to ensure these rights set by the EU Treaty, the Aarhus Convention and other international human rights treaties.

## **Include scientifically robust definitions and descriptors to ensure effective soil health assessment and monitoring**

The European Commission acknowledges the importance of assessing and monitoring soil health. However, a **broader conceptual and methodological framework** is needed to effectively capture soils' capacity as a life-supporting system and to provide ecosystem services. We call on EU policymakers to:

- **include a definition of soil biodiversity and establish adequate and scientifically robust soil biodiversity descriptors.** Considering the significant importance of soil biodiversity, ensure that the monitoring of these descriptors is mandatory;
- **ensure reliable, accurate and standardised** up-to-date methods to effectively assess and monitor soil health;
- **include a definition of soil functions** – this is essential to avoid confusion, misinterpretation and an incorrect assessment of ecosystem services provided by soil.

## **Establish thresholds for key pollutants and implement the polluter pays principle to prevent soil pollution**

We support the steps taken by the Commission regarding potentially contaminated sites and contaminated sites. Nevertheless, to effectively prevent soil contamination and pollution, policymakers must:

- include **science-based mandatory EU-wide thresholds for key pollutants** and ensure Member States can monitor them and include them in assessment of soil health;
- **set out clear rules for soil investigations, risk assessments and management of contaminated sites;**
- improve the application of the polluter pays principle by introducing mechanisms that hold major stakeholders who degrade soil accountable for their actions, e.g. through an **Extended Producer Responsibility Scheme;**
- tackle the problem of **diffuse pollution.**

## **Ensure sustainable soil management through mandatory practices and binding provisions on no net land take**

We support the **list of sustainable soil management principles** that act as a guidance for Member States, included in the proposal. However, for Member States to translate these principles into concrete practices, we recommend to:

- include a **mandatory set of sustainable soil management practices** for Member States to ensure that soils are sustainably managed. This can build on the conditionality rules set by the CAP, including Good Agricultural and Environmental Conditions (GAEC) on sustainable soil management practices (GAEC 5, 6 & 7), but also conditionalities regarding climate change (GAEC 1, 2 & 3), water (GAEC 4) and biodiversity (GAEC 8 & 9). Member States should be encouraged to go beyond this minimum list of practices;

- introduce a legally **binding target of no net land take by 2050** to ensure that challenges like soil sealing are prevented. Apply the **land take hierarchy** – prioritising avoiding additional land take and sealing, then reusing land that is already taken or sealed. Replace the definitions of natural and semi-natural land with “**non-artificial land**” within the land take definition to avoid inconsistent measurements from Member States.

## **Mobilise necessary financial resources rewarding ecosystem friendly farmers practices**

We welcome the fact that the proposal mentions existing EU and national finance programmes as a tool to support the implementation of this Directive. Additional financial resources will need to be mobilised. We recommend policymakers to:

- establish a link to the CAP with the objective to **reward farming practices that contribute to protect nature, soils and deliver ecosystem services**;
- recognise that **carbon removal certificates sold as credits on carbon markets and for offsetting should not be used as a financing mechanism**, due to the high risk of greenwashing. Consequently, do not include a possible soil health certification in synergy with the Carbon Removal Certification Framework (CRFC) as this would not bring any additional benefits.

As one of the most undervalued elements of nature, soil is the last unregulated area in EU environmental law. We are confident that **the EU can plant seeds of change** with a strong Soil Monitoring Law and finally provide soil with solid legal footing.

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## **About ECOS**

ECOS is an international NGO with a network of members and experts advocating for environmentally friendly technical standards, policies and laws. We ensure the environmental voice is heard when they are developed and drive change by providing expertise to policymakers and industry players, leading to the implementation of strong environmental principles.

## **Contacts**

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