

MANAGEMENT

EC proposition for a EU Soil Monitoring Law

ACR+ Review and comments to the proposal text



Image credits: National Geographics



ASSOCIATION
OF CITIES
AND REGIONS
FOR SUSTAINABLE
RESOURCE
MANAGEMENT

Contents

Introduction	3
1. Key aspects of the proposed EU Soil Monitoring Law	5
2. Comments and Review to the Soil Monitoring Law text	6
Chapter I: General provisions	6
Chapter II: Monitoring and Assessment of Soil Health	7
Chapter III: Sustainable Soil Management	11
Chapter IV: Contaminated sites	14
Chapter V: Financing, information to the public and reporting by Member S	States17
Chapter VI: Delegation and Committee procedures	17
Chapter VII: Final Provisions	17
3. General considerations	18
3.1. Comments on the topics addressed by the proposed Soil Monitoring	g Law 18
3.2. Comments referring to 8 Soil Mission objectives	19
4. ACR+ contacts	20



ASSOCIATION OF CITIES AND REGIONS FOR SUSTAINABLE RESOURCE MANAGEMENT

Introduction

The Association of Cities and Regions for Sustainable Resource Management (ACR+) recently restructured its expertise into several thematic areas. One of them is the Sustainable Food Systems (SFS) areas which clusters ACR+'s work on the whole food value chain, from food production and consumption, to organic waste management and treatment. With the objective to adopt a holistic and integrated approach, the ACR+ SFS theme also covers food-production and food-consumption areas of work that entail the use and management of soil and water resources. In the specific area of soil management, ACR+ is currently involved in the **Prepsoil project**, working with partners to support the implementation of the EU Soil Mission of establishing 100 Soil Health Living Labs by 2030, and in the Fer-play project, working towards the testing, validation, selection and promotion of alternative organic-based fertilizers for agricultural soils. In 2024, ACR+ will start additional project activities supporting the EU Soil Mission through the SOILL-Startup project, with specific contributions in the areas of knowledge exchange and actors' engagement for the establishment and empowerment of Soil Health Living Labs, in rural as well urban areas.

It is in this context that ACR+ recently reviewed the text of the proposition of the EU Soil Monitoring law. Comments and justifications to the articles and prescriptions of the proposed Directive are provided below. They have been formulated considering the specific objectives and the overall goal of the EU Soil Mission to establish 100 Soil Health Living labs by 2030. More broadly, considerations have also been given to the current technical capacity of regions and territorial actors to identify and address in due time the needs for the adoption of sustainable soil management practices and modus operandi.

ACR+'s review of the proposed text aims to provide a regional perspective on the adoption of the to-be directive across EU member states, ensuring an effective achievement of its objectives while creating benefits to protect soils and their multiple functions on a European scale.

This review of the Soil Monitoring Law has been prepared based on the European Commission text proposal for a Directive of the European Parliament and of the Council on Soil Monitoring and Resilience (Soil Monitoring Law). The integral proposal text is available on the European Commission website at this link.

This document is subject to regular updates and revisions based on the re-assessment of the file and on inputs received by ACR+ regional and territorial members.

Last updated on: 28 September 2023



ASSOCIATION
OF CITIES
AND REGIONS
FOR SUSTAINABLE
RESOURCE
MANAGEMENT





ASSOCIATION
OF CITIES
AND REGIONS
FOR SUSTAINABLE
RESOURCE
MANAGEMENT

1. Key aspects of the proposed EU Soil Monitoring Law

The text of the proposed Soil Monitoring and Resilience Directive (Soil Monitoring Law) was published on the European Commission website on 5th July 2023. The aim of the law is to set a common legal ground at EU level for the protection and the restoration of contaminated soils in Europe, while ensuring their sustainable use across land uses in the present and the future. The aim is to achieve healthy soils across Europe by 2050 by setting up a solid monitoring framework for all soils across the EU, making sustainable soil management the norm, and asking Member States to prioritize on the decontamination of polluted soils identified through the monitoring scheme.

The formulation of the proposition for a Soil Monitoring Law became more concrete after November 2021 when the European Commission adopted the <u>EU Soil Strategy for 2030</u>. Since then, the institutional process for the preparation of the Soil Monitoring Law was initiated including processes as the preparation of an <u>Impact Assessment report</u>, the establishment of a dedicated experts committee for contributions for the drafting of the law, and the public consultation process.

In the text published on 5th July 2023, the Soil Monitoring Law provisions are structured in seven Chapters, mainly addressing the following soil-related challenges:

- Monitoring and Assessment of Soil Health (Chapter II)
- Sustainable Soil Management (Chapter III)
- Contaminated sites (Chapter IV)
- Financing, information to the public and reporting by member States (Chapter V)

The text of the proposed Soil Monitoring Law is currently being revised by the European Parliament and the Council as part of the regular legislative approval process.



ASSOCIATION
OF CITIES
AND REGIONS
FOR SUSTAINABLE
RESOURCE
MANAGEMENT

2. Comments and Review to the Soil Monitoring Law text

ACR+ comments and considerations are reported in the sections below, following the Chapters' structure of the proposed text. The original article text is reported in *italics*. The use of the "R" sign stands for "Recommendation".

Chapter I: General provisions

<u>Article 1: Objective and Subject Matter</u>

ACR+ welcomes the definition of a holistic approach to the need for a EU-wide soil monitoring framework addressing the necessity to improve soil health to:

- Maintain soil ecosystem services;
- Prevent and mitigate the impact of climate change and biodiversity loss;
- Increase the resilience against natural disasters;
- Increase the resilience against food insecurity;
- Reduce soil contamination.

Article 3: Definitions

Article 3, paragraph 10: ACR+ finds it restrictive to define the only possible source for a contaminated site a *point-source pollution*. *Diffuse pollution* can occur in a contaminated site, and this is currently excluded from the definition.

Article 4: Soil Districts

ACR+ welcomes the proposition to establish multiple soil districts across MSs territories, with the minimum requirement on the number of such districts to be at least equal to the NUTS-1 level of territorial unit.

R: Excluding those cases where national regulations set the base for a nation-wide soil strategy, we support the establishment of Soil Districts at the level of the regions (corresponding to NUTS-1 and NUTS-2 level, depending on the Member State) as institutional competences for soil management planning and decision-making often lie at this level of territorial unit.



ASSOCIATION
OF CITIES
AND REGIONS
FOR SUSTAINABLE
RESOURCE
MANAGEMENT

Chapter II: Monitoring and Assessment of Soil Health

Article 6 "Soil health and land take monitoring framework"

Article 6, paragraph 4: ACR+ welcomes the proposition of having the European Commission and its agencies as an institutional actor supporting the soil monitoring process in the Member States.

Article 6, paragraph 6: ACR+ supports the assigned leading role of the EEA in setting up the digital soil health data portal, but enquires on the possible overlaps of the latter with the JRC EUSO (EU Soil Observatory) tool.

R. The article should better specify what is the relationship and inter-connectivity between the to-be EEA digital soil health data portal and the current JRC EUSO tool.

Article 8 "Measurements and methodologies"

- 1. Member States shall determine sampling points by applying the methodology set out in part A of Annex II.
- 2. Member States shall carry out soil measurements by taking soil samples at the sampling points referred to in paragraph 1 and collect, process and analyse data in order to determine the following:
- (a) the values of the soil descriptors as set in Annex I;
- (b) where relevant, the values of the additional soil descriptors;
- (c) the values of the land take and soil sealing indicators listed in part D of Annex I.
- 3. Member States shall apply the following:
- (a) the methodologies for determining or estimating the values of the soil descriptors set out in part B of Annex II;
- (b) the minimum methodological criteria for determining the values of the land take and soil sealing indicators set out in part C of Annex II;
- (c) any requirements laid down by the Commission in accordance with paragraph 6.

Member States may apply other methodologies than the ones listed in the first subparagraph, points (a) and (b), provided that validated transfer functions are available, as required in Annex II, part B, fourth column.

- 4. Member States shall ensure that the first soil measurements are performed at the latest by... (OP: please insert the date = 4 years after date of entry into force of the Directive).
- 5. Member States shall ensure that new soil measurements are performed at least every 5 years. Member States shall ensure that the value of the land take and soil sealing indicators are updated at least every year.
- 6. The Commission is empowered to adopt delegated acts in accordance with Article 20 to amend Annex II in order to adapt the reference methodologies mentioned in it to scientific and technical progress, in particular where values of soil descriptors can be determined by remote sensing referred to in Article 6(5).



ASSOCIATION
OF CITIES
AND REGIONS
FOR SUSTAINABLE
RESOURCE
MANAGEMENT

ACR+ comments on article 8:

With reference to the paragraph 5 of Article 8: ACR+ suggests that the frequency of soil measurements shall be reduced to 3 (or maximum 4) years. ACR+ believes that a time span of 5 years between each soil measurements is too long to allow timely detection of new contamination sites and to allow relevant authorities to take action to achieve the objectives of healthy soils for 2030 and 2050. As to the suggested time requirement for reporting on soil sealing indicators, the time span could be extended from 1 to 2 years in the initial law implementation period to allow regional/territorial authorities to set in place proper GIS-based systems for reporting at EU-level scale through the platform to be established by EEA.

- R. With reference to the monitoring of soil sealing, ACR+ suggests that the digital soil health data portal refer to in Article 6, paragraph 6 to be established by EEA shall include a modality allowing the competent authorities of the soil districts to report on a continuous basis on a number of key indicators such as:
 - the authorized permits for new built areas developments (incl. size of the built area to be developed) approved within the soil district within a given year;
 - information on the size of the existing built area which was dismissed and which has been repurposed to other uses;
 - where applicable, information on the size of built area that has been converted to unpaved area.

Article 9 "Assessment of the soil health"

1. Member States shall assess the soil health in all their soil districts based on the data collected in the context of the monitoring referred to in Articles 6, 7 and 8 for each of the soil descriptors referred to in Parts A and B of Annex I.

Member States shall also take into account the data collected in the context of soil investigations referred to in Article 14.

Member States shall ensure that soil health assessments are performed at least every 5 years and that the first soil health assessment is performed by ... (OP: please insert the date = 5 years after date of entry into force of the Directive).

- 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;
- (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.



ASSOCIATION
OF CITIES
AND REGIONS
FOR SUSTAINABLE
RESOURCE
MANAGEMENT

Soil is unhealthy where at least one of the criteria referred to in subparagraph 1 is not met ('unhealthy soil').

3. Member States shall analyse the values for the soil descriptors listed in part C of Annex I and assess whether there is a critical loss of ecosystem services, taking into account the relevant data and available scientific knowledge.

Member States shall analyse the values of land take and soil sealing indicators listed in part D of Annex I and assess their impact on the loss of ecosystem services and on the objectives and targets established under Regulation (EU) 2018/841.

- 4. Based on the assessment of soil health carried out in accordance with this Article, the competent authority shall, where relevant in coordination with local, regional, national authorities, identify, in each soil district, the areas which present unhealthy soils and inform the public in accordance with Article 19.
- 5. Member States shall set up a mechanism for a voluntary soil health certification for land owners and managers pursuant to the conditions in paragraph 2 of this Article.

The Commission may adopt implementing acts to harmonise the format of soil health certification. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21.

6. Member States shall communicate soil health data and assessment referred to in Articles 6 to 9 to the relevant land owners and land managers upon their request, in particular to support the development of the advice referred to in Article 10(3).

ACR+ comment to article 9:

Article 9, paragraph 1, comma 3: as reported for article 8, ACR+ believes that a frequency of 3 years is more appropriate for a reliable monitoring of soil health indicators.

- R1. With reference to paragraph 5 of Article 9 "Member States shall set up a mechanism for a voluntary soil health certification for landowners and managers pursuant to the conditions in paragraph 2 of this Article", ACR+ suggests to improve the interpretation of the article by specifying that the voluntary certification "shall be performed by authorized soil analysis laboratories identified by the competent authority". This addition in the text will ensure the transparency and accountability of the soil monitoring actors and will avoid potential cases of self-certification.
- R2. ACR+ suggests that Article 9 shall include so-called *progress-monitoring indicator* in terms of soil health monitoring coverage at the level of each single soil district (right-hand column of table 1 below). In the specific, we suggest that based on the soil sampling activities prescribed by the law a progressive territorial coverage is reached by 2030, 2040 and 2050 for the monitoring of the status of soils in each territorial district, and potentially, for each soil/land use type within each territorial district. This accountancy mechanisms will ensure reliable representation o the sampling exercise at



ASSOCIATION
OF CITIES
AND REGIONS
FOR SUSTAINABLE
RESOURCE
MANAGEMENT

the level of the soil district. An example on a possible way to account for this recommendation is provided in table 1 below:

Table 1 Progress of Soil Health Monitoring in Soil District A

Year	Number of (cumulative) samplings					Soil Health monitoring
	(numb. samplings/soil use type)					coverage
						(% of the overall soil
						district land area)
	Agricultural	Forest and	Urban	Post-		
	soils	natural	soils	industrial		
		areas soils		sites		
2028	50	20	20	50		5%
2030	100	30	30	60		10%
2035	200	40	40	70		20%
2040	300	50	50	80		30%
2045	400	60	60	90		40%
2050	500	70	70	100		50%



ASSOCIATION
OF CITIES
AND REGIONS
FOR SUSTAINABLE
RESOURCE
MANAGEMENT

Chapter III: Sustainable Soil Management

Article 10 "Sustainable Soil Management"

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 unhealthy soils in the Member States;
- (b) defining soil management practices and other practices affecting negatively the soil health to be avoided by soil managers.

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 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.

2. Member States shall ensure easy access to impartial and independent advice on sustainable soil management, training activities and capacity building for soil managers, landowners and relevant authorities.

Member States shall also take the following measures:

- (a) promoting awareness on the medium- and long-term multiple benefits of sustainable soil management and the need to manage soils in a sustainable manner;
- (b) promoting research and implementation of holistic soil management concepts;
- (c) making available a regularly updated mapping of available funding instruments and activities to support the implementation of sustainable soil management.
- 3. Member States shall regularly assess the effectiveness of the measures taken in accordance with this Article and, where relevant, review and revise those measures, taking into account the soil health monitoring and assessment referred to in Articles 6 to 9.
- 4. The Commission is empowered to adopt delegated acts in accordance with Article 20 to amend Annex III in order to adapt the sustainable soil management principles to take into account scientific and technical progress.



ASSOCIATION
OF CITIES
AND REGIONS
FOR SUSTAINABLE
RESOURCE
MANAGEMENT

ACR+ comment to article 10:

Article 10, paragraph 3: ACR+ suggests that the frequency of assessment of the effectiveness of the measures shall be quantified per type of intervention category, every 1, 2, 3 or 5 years.

Article 11 "Land take mitigation principles"

Member States shall ensure that the following principles 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:
- (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
- (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.

ACR+ comments to article 11:

ACR+ feels that the legislator could be more demanding on the topic of "land take mitigation". The Article should include prescriptions related to the reversing of land take and soil sealing by, i.e., requiring Member States to run urban planning assessment for the mapping of unused/dismissed built areas and industrial sites. The law could prescribe a hierarchy principle where refitting of existing building/industrial infrastructure would need to be prioritized over construction of new sites on non-sealed land.

ACR+ general comment on Chapter III "Sustainable soil management"

On the definition of "soils" within the law and on the approach towards SSM at soil district level

Within the current body of law proposed in the text, soils are always referred as an unique entity, regardless of the land use type to them associated. ACR+ believes that as part of the sustainable soil management (SSM) prescriptions included in Chapter III and in Article 10, SSM practices shall be identified for each key land use type existing at the soil district unit. Moreover, we suggest that the best practices adopted are gathered together in a "best practice" database available to all MSs competent agencies of the soil districts. This to enhance cross-fertilization of experiences on soil management by land use type and soil user actor, while empowering creation of synergies among actors, among public institutions and among research institutes. The database of best practices could build upon existing best practices collection efforts within EU-funded projects of the EU Soil Mission, or previous research programs of the Commission and of the single member states. The database shall be used as a compendium of actions, available to all

12 | Page



ASSOCIATION
OF CITIES
AND REGIONS
FOR SUSTAINABLE
RESOURCE
MANAGEMENT

engaged actors, and possibly linked with the EEA soil data platform to link "soil status" to "remediation and management actions".

Moreover, wherever possible, the competent national ministry on soil matters shall be invited to promote synergies and collaborations among the competent authorities of the soil districts in an effort to create technical and managerial capacity for sustained resilient soil management at different territorial units.

On possible gaps

ACR+ feels that Chapter III misses out on the important tool of impact monitoring of SSM practices adopted by the competent authorities within the soil districts as part of the prescriptions of Article 10. We feel that a subsequent article should have been developed in this regard. The importance of the monitoring and evaluation of impact on SSM practices is of utmost importance when assessing the effects of such practices on the monitoring indicators to be used as part of the prescriptions provided in Chapter II of the proposed Directive.





ASSOCIATION
OF CITIES
AND REGIONS
FOR SUSTAINABLE
RESOURCE
MANAGEMENT

Chapter IV: Contaminated sites

Article 12 "Risk-based approach"

ACR+ believe the article is loose in requiring remediation and state restoration action of contaminated site. "Keep the site to acceptable level" opens the door to diverging interpretations of what an "acceptable level" might be, differing from one MS to another. We believe the prescription of the article should aim at reducing and minimizing - where not eradicating - the risk, rather than ensuring a status quo where effects on human health and on the environment over the long-term might not be yet known.

Article 13 "Identification of potentially contaminated sites"

- 1. Member States shall systematically and actively identify all sites where a soil contamination is suspected based on evidence collected through all available means ('potentially contaminated sites').
- 2. When identifying the potentially contaminated sites Member States shall take into account the following criteria:
- (a) operation of an active or inactive potentially contaminating risk activity;
- (b) operation of an activity referred to in Annex I to Directive 2010/75/EU;
- (c) operation of an establishment referred to in Directive 2012/18/EU of the European Parliament and of the Council76;
- (d) operation of an activity referred to in Annex III to Directive 2004/35/CE of the European Parliament and of the Council77;
- (e) occurrence of a potentially contaminating accident, calamity, disaster, incident or spill;
- (f) any other event liable to cause soil contamination;
- (g) any information resulting from the soil health monitoring carried out in accordance with Articles 6, 7 and 8.

For the purpose of the first subparagraph point (a), Member States shall lay down a list of potentially contaminating risk activities. Those activities may be further classified according to their risk to cause soil contamination based on scientific evidence.

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.

ACR+ comments to article 13:

o The Article shall include a paragraph on the mandatory monitoring of soil conditions on industrial sites (preventive approach), their mapping within each



ASSOCIATION
OF CITIES
AND REGIONS
FOR SUSTAINABLE
RESOURCE
MANAGEMENT

- soil district, and the requirement for businesses operating in the district to allow authorities to collect samplings. This would allow early identification of potentially contaminated sites before sites actually become contaminated;
- The Article shall also include a paragraph where Member States are obliged to report on geo-reference maps the identified potential contaminated sites. The map shall be made publicly accessible for public consultation;
- With reference to Paragraph 3 of Article 13: Identification of potentially contaminated soils shall be done within the first 3 to 4 years after entry into force, to allow competent authorities to take due action as to remediation and restoration actions;
- As part of the identification process, an history of the users of the soils shall also be provided by the competent authority in order to identify potentially liable parties that cause the contamination.
- o In Article 13, the leading role for the identification of contaminated sites is attributed to the Member States, while no reference is made to the competent authority that has been assigned to manage the soil district. This aspect needs to be clarified as it might lead to inefficiency of action at the identification stage, as well as at the SSM practices to be enacted afterwards.

Article 14: Investigation of potentially contaminated sites

As reported in the case of Article 13, the following 2 considerations also apply to Article 14:

- o As part of the investigation process, an history of the users of the soils shall also be provided by the competent authority in order to identify potentially liable parties that cause the contamination.
- o In Article 14, the leading role for the identification of contaminated sites is attributed to the Member States, while no reference is made to the competent authority that has been assigned to manage the soil district. This aspect needs to be clarified as it might lead to inefficiency of action at the identification stage, as well as at the SSM practices to be enacted afterwards.

Article 15 "Risk assessment and management of contaminated sites"

- 1. Member States shall lay down the specific methodology for determining the site-specific risks of contaminated sites. Such methodology shall be based on the phases and requirements for site-specific risk assessment listed in Annex VI.
- 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.
- 3. For each contaminated site identified pursuant to Article 14 or by any other means, the responsible competent authority shall carry out a site-specific assessment for the current and



ASSOCIATION
OF CITIES
AND REGIONS
FOR SUSTAINABLE
RESOURCE
MANAGEMENT

planned land uses to determine whether the contaminated site poses unacceptable risks for human health or the environment.

- 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').
- 5. The risk reduction measures may consist of the measures referred to in Annex V. When deciding on the appropriate risk reduction measures, the competent authority shall take into consideration the costs, benefits, effectiveness, durability, and technical feasibility of available risk reduction measures.
- 6. The Commission is empowered to adopt delegated acts in accordance with Article 20 to amend Annexes V and VI to adapt the list of risk reduction measures and the requirements for site-specific risk assessment to scientific and technical progress.

ACR+ comments to article 15:

- o In regard to paragraph 2 of Article 15: The European Commission shall identify minimum "environmental safety" thresholds below which Member States cannot go beyond in terms of "unacceptable risk for human health". This is crucial as leaving full flexibility to Member States to define what is acceptable and what is not will create different health criteria standards across the European Union.
- o In regard to paragraph 4 of Article 15: it is suggested that the paragraph includes a financial contribution of businesses that have operated on the identified contaminated sites, or that are currently based on it. This aspect would materialize the "polluters pay principle", an will support the often limited financial means for remediations available to public entities.

Article 16 "Register"

o It is suggested that the register of contaminated and potentially contaminated sites is linked to the EEA soil data platform mentioned in Chapter III. The information shall be made publicly available to all citizens an actors within the EU zone.



ASSOCIATION
OF CITIES
AND REGIONS
FOR SUSTAINABLE
RESOURCE
MANAGEMENT

Chapter V: Financing, information to the public and reporting by Member States

Article 17: Union Financing

While agreeing on the sourcing of financing for the implementation of the Directive within the existing EU financing programs, ACR+ suggests that an engagement of the private sector for the soil remediation component (Chapter IV) - where the polluters pays principle applies - shall be pursued by the competent authorities and the Member States, with support of the EC and its executing agencies.

Chapter VI: Delegation and Committee procedures

No comments are provided for this section.

Chapter VII: Final Provisions

No comments are provided for this section.



ASSOCIATION
OF CITIES
AND REGIONS
FOR SUSTAINABLE
RESOURCE
MANAGEMENT

3. General considerations

3.1. Comments on the topics addressed by the proposed Soil Monitoring Law

- o ACR+ feels that the holistic approach envisaged in Article 1 of the law is not sufficiently reflected in the body of articles of the proposed directive, with relevant soil management area such as:
 - o Maintenance of soil ecosystem services;
 - Prevention and mitigation of the impact of climate change and biodiversity loss;
 - o Resilience against natural disasters;
 - Resilience against food insecurity;

not being sufficiently addressed (ecosystem services), or being totally neglected (biodiversity loss, natural disasters, food insecurity) by the proposal text. Specific reference is made to the lack of prescription on the above items in terms of early warning, early detection, measurement, and disaster prevention strategies. **ACR+ believes that this is aa major fault of the current proposed text and calls for integration of prescriptions in this end.**

- o It is suggested that Chapter 3 includes a provision where Member States, through the designated competent authority at each district level, are asked to contribute input in a shared EU database of sustainable soil management (SSM) practices used or adopted to remediate or restore soil functions (a best practices database/inventory as mentioned in the comment on Chapter III). This database shall be made publicly available to all competent authorities in order to foster cross-border knowledge and practice sharing on SSM practices in action. Dependent on the severity of the contamination or soil depletion status, effective adopted measures at soil district level shall be further promoted for adoption in other territories to allow cross-fertilization of experiences within and across EU Member States.
- o The Directive proposal does not sufficiently address the following 3 aspects:
 - o A requirement to build technical capacity for SSM within competent district (investments in green jobs, with specific reference to SSM),
 - The role and potential engagement of universities and research institutes within each territorial district in contributing on the one hand to the soil monitoring and soil sampling activities, and on the other to the codefinition of SSM strategies;
 - o The possibility for citizens or civil society organizations (CSOs) to report on possible contaminated sites to the competent authority through an open-access database system.

On technical capacity for adoption and implementation of the Soil Monitoring Law



ASSOCIATION
OF CITIES
AND REGIONS
FOR SUSTAINABLE
RESOURCE
MANAGEMENT

R. ACR+ suggests the Commission to define minimum requirements for the composition and expertise of the staff within the competent authority managing the soil district. This considerations results from the awareness that it is often the case that Member States, despite being able to transpose the prescription of a Directive into the national legislation, do not always have the technical capacity to implement the prescriptions and set up coordinated plans for implementation and monitoring of action. With these minimum requirements on competent authorities technical and managerial capacity, MSs will be able to better assess their demand for competences, hence identifying potential skills' gaps requiring investments on the educational side. These aspects connect to ongoing initiatives for the identification of and promotion o investments in so-called green jobs, supporting an effective achievement of the EU Green Deal objectives in soil-related matters.

3.2. Comments referring to the 8 Soil Mission objectives

With regards to the set <u>8 EU Soil Mission objectives</u>, we believe that the proposed law does not sufficiently address the identification at an early stage of other soil threats other than soil pollution. Reference is made here to threats of *desertification* and *reduced soil biodiversity*, which are processes happening with increased frequency and larger geographical scale across Europe. The capacity of soils to act as a carbon sink is also underdiscussed. In this respect, the influence and impact played by factors as climate change and the patterns of resources use exploitation should be duly accounted for.

To increase overall system resilience and improve the mitigation options of adverse soil resources use and exploitation, ACR+ suggests to better investigate the possibility to establish general EU guidelines on mitigation strategies and the establishment of minimum requirements for ecosystems functioning related to soil functions within the different land use options.



ASSOCIATION
OF CITIES
AND REGIONS
FOR SUSTAINABLE
RESOURCE
MANAGEMENT

4. ACR+ contacts

This paper has been developed by the ACR+ Sustainable Food Systems thematic group. If you wish to get in touch with the ACR+ team who worked on the revision of the Soil Health Law, please write to:

Ms. Agnese Boccalon Senior Project Manager, and Area Lead - Sustainable Food System thematic area abo@acrplus.org

Ms. Lauriane Noirot
Project Officer - Sustainable Food Systems thematic area
Ino@acrplus.org

