



Current situation of soil degradation and soil policy in Europe

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Agenda

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- 2. Status of soils in Europe – and why the EU must act**
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Who is the EEB?



Who are we?

The EEB is one of **Europe's largest network of environmental citizens' organisations** – and the only one to work on such a broad range of issues.

Our over 180 members from 40 countries have more than 30 million individual supporters.

We have 50 years of EU environmental policy expertise.

Our vision

A better future where people and nature thrive together.

Our mission

We advocate for progressive policies to create a better environment in the European Union and beyond.



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State of soils in Europe – and why the EU must act



Soils as the basis of life

The functions of soil ecosystems are directly related to...

- ... overall biodiversity and ecosystem integrity
- ... long-term food security
- ... climate change mitigation and adaptation
- ... intact water cycles
- ... etc.





However...

... 60 to 70 % of Europe's soils are in a bad condition.





Current status of EU soils

“Soil degradation is **not well monitored**, and often hidden, but it is widespread and diverse” ([EEA](#))

- **60-75%** of EU agricultural soils have excessive nutrient inputs and an average reduction of 40% in nitrogen inputs would be needed to prevent this.
- Study: **over 80%** of soils tested contained pesticide residues, with 58% containing two or more types of residues.
- There may be as many as **2.8 million** contaminated sites in the EU, but only 24 % of the sites are inventoried
- In certain densely populated countries, such as Belgium and the Netherlands, **almost 4 %** of the national territory is sealed.



The European environment — state and outlook 2020

Knowledge for transition to a sustainable Europe



Costs and benefits

- **Estimates** of costs between 50 billion and 97 billion euros
- **Many different factors have not been quantified yet:** costs of water vapour, green water and small water cycles, increasing value of soil health in face of global heating, non-monetizable effects, soil biodiversity...
- Economics of Land Degradation (ELD) initiative: “in all ELD studies to date, the benefits of taking action have proven to be more rewarding economically than the costs of inaction”.





Lack of dedicated and targeted EU policy



Brussels, 17.11.2021
COM(2021) 699 final

COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL
COMMITTEE AND THE COMMITTEE OF THE REGIONS

EU Soil Strategy for 2030
Reaping the benefits of healthy soils for people, food, nature and climate

{SWD(2021) 323 final}

Soil Strategy: “the lack of dedicated EU legislation has been singled out by many as a major cause for the alarming state of our soils”.

There is still no clear and comprehensive legal understanding of soil ecosystems and their ecological functions at EU level.

→ Failure to protect against main drivers of soil degradation, incl. intensive agriculture, urban expansion, climate change and pollution



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What is the EU doing about this?

The EU Soil Strategy for 2030 and the Soil Monitoring Law



EU soil policy: Background

A first attempt to legislate on soil was made in 2006

- Soil Thematic Strategy
- Proposal for a Soil Framework Directive

Failed due to strong opposition from Member States. Withdrawn in 2014.

New attempt in November 2021:

- [EU Soil Strategy for 2030](#)
- Key commitment: legislative proposal on soil (“Soil Health Law”)





Proposal for a Soil Monitoring Law

5 July 2023: Publication of Soil Monitoring Law proposal

- Full name: Directive on Soil Monitoring and Resilience
- Change of name
- Less ambitious than expected



“ Today, we are filling a major legal gap to bring soil under our legal acquis. This will become the first EU law on soil. Our ultimate objective is to achieve healthy soils by 2050. ”






Proposal for a Soil Monitoring Law





Criticism by environmental NGOs



Joint statement on the publication of the Commission's proposal for a Soil Law

13 July 2023

Joint statement on the publication of the EC proposal for a Directive on Soil Monitoring and Resilience

We, the signatories of this statement, welcome the European Commission's proposal for a Directive on Soil Monitoring and Resilience (Soil Monitoring Law). Unfortunately, the proposal in its current form will not enable the achievement of healthy soils in the EU. The change of the name of the legislation, which was originally planned to be called 'Soil Health Law', is symbolic of its lack of ambition and its shift away from soil health towards largely soil monitoring. With this statement, we would like to express our support for this initiative but also stress how the EC proposal can be improved in order to help the EU achieve the objective of healthy soils by 2050.

The lack of dedicated EU soil legislation has led to very partial protection of soils and highly fragmented governance. A strong Soil Law has the potential to change this. Healthy soil ecosystems connect many of our most important challenges, including tackling the climate, biodiversity and pollution crises, ensuring food security and sustainable water management, as well as nutrient and carbon cycles. These challenges are transboundary and a coherent European approach is long overdue.

However, the EC proposal for the Soil Law lacks ambition and must be significantly improved to lead to effective change. For this, we urge the co-legislators to consider the following elements for improvement:

1. Strengthen the overarching objective

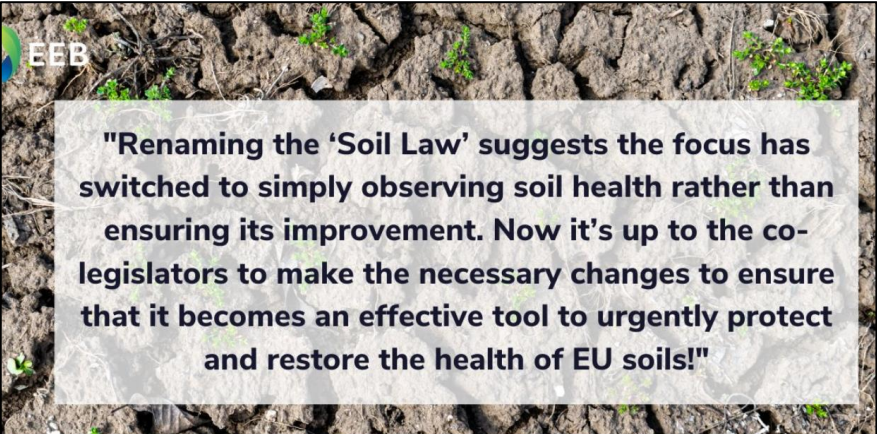
The proposed directive sets overarching objectives to put in place a monitoring framework and to continuously improve soil health with the view to achieve healthy soils by 2050. However, without a roadmap, milestones, legally binding targets and mandatory plans, it remains unclear how the proposal aims to achieve this objective. In addition, the objective



NEWS

New Soil Law offers glimmer of hope for EU soils but lacks teeth

© 5 July 2023



"Renaming the 'Soil Law' suggests the focus has switched to simply observing soil health rather than ensuring its improvement. Now it's up to the co-legislators to make the necessary changes to ensure that it becomes an effective tool to urgently protect and restore the health of EU soils!"



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Soil Monitoring Law assessment



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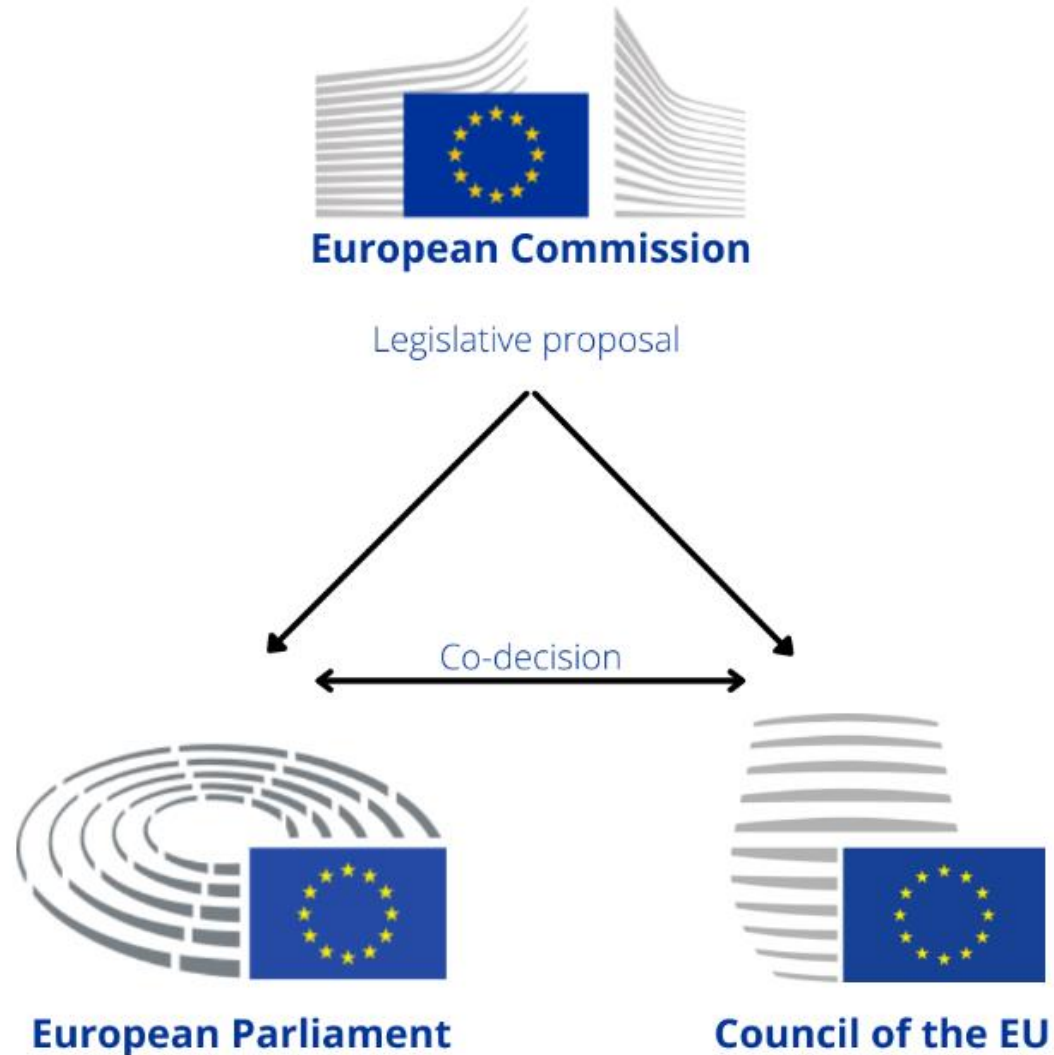
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Making the Soil Monitoring Law work

—process, expected outcome, next
steps



The co-decision process





European Commission proposal



- Clear soil health assessment methodology
- Good articles on contaminated sites
- Information to the public, public participation
- Access to justice and penalties articles



- Weak overarching objective
- No legally binding targets
- No mandatory soil health plans
- Soil biodiversity not at the core of the law
- No focus on diffuse soil pollution (e.g. pesticides)
- No no net land take target



European Parliament position



- **Public participation** improved
- Better **biodiversity descriptors**
- **5-category system** to assess soil health



- “**Raw material deposits**” excluded from the soil definition
- Deletion of the main obligations related to **sustainable soil management**
- Weakening of the article on **land take**
- The article on **penalties** has been deleted.





Council General Approach



Source: Council of the EU, Photo: Tauno Tõhk (EU2017EE), [CC BY 2.0](#), File:European Council (38185339475).jpg



- Better **soil biodiversity** descriptors
- Maintained key obligations on **sustainable soil management**
- Inclusion of a **watchlist on soil contaminants**



- No clear rules on **soil health assessment**
- A lot of additional **flexibilities**
- Reduction of ambition of **public participation and information to the public**
- General “**slowing-down**” of the timeline
- Shift away from “land take” towards “soil sealing and destruction”



Next up: trilogue negotiations

- **Trilogue negotiations** = Interinstitutional negotiations between the European Commission, the European Parliament and the Council of the EU to find a compromise between the different positions and agree on a final text for the law
- **Special context:** post-elections
- **Timeline:** possible start in October, duration about three months



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NGO recommendations for the trilogue

1. Ensure a strong **overarching objective** of the Directive
2. Guarantee an evidence-based and holistic framework for soil health **monitoring and assessment**
3. Put **soil biodiversity** at the core of the law
4. Ensure that **soil pollution** is sufficiently addressed
5. Mandate **sustainable soil management**
6. Include strong provisions that effectively minimise **land take**
7. Guarantee a safe and holistic management of **contaminated sites**
8. Put in place effective mechanisms that allow for comprehensive **public participation**
9. Ensure transparent and accessible **information to the public**
10. Guarantee **access to justice** and enforce **penalties** to ensure compliance and accountability



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Going beyond the Soil Monitoring Law



What the CAP must do

- Common Agricultural Policy: about 1/3 of the total EU budget
- Three main instruments to improve soil health
 - GAECs
 - Eco-schemes
 - Agri-environmental measures (pillar 2)
- April 2024: major reform of the CAP that de facto scrapped the conditionality rules linked to direct payments ([EEB press release](#))
- Next CAP: Moving away from area-based income support and towards a more holistic, systemic approach.





Carbon farming and the CRCF

- Carbon farming can contribute to the improvement of soil health.
- CRCF=Union-wide certification framework for permanent carbon removals, carbon farming, and storage in products
- Impact of CRCF is difficult to estimate at this stage
- But: Credits for soil organic carbon should not be used for offsetting.





Making the Nature Restoration Law work



- **Overall target:** Putting in place restoration measures with the aim to jointly cover at least 20% of land areas and at least 20% of sea areas by 2030, and all ecosystems in need of restoration by 2050.
- **Soil ecosystems relevant throughout the Directive:** restoration of terrestrial, coastal and freshwater ecosystems (Article 4), Restoration of agricultural ecosystems (Article 11)...
- Success hinges on thorough **implementation** and sufficient **financial resources**



Dedicated nature funding

- We need money for nature
- There is a clear target in the biodiversity strategy: we need 20 bn euros per year just for biodiversity alone.
- There is already a lot of existing funds that have to be used.
- But: There will be need for additional money, especially for the dark green measures.
 - Call for a dedicated [EU Nature Restoration Fund](#)
- Debate about money is debate about priorities.



Source: Caroline Heinzel, High Fens



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Thanks for listening!

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Keep in touch



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