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From:	General Secretariat of the Council
To:	Delegations
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Subject:	Proposal for a Directive of the European Parliament and of the Council on Soil Monitoring and Resilience (Soil Monitoring Law) - Four-column document

Delegations will find in Annex the initial four-column table on the abovementioned proposal, containing the Commission proposal, the European Parliament's amendments and the Council general approach agreed on 17 June 2024, with a view to the interinstitutional negotiations.

ANNEX

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on Soil Monitoring and Resilience (Soil Monitoring Law)

2023/0232(COD)

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Formula				
1	2023/0232 (COD)	2023/0232 (COD)	2023/0232 (COD)	2023/0232 (COD)
Proposal Title				
2	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on Soil Monitoring and Resilience (Soil Monitoring Law)	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on Soil Monitoring and Resilience (Soil Monitoring Law)	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on Soil Monitoring and Resilience (Soil Monitoring Law)	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on Soil Monitoring and Resilience (Soil Monitoring Law)
Formula				
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	
Citation 1				
4	Having regard to the Treaty on the	Having regard to the Treaty on the	Having regard to the Treaty on the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Functioning of the European Union, and in particular Article 192(1) thereof,	Functioning of the European Union, and in particular Article 192(1) thereof,	Functioning of the European Union, and in particular Article 192(1) thereof,	
Citation 2				
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	
Citation 3				
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	
Citation 4				
7	Having regard to the opinion of the European Economic and Social Committee[1], _____ 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee[1], _____ 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee[1], _____ 1. OJ C , , p. .	
Citation 5				
8	Having regard to the opinion of the Committee of the Regions[1], _____ 1. OJ C , , p. .	Having regard to the opinion of the Committee of the Regions[1], _____ 1. OJ C , , p. .	Having regard to the opinion of the Committee of the Regions[1], _____ 1. OJ C , , p. .	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Citation 6				
9	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	
Formula				
10	Whereas:	Whereas:	Whereas:	
Recital 1				
11	(1) Soil is a vital, limited, non-renewable and irreplaceable resource that is crucial for the economy, the environment and the society.	(1) Soil is a vital, limited, non-renewable and irreplaceable resource that is crucial for the economy, the environment and the society.	(1) Soil is a vital, limited **resource**, **and considered** non-renewable and irreplaceable ~~resource~~**at human time scale** that is crucial for the economy, the environment and the society.	
Recital 2				
12	(2) Healthy soils are in good chemical, biological and physical condition so that they can provide ecosystem services that are vital to humans and the environment, such as safe, nutritious and sufficient food, biomass, clean water, nutrients cycling, carbon storage and a habitat for biodiversity. However, 60 to 70 % of the soils in the Union are deteriorated and	(2) Healthy soils are in good chemical, biological and physical condition so that they can provide ecosystem services that are vital to humans and the environment, such as safe, nutritious and sufficient food, biomass, clean water, nutrients cycling, carbon storage and a habitat for biodiversity. ***Soil is essential to ensuring food security.*** However, ***it is estimated***	(2) Healthy soils are in good chemical, biological and physical condition so that they can provide ecosystem services that are vital to humans and the environment, such as safe, nutritious and sufficient food, biomass, clean water, nutrients cycling, carbon storage and a habitat for biodiversity. However, 60 to 70 % of the soils in the Union are ~~deteriorated~~	

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	continue to deteriorate.	***that*** 60 to 70 % of the soils in the Union are deteriorated and continue to deteriorate.	**degraded** and continue to deteriorate.	
Recital 2a				
12a			**(2a) Soils also provide services such as acting as a physical platform for infrastructures and human activities, as a source of raw materials, or constituting an archive of geological, geomorphological and archaeological heritage. While these services are often considered soil ecosystem services, not all of them need a functional ecosystem to be provided and are often – especially in the case of platform for infrastructure and source of raw materials – incompatible with the other soil ecosystem services as these inherently entail a degradation of the soil. They are also often the most prevalent uses of a soil, causing a significant loss of the aforementioned vital ecosystem services, and contributing to the degradation of the soils. As such, it is important to find a balance between these two types of soil**	

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			ecosystem services.	
Recital 2b				
12b			**(2b) Soil degradation affects ecosystem services provided by soils, with negative impacts to human health and the environment, and can cover different aspects related to physical degradation such as soil sealing and soil artificialisation in general, soil erosion, soil compaction and reduction of soil water retention and infiltration, to chemical or biological degradation such as excess and depletion of nutrients, acidification, salinisation and soil contamination, loss of soil organic carbon, soil biodiversity and soil biological activity.**	
Recital 3				
13	(3) Soil degradation is costing the Union several tens of billion euro every year. Soil health is impacting the provision of ecosystem services that have an important economic return. Sustainable management and regeneration of soils therefore	(3) Soil degradation is costing the Union several tens of billion euro every year. Soil health is impacting the provision of ecosystem services that have an important economic return. ~~*Sustainable management and regeneration of soils*~~	(3) Soil degradation is costing the Union several tens of billion euro every year. Soil health is impacting the provision of ecosystem services that have an important economic return. Sustainable management and regeneration of soils therefore	

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	makes sound economic sense and can significantly increase the price and value of the land in the Union.	~~*therefore*~~***Its improvement*** makes sound economic sense and can significantly increase the price and value of the land in the Union. ***Moreover, it can take up to 1 000 years to produce just 1 centimetre of top soil, while the degradation process and complete loss of soil can happen rapidly.***	makes sound economic sense and can significantly increase the price and value of the land in the Union.	
Recital 4				
14	(4) The European Green Deal[1] has set out an ambitious roadmap to transform the Union into a fair and prosperous society, with a modern, resource-efficient and competitive economy, aiming to protect, conserve and enhance the Union's natural capital, and to protect the health and well-being of citizens. As part of the European Green Deal, the Commission has adopted the EU Biodiversity Strategy for 2030[2], the Farm to Fork Strategy[3], the Zero Pollution Action Plan[4], the EU Climate Adaptation Strategy[5] and the EU Soil Strategy for 2030[6]. _____ 1. Communication from the Commission to the European Parliament, the European Council, the Council, the European	(4) The European Green Deal[1] has set out an ambitious roadmap to transform the Union into a fair and prosperous society, with a modern, resource-efficient and competitive economy, aiming to protect, conserve and enhance the Union's natural capital, and to protect the health and well-being of citizens. As part of the European Green Deal, the Commission has adopted the EU Biodiversity Strategy for 2030[2], the Farm to Fork Strategy[3], the Zero Pollution Action Plan[4], the EU Climate Adaptation Strategy[5] and the EU Soil Strategy for 2030[6]. _____ 1. Communication from the Commission to the European Parliament, the European Council, the Council, the European	(4) The European Green Deal[1] has set out an ambitious roadmap to transform the Union into a fair and prosperous society, with a modern, resource-efficient and competitive economy, aiming to protect, conserve and enhance the Union's natural capital, and to protect the health and well-being of citizens. As part of the European Green Deal, the Commission has adopted the EU Biodiversity Strategy for 2030[2], the Farm to Fork Strategy[3], the Zero Pollution Action Plan[4], the EU Climate Adaptation Strategy[5] and the EU Soil Strategy for 2030[6]. _____ 1. Communication from the Commission to the European Parliament, the European Council, the Council, the European	

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	Economic and Social Committee and the Committee of the Regions, The European Green Deal COM(2019) 640 final. 2. Communication from the Commission to the European Parliament, the Council the European Economic and Social Committee and the Committee of the Regions, EU Biodiversity Strategy for 2030, Bringing nature back into our lives COM(2020) 380 final. 3. Communication from the Commission to the European Parliament, the Council the European Economic and Social Committee and the Committee of the Regions, A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system COM(2020) 381 final. 4. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Pathway to a Healthy Planet for All EU Action Plan: 'Towards Zero Pollution for Air, Water and Soil' COM(2021) 400 final. 5. Communication from the Commission to the European Parliament, the Council, the European, Economic and Social Committee and the Committee of the Regions, Forging a climate-resilient Europe - the new EU Strategy on Adaptation to Climate Change COM(2021)82 final. 6. 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 COM(2021) 699 final.	Economic and Social Committee and the Committee of the Regions, The European Green Deal COM(2019) 640 final. 2. Communication from the Commission to the European Parliament, the Council the European Economic and Social Committee and the Committee of the Regions, EU Biodiversity Strategy for 2030, Bringing nature back into our lives COM(2020) 380 final. 3. Communication from the Commission to the European Parliament, the Council the European Economic and Social Committee and the Committee of the Regions, A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system COM(2020) 381 final. 4. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Pathway to a Healthy Planet for All EU Action Plan: 'Towards Zero Pollution for Air, Water and Soil' COM(2021) 400 final. 5. Communication from the Commission to the European Parliament, the Council, the European, Economic and Social Committee and the Committee of the Regions, Forging a climate-resilient Europe - the new EU Strategy on Adaptation to Climate Change COM(2021)82 final. 6. 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 COM(2021) 699 final.	Economic and Social Committee and the Committee of the Regions, The European Green Deal COM(2019) 640 final. 2. Communication from the Commission to the European Parliament, the Council the European Economic and Social Committee and the Committee of the Regions, EU Biodiversity Strategy for 2030, Bringing nature back into our lives COM(2020) 380 final. 3. Communication from the Commission to the European Parliament, the Council the European Economic and Social Committee and the Committee of the Regions, A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system COM(2020) 381 final. 4. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Pathway to a Healthy Planet for All EU Action Plan: 'Towards Zero Pollution for Air, Water and Soil' COM(2021) 400 final. 5. Communication from the Commission to the European Parliament, the Council, the European, Economic and Social Committee and the Committee of the Regions, Forging a climate-resilient Europe - the new EU Strategy on Adaptation to Climate Change COM(2021)82 final. 6. 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 COM(2021) 699 final.	

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Recital 5				
15	(5) The Union is committed to the 2030 Agenda for Sustainable Development and its Sustainable Development Goals (SDGs)[1]. Healthy soils contribute directly to the achievement of several SDGs, in particular SDG 2 (zero hunger), SDG 3 (good health and well-being), SDG 6 (clean water and sanitation), SDG 11 (sustainable cities and communities), SDG 12 (responsible consumption and production), SDG 13 (climate action) and SDG 15 (life on land). SDG 15.3 aims to combat desertification, restore degraded land and soil, including land affected by desertification, drought and floods, and strive to achieve a land degradation-neutral world by 2030. _____ 1. https://sdgs.un.org/goals	(5) The Union is committed to the 2030 Agenda for Sustainable Development and its Sustainable Development Goals (SDGs)[1]. Healthy soils contribute directly to the achievement of several SDGs, in particular SDG 2 (zero hunger), SDG 3 (good health and well-being), SDG 6 (clean water and sanitation), SDG 11 (sustainable cities and communities), SDG 12 (responsible consumption and production), SDG 13 (climate action) and SDG 15 (life on land). SDG 15.3 aims to combat desertification, restore degraded land and soil, including land affected by desertification, drought and floods, and strive to achieve a land degradation-neutral world by 2030. _____ 1. https://sdgs.un.org/goals	(5) The Union is committed to the 2030 Agenda for Sustainable Development and its Sustainable Development Goals (SDGs)[1]. Healthy soils contribute directly to the achievement of several SDGs, in particular SDG 2 (zero hunger), SDG 3 (good health and well-being), SDG 6 (clean water and sanitation), SDG 11 (sustainable cities and communities), SDG 12 (responsible consumption and production), SDG 13 (climate action) and SDG 15 (life on land). SDG 15.3 aims to combat desertification, restore degraded land and soil, including land affected by desertification, drought and floods, and strive to achieve a land degradation-neutral world by 2030. _____ 1. https://sdgs.un.org/goals	
Recital 6				
16	(6) The Union and its Member States, as parties to the Convention on Biological Diversity, approved by Council Decision 93/626/EEC[1], agreed at the 15th Conference of the	(6) The Union and its Member States, as parties to the Convention on Biological Diversity, approved by Council Decision 93/626/EEC[1], agreed at the 15th Conference of the	(6) The Union and its Member States, as parties to the Convention on Biological Diversity, approved by Council Decision 93/626/EEC[1], agreed at the 15th Conference of the	

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	Parties on the "Kunming-Montreal Global Biodiversity Framework" (GBF)[2] which comprises several action-oriented global targets for 2030 of relevance for soil health. Nature's contributions to people, including soil health, should be restored, maintained and enhanced. _____ 1. Council Decision of 25 October 1993 concerning the conclusion of the Convention on Biological Diversity (93/626/EEC) (OJ L 309, 13.12.1993, p. 1). 2. Decision adopted by the Conference of the Parties to the Convention on Biological Diversity on 19 December 2022, 15/4. Kunming-Montreal Global Biodiversity Framework.	Parties on the "Kunming-Montreal Global Biodiversity Framework" (GBF)[2] which comprises several action-oriented global targets for 2030 of relevance for soil health. Nature's contributions to people, including soil health, should be restored, maintained and enhanced. _____ 1. Council Decision of 25 October 1993 concerning the conclusion of the Convention on Biological Diversity (93/626/EEC) (OJ L 309, 13.12.1993, p. 1). 2. Decision adopted by the Conference of the Parties to the Convention on Biological Diversity on 19 December 2022, 15/4. Kunming-Montreal Global Biodiversity Framework.	Parties on the "Kunming-Montreal Global Biodiversity Framework" (GBF)[2] which comprises several action-oriented global targets for 2030 of relevance for soil health. Nature's contributions to people, including soil health, should be restored, maintained and enhanced. _____ 1. Council Decision of 25 October 1993 concerning the conclusion of the Convention on Biological Diversity (93/626/EEC) (OJ L 309, 13.12.1993, p. 1). 2. Decision adopted by the Conference of the Parties to the Convention on Biological Diversity on 19 December 2022, 15/4. Kunming-Montreal Global Biodiversity Framework.	
Recital 7				
17	(7) The Union and its Member States, as Parties to the UN Convention to Combat Desertification (UNCCD), approved by Council Decision 98/216/EC[1], have committed to combat desertification and mitigate the effects of drought in affected countries. Thirteen Member States[2] have declared themselves as parties affected by desertification under the UNCDD.	(7) The Union and its Member States, as Parties to the UN Convention to Combat Desertification (UNCCD), approved by Council Decision 98/216/EC[1], have committed to combat desertification and mitigate the effects of drought in affected countries. Thirteen Member States[2] have declared themselves as parties affected by desertification under the UNCDD.	(7) The Union and its Member States, as Parties to the UN Convention to Combat Desertification (UNCCD), approved by Council Decision 98/216/EC[1], have committed to combat desertification and mitigate the effects of drought in affected countries. Thirteen Member States[2] have declared themselves as parties affected by desertification under the UNCDD.	

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	_____ 1. Council Decision of 9 March 1998 on the conclusion, on behalf of the European Community, of the United Nations Convention to combat desertification in countries seriously affected by drought and/or desertification, particularly in Africa (OJ L 83, 19.3.1998, p. 1). 2. Bulgaria, Croatia, Cyprus, Greece, Hungary, Italy, Latvia, Malta, Portugal, Romania, Slovakia, Slovenia, Spain.	_____ 1. Council Decision of 9 March 1998 on the conclusion, on behalf of the European Community, of the United Nations Convention to combat desertification in countries seriously affected by drought and/or desertification, particularly in Africa (OJ L 83, 19.3.1998, p. 1). 2. Bulgaria, Croatia, Cyprus, Greece, Hungary, Italy, Latvia, Malta, Portugal, Romania, Slovakia, Slovenia, Spain.	_____ 1. Council Decision of 9 March 1998 on the conclusion, on behalf of the European Community, of the United Nations Convention to combat desertification in countries seriously affected by drought and/or desertification, particularly in Africa (OJ L 83, 19.3.1998, p. 1). 2. Bulgaria, Croatia, Cyprus, Greece, Hungary, Italy, Latvia, Malta, Portugal, Romania, Slovakia, Slovenia, Spain.	
Recital 8				
18	(8) In the context of United Nations Framework Convention on Climate Change (UNFCCC) land and soil is considered simultaneously as a source and a sink of carbon. The Union and Member States as parties have committed to promote sustainable management, conservation and enhancement of carbon sinks and reservoirs.	(8) In the context of United Nations Framework Convention on Climate Change (UNFCCC) land and soil is considered simultaneously as a source and a sink of carbon. The Union and Member States as parties have committed to promote sustainable management, conservation and enhancement of carbon sinks and reservoirs.	(8) In the context of United Nations Framework Convention on Climate Change (UNFCCC) land and soil is considered simultaneously as a source and a sink of carbon. The Union and Member States as parties have committed to promote sustainable management, conservation and enhancement of carbon sinks and reservoirs.	
Recital 9				
19	(9) The EU Biodiversity Strategy for 2030 states that it is essential to step up efforts to protect soil fertility, reduce soil erosion and increase soil organic matter by	(9) The EU Biodiversity Strategy for 2030 states that it is essential to step up efforts to protect soil fertility, reduce soil erosion and increase soil organic matter by	(9) The EU Biodiversity Strategy for 2030 states that it is essential to step up efforts to protect soil fertility, reduce soil erosion and increase soil organic matter by	

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	adopting sustainable soil management practices. It also states that significant progress is needed on identifying contaminated soil sites, restoring degraded soils, defining the conditions for good ecological status of soils, introducing restoration objectives, and improving the monitoring of soil health.	adopting sustainable soil management practices. It also states that significant progress is needed on identifying contaminated soil sites, restoring degraded soils, defining the conditions for good ecological status of soils, introducing restoration objectives, and improving the monitoring of soil health.	adopting sustainable soil management practices. It also states that significant progress is needed on identifying contaminated soil sites, restoring degraded soils, defining the conditions for good ecological status of soils, introducing restoration objectives, and improving the monitoring of soil health.	
Recital 10				
20	(10) The EU Soil Strategy for 2030 sets the long-term vision that by 2050, all EU soil ecosystems are in healthy condition and are thus more resilient. As a key solution, healthy soils contribute to address the EU's goals of achieving climate neutrality and becoming resilient to climate change, developing a clean and circular (bio)economy, reversing biodiversity loss, safeguarding human health, halting desertification and reversing land degradation.	(10) The EU Soil Strategy for 2030 sets the long-term vision that by 2050, all EU soil ecosystems are in healthy condition and are thus more resilient. As a key solution, healthy soils contribute to address the EU's goals of achieving climate neutrality and becoming resilient to climate change, developing a clean and circular (bio)economy, reversing biodiversity loss, safeguarding human health, halting desertification and reversing land degradation.	(10) The EU Soil Strategy for 2030 sets the long-term vision that by 2050, all EU soil ecosystems are in healthy condition and are thus more resilient. As a key solution, healthy soils contribute to address the EU's goals of achieving climate neutrality and becoming resilient to climate change, developing a clean and circular (bio)economy, reversing biodiversity loss, safeguarding human health, halting desertification and reversing land degradation.	
Recital 11				
21				

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	(11) Funding is vital to enable a transition to healthy soils. The Multiannual Financial Framework presents several funding opportunities available for the protection, sustainable management and regeneration of soils. A 'Soil Deal for Europe' is one of the five EU missions of the Horizon Europe programme and is specifically dedicated to promoting soil health. The Soil Mission is a key instrument for the implementation of this Directive. It aims to lead the transition to healthy soils through funding an ambitious research and innovation programme, establishing a network of 100 living labs and lighthouses in rural and urban areas, advancing the development of a harmonized soil monitoring framework and increasing the awareness of the importance of soil. Other Union programmes that present objectives contributing to healthy soils are the Common Agricultural Policy, the Cohesion Policy funds, the Programme for Environment and Climate Action, the Horizon Europe work programme, the Technical Support Instrument, the Recovery and Resilience Facility	(11) Funding is vital to enable a transition to healthy soils. The Multiannual Financial Framework presents several funding opportunities available for the protection, sustainable management and regeneration of soils. A 'Soil Deal for Europe' is one of the five EU missions of the Horizon Europe programme and is specifically dedicated to promoting soil health. The Soil Mission is a key instrument for the implementation of this Directive. It aims to lead the transition to healthy soils through funding an ambitious research and innovation programme, establishing a network of 100 living labs and lighthouses in rural and urban areas, advancing the development of a harmonized soil monitoring framework and increasing the awareness of the importance of soil. Other Union programmes that present objectives contributing to healthy soils are the Common Agricultural Policy, the Cohesion Policy funds, the Programme for Environment and Climate Action, the Horizon Europe work programme, the Technical Support Instrument, the Recovery and Resilience Facility	(11) Funding is vital to enable a transition to healthy soils. The Multiannual Financial Framework presents several funding opportunities available for the protection, sustainable management and regeneration of soils. A 'Soil Deal for Europe' is one of the five EU missions of the Horizon Europe programme and is specifically dedicated to promoting soil health. The Soil Mission is a key instrument for the implementation of this Directive. It aims to lead the transition to healthy soils through funding an ambitious research and innovation programme, establishing a network of 100 living labs and lighthouses in rural and urban areas, advancing the development of a harmonized soil monitoring framework and increasing the awareness of the importance of soil. Other Union programmes that present objectives contributing to healthy soils are the Common Agricultural Policy, the Cohesion Policy funds, the Programme for Environment and Climate Action, the Horizon Europe work programme, the Technical Support Instrument, the Recovery and Resilience Facility	

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	and InvestEU.	and InvestEU. ***As the goal to have all soils within the Union in healthy status is of common interest, there is a need to increase the mobilisation of resources to support the uptake of sustainable soil management and regenerative practices, including through provision of support from the European Investment Bank via de-risking mechanisms. The Commission should assess the overall financial needs and gaps and if needed put in place for the post-2027 period additional financial resources under the Multiannual Financial Framework and adopt measures to ensure policy coherence in relation to the objectives of this Directive.***	and InvestEU.	
Recital 12				
22	(12) The Soil Strategy for 2030 announced that the Commission would table a legislative proposal on soil health to enable the objectives of the Soil Strategy and to achieve good soil health across the EU by 2050. In its resolution of 28 April 2021 on soil protection[1], the European Parliament	(12) The Soil Strategy for 2030 announced that the Commission would table a legislative proposal on soil health to enable the objectives of the Soil Strategy and to achieve good soil health across the EU by 2050. In its resolution of 28 April 2021 on soil protection[1], the European Parliament	(12) The Soil Strategy for 2030 announced that the Commission would table a legislative proposal on soil health to enable the objectives of the Soil Strategy and to achieve good soil health across the EU by 2050. In its resolution of 28 April 2021 on soil protection[1], the European Parliament	

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	emphasised the importance of protecting soil and promoting healthy soils in the Union, bearing in mind that the degradation continues, despite the limited and uneven action being taken in some Member States. The European Parliament called on the Commission to design a Union wide common legal framework, with full respect for the subsidiarity principle, for the protection and sustainable use of soil, addressing all major soil threats. _____ 1. European Parliament resolution of 28 April 2021 on soil protection (2021/2548(RSP)).	emphasised the importance of protecting soil and promoting healthy soils in the Union, bearing in mind that the degradation continues, despite the limited and uneven action being taken in some Member States. The European Parliament called on the Commission to design a Union wide common legal framework, with full respect for the subsidiarity principle, for the protection and sustainable use of soil, addressing all major soil threats. ***Importantly, the European Parliament underlined the risks stemming from the absence of a level playing field between Member States and their different protection regimes for soil to the functioning of the internal market and the strong potential to stimulate fair competition in the private sector, develop innovative solutions and know-how and strengthen the export of technologies outside the Union.*** _____ 1. European Parliament resolution of 28 April 2021 on soil protection (2021/2548(RSP)).	emphasised the importance of protecting soil and promoting healthy soils in the Union, bearing in mind that the degradation continues, despite the limited and uneven action being taken in some Member States. The European Parliament called on the Commission to design a Union wide common legal framework, with full respect for the subsidiarity principle, for the protection and sustainable use of soil, addressing all major soil threats. _____ 1. European Parliament resolution of 28 April 2021 on soil protection (2021/2548(RSP)).	
Recital 13				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
23	(13) In its conclusions of 23 October 2020[1], the Council supported the Commission in stepping up efforts to better protect soils and soil biodiversity, as a non-renewable resource of vital importance. _____ 1. Council Conclusions on Biodiversity - the need for urgent action, 12210/20.	(13) In its conclusions of 23 October 2020[1], the Council supported the Commission in stepping up efforts to better protect soils and soil biodiversity, as a non-renewable resource of vital importance. _____ 1. Council Conclusions on Biodiversity - the need for urgent action, 12210/20.	(13) In its conclusions of 23 October 2020[1], the Council supported the Commission in stepping up efforts to better protect soils and soil biodiversity, as a non-renewable resource of vital importance. _____ 1. Council Conclusions on Biodiversity - the need for urgent action, 12210/20.	
Recital 14				
24	(14) Regulation (EU) 2021/1119 of the European Parliament and of the Council[1] sets out a binding objective of climate neutrality in the Union by 2050 and negative emissions thereafter, and of prioritising swift and predictable emission reductions and, at the same time, enhancing removals by natural sinks. Sustainable soil management results in increased carbon sequestration and in most cases in co-benefits for ecosystems and biodiversity. The Commission's Communication on Sustainable Carbon Cycles[2] underlined the need for clear and transparent identification of the activities that unambiguously	(14) Regulation (EU) 2021/1119 of the European Parliament and of the Council[1] sets out a binding objective of climate neutrality in the Union by 2050 and negative emissions thereafter, and of prioritising swift and predictable emission reductions and, at the same time, enhancing removals by natural sinks. Sustainable soil management results in increased carbon sequestration and in most cases in co-benefits for ecosystems and biodiversity. The Commission's Communication on Sustainable Carbon Cycles[2] underlined the need for clear and transparent identification of the activities that unambiguously	(14) Regulation (EU) 2021/1119 of the European Parliament and of the Council[1] sets out a binding objective of climate neutrality in the Union by 2050 and negative emissions thereafter, and of prioritising swift and predictable emission reductions and, at the same time, enhancing removals by natural sinks. Sustainable soil management results in increased carbon sequestration and in most cases in co-benefits for ecosystems and biodiversity. The Commission's Communication on Sustainable Carbon Cycles[2] underlined the need for clear and transparent identification of the activities that unambiguously	

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	remove carbon from the atmosphere such as the development of a EU framework for the certification of carbon removals from natural ecosystems including soils. Moreover, the revised Regulation on Land Use, Land Use Change and Forestry not only places soil carbon central to the achievement of targets on the pathway to a climate neutral Europe, but also calls for Member States to prepare a system for the monitoring of soil carbon stocks, using, inter alia, the land use/cover area frame statistical survey (LUCAS) dataset. _____ 1. Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law') (OJ L 243, 9.7.2021, p. 1). 2. Communication from the European Commission to the European Parliament and to the Council Sustainable Carbon Cycles COM (2021) 800.	remove carbon from the atmosphere such as the development of a EU framework for the certification of carbon removals from natural ecosystems including soils. Moreover, the revised Regulation on Land Use, Land Use Change and Forestry not only places soil carbon central to the achievement of targets on the pathway to a climate neutral Europe, but also calls for Member States to prepare a system for the monitoring of soil carbon stocks, using, inter alia, the land use/cover area frame statistical survey (LUCAS) dataset. _____ 1. Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law') (OJ L 243, 9.7.2021, p. 1). 2. Communication from the European Commission to the European Parliament and to the Council Sustainable Carbon Cycles COM (2021) 800.	remove carbon from the atmosphere such as the development of a EU framework for the certification of carbon removals from natural ecosystems including soils. Moreover, the revised Regulation on Land Use, Land Use Change and Forestry not only places soil carbon central to the achievement of targets on the pathway to a climate neutral Europe, but also calls for Member States to prepare a system for the monitoring of soil carbon stocks, using, inter alia, the land use/cover area frame statistical survey (LUCAS) dataset. _____ 1. Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law') (OJ L 243, 9.7.2021, p. 1). 2. Communication from the European Commission to the European Parliament and to the Council Sustainable Carbon Cycles COM (2021) 800.	
Recital 15				
25	(15) The Commission's Communication on adaptation to climate change[1] underlined that	(15) The Commission's Communication on adaptation to climate change[1] underlined that	(15) The Commission's Communication on adaptation to climate change[1] underlined that	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	using nature-based solutions inland, including the restoration of the sponge-like function of soils, will boost the supply of clean and fresh water, reduce the impacts of flooding and alleviate the impacts of droughts. It is important to maximise the capacity of soils to retain and purify water and reduce pollution. _____ 1. Communication from the European Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Forging a climate-resilient Europe - the new EU Strategy on Adaptation to Climate Change COM (2021)82 final.	using nature-based solutions inland, including the restoration of the sponge-like function of soils, will boost the supply of clean and fresh water, reduce the impacts of flooding and alleviate the impacts of droughts. It is important to maximise the capacity of soils to retain and purify water and reduce pollution. _____ 1. Communication from the European Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Forging a climate-resilient Europe - the new EU Strategy on Adaptation to Climate Change COM (2021)82 final.	using nature-based solutions inland, including the restoration of the sponge-like function of soils, will boost the supply of clean and fresh water, reduce the impacts of flooding and alleviate the impacts of droughts. It is important to maximise the capacity of soils to retain and purify water and reduce pollution. _____ 1. Communication from the European Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Forging a climate-resilient Europe - the new EU Strategy on Adaptation to Climate Change COM (2021)82 final.	
Recital 16				
26	(16) The Zero Pollution Action Plan adopted by the Commission sets out the vision for 2050 that air, water and soil pollution is reduced to levels no longer considered harmful to health and natural ecosystems and that respect the boundaries our planet can cope with, thus creating a toxic-free environment.	(16) The Zero Pollution Action Plan adopted by the Commission sets out the vision for 2050 that air, water and soil pollution is reduced to levels no longer considered harmful to health and natural ecosystems and that respect the boundaries our planet can cope with, thus creating a toxic-free environment.	(16) The Zero Pollution Action Plan adopted by the Commission sets out the vision for 2050 that air, water and soil pollution is reduced to levels no longer considered harmful to health and natural ecosystems and that respect the boundaries our planet can cope with, thus creating a toxic-free environment.	
Recital 17				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
27	(17) The Commission's Communication on safeguarding food security and reinforcing the resilience of food systems[1] stressed that food sustainability is fundamental for food security. Healthy soils make the Union food system more resilient by providing the basis for nutritious and sufficient food. _____ 1. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Safeguarding food security and reinforcing the resilience of food systems, COM (2022) 133 final.	(17) The Commission's Communication on safeguarding food security and reinforcing the resilience of food systems[1] stressed that food sustainability is fundamental for food security. Healthy soils make the Union food system more resilient by providing the basis for nutritious and sufficient food. _____ 1. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Safeguarding food security and reinforcing the resilience of food systems, COM (2022) 133 final.	(17) The Commission's Communication on safeguarding food security and reinforcing the resilience of food systems[1] stressed that food sustainability is fundamental for food security. Healthy soils make the Union food system more resilient by providing the basis for nutritious and sufficient food. _____ 1. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Safeguarding food security and reinforcing the resilience of food systems, COM (2022) 133 final.	
Recital 18				
28	(18) It is necessary to set measures for monitoring and assessing soil health, managing soils sustainably and tackling contaminated sites to achieve healthy soils by 2050, to maintain them in healthy condition and meet the Union's objectives on climate and biodiversity, to prevent and respond to droughts and natural disasters, to protect human health and to ensure food security and safety.	(18) It is ~~*necessary*~~***vital*** to set ***appropriate*** measures for ***Union-wide harmonised*** monitoring and ~~*assessing*~~***assessment of*** soil health, managing soils sustainably and tackling contaminated sites to achieve healthy soils by 2050, to maintain them in healthy condition and meet the Union's objectives on climate and biodiversity, to prevent and respond to droughts and natural disasters, to protect human	(18) It is necessary to set measures for monitoring and assessing soil health, managing soils sustainably and tackling contaminated sites to achieve healthy soils by 2050, to maintain them in healthy condition and meet the Union's objectives on climate and biodiversity, to prevent and respond to droughts and natural disasters, to protect human health and to ensure food security and safety.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		health and to ensure food security and safety.		
Recital 19				
29	(19) Soils host more than 25% of all biodiversity and are the second largest carbon pool of the planet. Due to their ability to capture and store carbon, healthy soils contribute to the achievement of the Union's objectives on climate change. Healthy soils also provide a favourable habitat for organisms to thrive and are crucial for enhancing biodiversity and the stability of ecosystems. Biodiversity below and above ground are intimately connected and interact through mutualistic relationships (e.g. mycorrhizal fungi that connect plant roots).	(19) Soils host more than 25% of all biodiversity and are the second largest carbon pool of the planet. Due to their ability to capture and store carbon, healthy soils contribute to the achievement of the Union's objectives on climate change. ***Soil biodiversity encompasses micro-organisms, including bacteria, fungi, protozoa and nematodes, as well as larger organisms such as earthworms, insects, and plant roots, which collectively contribute to the ecological and functional diversity of soil ecosystems***. Healthy soils also provide a favourable habitat for organisms to thrive and are crucial for enhancing biodiversity and the stability of ecosystems. Biodiversity below and above ground are intimately connected and interact through mutualistic relationships (e.g. mycorrhizal fungi that connect plant roots).	(19) Soils host more than 25% of all biodiversity and are the second largest carbon pool of the planet. Due to their ability to capture and store carbon, healthy soils contribute to the achievement of the Union's objectives on climate change. Healthy soils also provide a favourable habitat for organisms to thrive and are crucial for enhancing biodiversity and the stability of ecosystems. Biodiversity below and above ground are intimately connected and interact through mutualistic relationships (e.g. mycorrhizal fungi that connect plant roots).	

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Recital 19a				
29a		***(19a) Soil organic matter is crucial for the provision of soil ecosystem services and functions, by reducing soil degradation, erosion and compaction, while increasing the buffering, water holding and cation exchange capacity of the soil and soil organic carbon, which ultimately could increase crop yields. Additionally, soil organic matter positively affects soil biodiversity and could increase the carbon sequestered in soils, thereby contributing to climate change mitigation.***	**(19a) Soil organic matter is crucial for the provision of soil ecosystem services and functions, by reducing soil degradation such as erosion and compaction, while increasing the buffering, water holding and infiltration as well as cation exchange capacity of the soil. Soil organic matter, generally measured through soil organic carbon, can not only improve the structural stability of soils, reflected by their soil organic carbon to clay ratio, but also the development of biomass, including an increase in crop yields. Additionally, soil organic matter positively affects soil biodiversity and can increase the amount of carbon sequestered in soils and therefore the soil organic carbon stocks, thereby contributing to climate change mitigation and adaptation.**	
Recital 20				
30	(20) Floods, wildfires and extreme weather events are natural disaster risks of the highest concern across	(20) Floods, wildfires and extreme weather events are natural disaster risks of the highest concern across	(20) Floods, wildfires and extreme weather events are natural disaster risks of the highest concern across	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Europe. The concern for droughts and water scarcity is rapidly increasing across the Union. In 2020, 24 Member States considered droughts and water scarcity to be key emerging or climate related disaster risks, compared to only 11 Member States in 2015. Healthy soils are instrumental for the resilience to droughts and natural disasters. Practices that enhance water retention and nutrient availability in soils, soil structure, soil biodiversity and carbon sequestration, increase the resilience of ecosystems, plants and crops to withstand and recover from drought, natural disasters, heatwaves and extreme weather events which will become more frequent in the future due to climate change. In turn, without proper soil management, drought and natural disasters cause soil degradation and make soils unhealthy. Improvement of soil health helps to mitigate the economic losses and fatalities associated with climate-related extremes, which amounted to approximately 560 billion EUR and more than 182.000 casualties	Europe. The concern for droughts and water scarcity is rapidly increasing across the Union. In 2020, 24 Member States considered droughts and water scarcity to be key emerging or climate related disaster risks, compared to only 11 Member States in 2015. Healthy soils are instrumental for the resilience to droughts and natural disasters. Practices that enhance water retention and nutrient availability in soils, soil structure, soil biodiversity and carbon sequestration, increase the resilience of ecosystems, plants and crops to withstand and recover from drought, natural disasters, heatwaves and extreme weather events which will become more frequent in the future due to climate change. In turn, without proper soil management, drought and natural disasters cause soil degradation and make soils unhealthy. Improvement of soil health helps to mitigate the economic losses and fatalities associated with climate-related extremes, which amounted to approximately 560 billion EUR and more than 182.000 casualties	Europe. The concern for droughts and water scarcity is rapidly increasing across the Union. In 2020, 24 Member States considered droughts and water scarcity to be key emerging or climate related disaster risks, compared to only 11 Member States in 2015. Healthy soils are instrumental for the resilience to droughts and natural disasters. Practices that enhance water retention and nutrient availability in soils, soil structure, soil biodiversity and carbon sequestration, increase the resilience of ecosystems, plants and crops to withstand and recover from drought, natural disasters, heatwaves and extreme weather events which will become more frequent in the future due to climate change. In turn, without proper soil management, drought and natural disasters cause soil degradation and make soils unhealthy. Improvement of soil health helps to mitigate the economic losses and fatalities associated with climate-related extremes, which amounted to approximately 560 billion EUR and more than 182.000 casualties	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	in the Union between 1980 and 2021.	in the Union between 1980 and 2021.	in the Union between 1980 and 2021.	
Recital 21				
31	(21) Soil health contributes directly to human health and well-being. Healthy soils provide safe and nutritious food, and have the ability to filter contaminants, hence preserving drinking water quality. Soil contamination can harm human health through ingestion, inhalation or dermal contact. Human exposure to the healthy soil microbial community is beneficial to develop the immune system and resistance against certain diseases and allergies. Healthy soils support the growth of trees, flowers, and grasses, and create green infrastructure that offers aesthetic value, well-being, and quality of life.	(21) Soil health contributes directly to human health and well-being. Healthy soils provide safe and nutritious food, and have the ability to filter contaminants, hence preserving drinking water quality. Soil contamination can harm human health through ingestion, inhalation or dermal contact. Human exposure to the healthy soil microbial community is beneficial to develop the immune system and resistance against certain diseases and allergies. Healthy soils support the growth of trees, flowers, and grasses, and create green infrastructure that offers aesthetic value, well-being, and quality of life.	(21) Soil health contributes directly to human health and well-being. Healthy soils provide safe and nutritious food, and have the ability to filter contaminants, hence preserving drinking water quality. Soil contamination can harm human health through ingestion, inhalation or dermal contact. Human exposure to the healthy soil microbial community is beneficial to develop the immune system and resistance against certain diseases and allergies. Healthy soils support the growth of trees, flowers, and grasses, and create green infrastructure that offers aesthetic value, well-being, and quality of life.	
Recital 21a				
31a		***(21a) Per- and polyfluoroalkyl substances (PFAS) have been frequently observed to contaminate groundwater, surface water as well as soil. They can***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		alter soil properties and structures, with some of the reported effects including a decrease in soil respiration and water stable aggregates, and an increase in soil pH.		
Recital 22				
32	(22) Soil degradation impacts fertility, yields, pest resistance and nutritional food quality. Since 95 % of our food is directly or indirectly produced on soils and the global population continues to increase, it is key that this finite natural resource remains healthy to ensure food security in the long-term and secure the productivity and profitability of Union agriculture. Sustainable soil management practices maintain or enhance soil health and contribute to the sustainability and resilience of the food system.	(22) Soil degradation impacts fertility, yields, pest resistance and nutritional food quality. Since 95 % of our food is directly or indirectly produced on soils and the global population continues to increase, it is key that this finite natural resource remains healthy to ensure food security in the long-term and secure the productivity and profitability of Union agriculture. Sustainable soil management practices***, including those set out by the common agricultural policy,*** maintain or enhance soil health and contribute to the sustainability and resilience of the food system. ***Reducing nutrient losses and pesticide residues are essential in this respect.***	(22) Soil degradation impacts fertility, yields, pest resistance and nutritional food quality. Since 95 % of our food is directly or indirectly produced on soils and the global population continues to increase, it is key that this finite natural resource remains healthy to ensure food security in the long-term and secure the productivity and profitability of Union agriculture. Sustainable soil management practices maintain or enhance soil health and contribute to the sustainability and resilience of the food system.	
Recital 23				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
33	(23) The long-term objective of the Directive is to achieve healthy soils by 2050. As an intermediate step, in light of the limited knowledge about the condition of soils and about the effectiveness and costs of the measures to regenerate their health, the directive takes a staged approach. In the first stage the focus will be on setting up the soil monitoring framework and assessing the situation of soils throughout the EU. It also includes requirements to lay down measures to manage soils sustainably and regenerate unhealthy soils once their condition is established, but without imposing an obligation to achieve healthy soils by 2050 neither intermediate targets. This proportionate approach will allow sustainable soil management and regeneration of unhealthy soils to be well prepared, incentivised and set in motion. In a second stage, as soon as the results of the first assessment of soils and trends analysis are available, the Commission will take stock of the progress towards the 2050 objective and the experience	(23) The long-term objective of the Directive is to achieve healthy soils ***across the Union*** by 2050. As an intermediate step, in light of the limited knowledge about the condition of soils and about the effectiveness and costs of the measures to regenerate their health, the directive takes a staged approach. In the first stage the focus will be on setting up the soil monitoring framework and assessing the situation of soils throughout the EU. ~~*It also includes requirements to lay down measures to manage soils sustainably and regenerate unhealthy soils once their condition is established, but without imposing an obligation to achieve*~~***Member States should define sustainable soil management practices taking into account the non-binding principles set in Annex III to this Directive. The Member States are given the flexibility to decide on the concrete practices to be implemented, when appropriate, reflecting local conditions and its feasibility, in order to facilitate achieving*** healthy soils by 2050 ~~*neither intermediate targets*~~. This	(23) The **aspirational** long-term objective of the Directive is to achieve healthy soils by 2050. As an intermediate step, in light of the limited knowledge about the condition of soils and about the effectiveness and costs of the measures to regenerate their health, the Directive takes a staged approach. In the first stage**,** the focus will be on setting up the soil monitoring framework and assessing the situation of soils throughout the EU. It also includes requirements to lay down measures to manage soils sustainably ~~and~~**,** regenerate unhealthy soils**,** once their condition is established,~~ but without imposing~~ **as well as assess and manage the risks of contaminated sites. However, it does not impose** an obligation to achieve healthy soils by 2050 ~~neither~~ **nor** intermediate targets. This proportionate approach will allow sustainable soil management and regeneration of unhealthy soils to be well prepared, incentivised and set in motion. In a second stage, as soon as the results of the first assessment of soils and trends analysis are available, the	

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	thereof, and will propose a review of the directive if necessary to accelerate progress towards 2050.	proportionate approach will allow sustainable soil management and regeneration of ~~*unhealthy*~~ soils ***that are not healthy*** to be well prepared, incentivised and set in motion. In a second stage, as soon as the results of the first assessment of soils and trends analysis are available, the Commission will take stock of the progress towards the 2050 objective and the experience thereof, and will propose a review of the directive if necessary to ~~*accelerate progress towards 2050*~~***meet the 2050 goal***.	Commission will take stock of the progress towards the 2050 objective and the experience thereof, and will propose a review of the Directive if necessary to accelerate progress towards 2050.	
Recital 24				
34	(24) Addressing the pressures on soils and identifying the appropriate measures to maintain or regenerate soil health requires that the variety of soil types, the specific local and climatic conditions and the land use or the land cover is taken into account. It is therefore appropriate that Member States establish soil districts. Soil districts should constitute the basic governance units to manage soils and to take measures to comply with the requirements laid down in this	(24) Addressing the pressures on soils and identifying the appropriate measures to maintain or regenerate soil health requires that the variety of soil types, the specific local and climatic conditions and the land use or the land cover is taken into account. It is therefore appropriate that Member States establish soil districts ***that are capable of adequately reflecting pedoclimatic conditions and soil variety on their whole territory***. Soil districts should constitute the basic	(24) Addressing the pressures on soils and identifying the appropriate measures to maintain or regenerate soil health requires that the variety of soil types, the specific local and climatic conditions and the land use or the land cover is taken into account. It is therefore appropriate that Member States establish soil ~~districts. Soil districts~~**units reflecting a certain degree of homogeneity of those characteristics, for the monitoring and assessment of**	Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Directive, in particular with regard to the monitoring and assessment of soil health. The number, geographic extent and boundaries of soil districts for each Member State should be determined in order to facilitate the implementation of Regulation (UE) ./.. of the European Parliament and of the Council[+]. There should be a minimum number of soil districts in each Member State taking into account the size of the Member State. This minimum number of soil districts for each Member State shall correspond to the number of NUTS 1 territorial units established in Regulation (EC) No 1059/2003 of the European Parliament and of the Council[2]. _____ +. OP please insert in the text the number of the Regulation on the carbon removal certification contained in document COM(2022) 672 final and insert the number, date, title and OJ reference of that Directive in the footnote. 2. Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS) (OJ L 154, 21.6.2003, p. 1).	governance units to manage soils and to take measures to comply with the requirements laid down in this Directive, in particular with regard to the monitoring and assessment of soil health~~. *The number, geographic extent and boundaries of soil districts for each Member State should be determined in order to facilitate the implementation of Regulation (UE) ./.. of the European Parliament and of the Council*[+]~~. There should be a minimum number of soil districts in each Member State taking into account the size of the Member State. This minimum number of soil districts for each Member State shall correspond to the number of NUTS 1 territorial units established in Regulation (EC) No 1059/2003 of the European Parliament and of the Council[2]. ***Member States can decide to set up their soil districts according to their number of NUTS 2 territorial units in order to better reflect their local conditions and the competences of their national authorities.*** _____ ~~+. *OP please insert in the text the number of the Regulation on the carbon removal certification contained in document*~~	**soil health across all their territory. Soil units** should ~~constitute the basic~~**however be under the management of appropriate** governance ~~units to manage~~**structures enabling Member States to ensure that the monitoring and assessment are properly undertaken, and that sustainable management of** soils and ~~to take~~ measures **are carried out** to comply with the requirements laid down in this Directive~~, in particular with regard to the monitoring and assessment of soil health. The number, geographic extent and boundaries of~~ Soil districts ~~for each Member State should be determined in order to facilitate the implementation of Regulation (UE) ./.. of the European Parliament and of the Council[+]. There should be a minimum number of soil districts in each Member State taking into account the size of the Member State. This minimum number of soil districts for each Member State shall correspond to the number of NUTS 1 territorial~~ **reflect the administrative territories under the responsibility of these governance structures and cover**	

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		~~*COM(2022) 672 final and insert the number, date, title and OJ reference of that Directive in the footnote.*~~ 2. Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS) (OJ L 154, 21.6.2003, p. 1).	**one or several entire soil** units ~~established in Regulation (EC) No 1059/2003 of the European Parliament and of the Council~~[2]. _____ ~~1. OP please insert in the text the number of the Regulation on the carbon removal certification contained in document COM(2022) 672 final and insert the number, date, title and OJ reference of that Directive in the footnote.~~ ~~2. Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS) (OJ L 154, 21.6.2003, p. 1).~~	
Recital 24a				
34a			**(24a) To design the sample survey for the soil monitoring, the Member States will need to take into account their soil districts and soil units. In order to ensure sufficient level of harmonisation between Member States, the minimum criteria to define soil units should be defined at European level. In that regard, soil type and land use are two minimum criteria that should serve as harmonised basic data. As for the soil type, the map of soil regions of the**	

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			European Union and Adjacent Countries[1] allows to represent the frame condition for soil development at the landscape level. This map builds on soil types as defined in the World Reference Base for Soil Resources[2], as well as on fully comparable and harmonized basic data at the continental level, i.e climate, topography, relief, geology and vegetation. As for the land use, the categories as defined in Regulation (EU) 2018/841[3] and the IPPC Guidelines serve as a harmonised basis for land use reporting. Therefore, in order to delineate the soil units, Member States should take into account at least the soil districts, as well as the above mentioned soil regions and the land use categories. Due to spatial variability in soil properties and land use, a soil unit may consist of non-adjacent areas. In addition, climatic and environmental conditions can be taken into account. More detailed or updated information at the European, national or subnational level could be used, when available.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			_____ **1. 'Soil Regions of the European Union and Adjacent Countries 1:5,000,000', 2005, accessed 2024-03-07, http://data.europa.eu/88u/dataset/ae71ffee-1ae9-4624-ae3f-f49513fe9dcb** **2. https://www.fao.org/soils-portal/data-hub/soil-classification/world-reference-base/en/** **3. Regulation (EU) 2018/841 of the European Parliament and of the Council of 30 May 2018 on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry in the 2030 climate and energy framework, and amending Regulation (EU) No 525/2013 and Decision No 529/2013/EU (OJ L 156, 19.6.2018, p. 1).**	
Recital 24a				
34b		***(24a) Soil districts are the most appropriate level for adopting programmes of measures and, where necessary, intermediate targets, including via local soil district plans, taking into account local conditions and the views of local stakeholders, to ensure that the respective soils improve their classification. As it takes more time to restore critically degraded soils, a sufficient timeline of up to 10 years should be given to ensure that their ecological classification improves. Soils registered as***		

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		contaminated that are covered by specific management and mitigation plans could be subject to a different timeline.		
Recital 25				
35	(25) In order to ensure an appropriate governance on soils, Member States should be required to appoint a competent authority for each soil district. Member States should be allowed to appoint any additional competent authority at appropriate level including at national or regional level.	(25) In order to ensure an appropriate governance on soils, Member States should be required to appoint a competent authority for each soil district. Member States should be allowed to appoint any additional competent authority at appropriate level including at national or regional level***, including across territories of Member States. In order to minimise costs, Member States should primarily appoint authorities that are already set up. One authority could be responsible for several areas, which could improve consistency in the implementation of this Directive. In the event that Member States change the allocation of competences among competent authorities, they should communicate those changes to the Commission to keep the information up to date.***	(25) In order to ensure an appropriate governance on soils, Member States should be required to appoint **one or more** ~~a~~ competent ~~authority~~ **authorities** for each soil district. Member States should be allowed to appoint any additional competent authority at **the** appropriate level**,** including at national or ~~regional~~ **subnational** level.	

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Recital 25a				
35a			**(25a) Member States should be allowed to designate the suitable competent authority for carrying out in military sites the duties laid down in this Directive. In addition, any data and information pertaining to the military sites should not be disclosed, given their disclosure can adversely affect public security or national defence. Therefore, Member States should be allowed not to make such data and information accessible to the public, including through the digital soil health data portal or the register of potentially contaminated sites and contaminated sites, nor to report them to the Commission and the EEA.**	
Recital 26				
36	(26) In order to have a common definition of healthy soil condition, there is a need to define a minimum common set of measurable criteria, which, if not respected leads to a critical loss in	(26) In order to have a common definition of healthy soil condition, there is a need to define a minimum common set of measurable criteria, which, if not respected leads to a critical loss in	(26) In order to have a common definition of healthy soil condition, there is a need to define a minimum common set of measurable criteria, which, if not respected leads to a critical loss in	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the soil's capacity to function as a vital living system and to provide ecosystem services. Such criteria should reflect and be based on the existing level of soil science.	the soil's capacity to function as a vital living system and to provide ecosystem services. Such criteria should reflect and be based on the existing level of soil science.	the soil's capacity to function as a vital living system and to provide ecosystem services. Such criteria should reflect and be based on the existing level of soil science.	
Recital 27				
37	(27) In order to describe soil degradation it is necessary to establish soil descriptors that can be measured or estimated. Even if there is significant variability between soil types, climatic conditions and land uses, the current scientific knowledge allows to set criteria at Union level for some of those soil descriptors. However, Member States should be able to adapt the criteria for some of these soil descriptors based on specific national or local conditions and define the criteria for other soil descriptors for which common criteria at EU level cannot be established at this stage. For those descriptors for which clear criteria that would distinguish between healthy and unhealthy condition cannot be identified now, only monitoring and assessment are required. This will facilitate the development of such criteria in	(27) In order to ~~*describe soil degradation it is necessary to establish*~~***provide for a common framework and to allow for comparability of data, the Commission should by means of delegated acts, adopt a methodology for determining threshold values for*** soil descriptors ~~*that can be measured or estimated. Even if there is significant variability between soil types,*~~***for each soil ecological status. It is important that this methodology take into account the most recent scientific evidence and provide for means to account for different*** climatic conditions and ~~*land uses, the current scientific knowledge allows to set criteria at Union level for some of those soil descriptors. However,*~~***types of soil. Using this methodology*** Member States should ~~*be able to adapt the criteria for some of these soil*~~	(27) In order to describe soil degradation it is necessary to establish **common** soil descriptors that can be measured or estimated. Even if there is significant variability between soil types, climatic conditions and land uses, the current scientific knowledge allows to set criteria at Union level for some of those soil descriptors. However, Member States should be able to adapt the criteria for some of these soil descriptors based on specific national or local conditions and define the criteria for other soil descriptors for which common criteria at EU level cannot be established at this stage. For those descriptors for which clear criteria that would distinguish between healthy and unhealthy condition cannot be identified now, only monitoring and assessment are required. This will facilitate the development of such criteria in	

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	future.	~~*descriptors based on specific national or local conditions and define the criteria for other*~~***identify draft threshold values for*** soil descriptors for ~~*which common criteria at EU*~~***each soil ecological status taking into consideration climate conditions, the type of soil, type of land area and scientific evidence and submit them to the Commission. In order to ensure a*** level ~~*cannot be established at this stage. For those descriptors for*~~***playing field among Member States and to avoid Member States adopting threshold values*** which ~~*clear criteria that would distinguish between healthy and unhealthy condition cannot be identified now, only monitoring and assessment are*~~***allow similar soil to be categorised in a very different manner, thereby affecting the efforts*** required~~*. This will facilitate the development of such criteria in future*~~ ***to improve its soil ecological status, the Commission should assess the draft threshold values and their scientific justification. The Commission should be able to ask Member States for additional information or revision of their***	future.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		draft threshold values. The Commission should approve the threshold values, provided that its observations have been adequately taken into account.		
Recital 27a				
37a			**(27a) In order to make a clear distinction between the aspirational long-term objective of this Directive and the operational aspects of implementing sustainable soil management practices, the criteria for healthy soil condition of the soil descriptors are split into non-binding sustainable target values and operational trigger values. The non-binding sustainable target values reflect the long-term aspirational objective of this Directive and do not create an obligation to act. These target values reflect, based on the current scientific knowledge, the ideal situation where the capacity of soils to provide ecosystem services will not decrease and no significant harm will occur to human health or the environment. However, bearing in mind the need for**	

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			efficiency and the limited resources available, measures to achieve good soil health need to be prioritized and implemented gradually. Therefore, operational trigger values are needed. These values set in motion appropriate measures to maintain or regenerate soil health. For each aspect of soil degradation, one or several proportional and feasible trigger values are set. This enables a stepwise implementation of measures ranging from vigilance and awareness raising to sustainable management up to regeneration practices. Setting the trigger values at Member State level ensures that local conditions and practices, soil use, and current policies can be fully taken into account. Member States could decide to set the trigger value for one or more soil degradations at the same level as the target value for these soil degradations. The Commission should support Member States in establishing the sustainable target and operational trigger values.	
Recital 27a				

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37b		***(27a) An integrated view on the assessment of soil health that goes beyond solely looking at degradation factors and provides a clear path for its improvement is necessary. The overall assessment of soil ecological status should, therefore, be categorised according to five classes from "high soil ecological status", "good ecological status", "moderate", "degraded soils" to "critically degraded soils", taking into consideration, inter alia, the presence of degradation factors and soil functions.***		
Recital 27b				
37c		***(27b) To respect the autonomy of the Member States that are willing to implement more comprehensive monitoring systems, Member States should be able to choose among 3 monitoring tiers. Tier 1 provides a minimum set of soil descriptors. In Tier 2, 20% of the sampling points are determined according to the LUCAS programme and double sampled for continuous monitoring and the establishment of transfer***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		functions, while the remaining 80% of the sampling points are determined by the Member State, also for continuous monitoring and following the criteria set in the annexes to this Directive. In Tiers 1 and 2, 20% of sampling points are dedicated to targeted monitoring, allowing Member States to expand risk-based assessments, conduct investigations, or target areas of particular interest. The establishment of a tiered approach increases the number of soil descriptors assessed but also the level of autonomy that Member States have in determining the thresholds associated to the ecological status of soils. The main goal of such a tiered approach is to allow all Member States to implement their monitoring systems and take advantage of any current national systems that already monitor soils. Tier 2 will allow gaps to be filled in the scope and extent of the soil descriptors considered. In Tier 3, the number of soil descriptors is expanded further to refine particular aspects of the soil monitoring systems.		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 28				
38	(28) In order to create incentives, Member States should set up mechanisms to recognize the efforts of landowners and land managers to maintain the soil in healthy condition, including in the form of soil health certification complementary to the Union regulatory framework for carbon removals, and supporting the implementation of the renewable energy sustainability criteria set out in article 29 of Directive (EU) 2018/2001 of the European Parliament and of the Council[1]. The Commission should facilitate soil health certification by inter alia exchanging information and promoting best practices, raising awareness and assessing feasibility of developing recognition of certification schemes at Union level. Synergies between different certification schemes should be exploited as much as possible to reduce administrative burden for those applying for relevant certifications. _____ 1. Directive (EU) 2018/2001 of the	*deleted*	*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (recast) (OJ L 328, 21.12.2018, p. 82).			
Recital 29				
39	*(29)* Some soils have special characteristics either because they are atypical by nature and constitute rare habitats for biodiversity or unique landscapes or because they have been heavily modified by humans. Those characteristics should be taken into account in the context of the definition of healthy soils and the requirements to achieve healthy soil condition.	(29) Some soils have special characteristics either because they are atypical by nature and constitute rare habitats for biodiversity or unique landscapes or because they have been heavily modified by humans. Those characteristics should be taken into account in the context of the definition of healthy soils and the requirements to achieve healthy soil condition.	(29) Some soils have special characteristics either because they are atypical by nature and constitute rare habitats for biodiversity or unique landscapes or because they have been heavily modified by humans **and may contain tangible traces of our past**. Those characteristics should be taken into account in the context of the definition of healthy soils and the requirements to achieve healthy soil condition.	
Recital 29a				
39a			**(29a) Similarly to the aspirational long-term objective to achieve healthy soils by 2050, and in view of contributing to the objectives of the EU Soil Strategy for 2030 and in particular, to the so-called "No Net Land Take" objective, this Directive also aims to adopt a staged approach on**	

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			the issue of land take. To contribute to this long-term goal, it is important to assess the various processes of land take, and aim to reduce and mitigate their impact on soil health and ecosystem services. **This Directive thus aims to set up a monitoring framework for the more visible aspects of land take: soil sealing and soil destruction, using already available tools at EU level through the Copernicus products, optionally complemented with national remote sensing data and inventories. The aim is to be as cost-effective and pragmatic as possible at this stage, with the goal of having a harmonised understanding, and to initiate first considerations at the national level, based on sound data.**	
Recital 30				
40	(30) Soil is a limited resource subject to an ever-growing competition for different uses. Land take is a process often driven by economic development needs, that transforms natural and semi-	(30) Soil is a limited resource subject to an ever-growing competition for different uses. Land take is a process often driven by economic development needs, that transforms natural and semi-	(30) Soil is a limited resource subject to an ever-growing competition for different uses. Land take is a process ~~often driven by economic development needs, that transforms~~**which causes a**	

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	natural areas (including agricultural and forestry land, gardens and parks) into artificial land development, using soil as a platform for constructions and infrastructure, as a direct source of raw material or as archive for historic patrimony. This transformation may cause the loss, often irreversibly, of the capacity of soils to provide other ecosystem services (provision of food and biomass, water and nutrients cycling, basis for biodiversity and carbon storage). In particular, land take often affects the most fertile agricultural soils, putting food security in jeopardy. Sealed soil also exposes human settlements to higher flood peaks and more intense heat island effects. Therefore, it is necessary to monitor land take and soil sealing and their effects on soil's capacity to provide ecosystem services. It is also appropriate to lay down certain principles to mitigate the impacts of land take as part of sustainable soil management.	natural areas (including agricultural and forestry land, gardens and parks) into artificial land development, using soil as a platform for constructions and infrastructure, as a direct source of raw material or as archive for historic patrimony. This transformation may cause the loss, often irreversibly, of the capacity of soils to provide other ecosystem services (provision of food and biomass, water and nutrients cycling, basis for biodiversity and carbon storage). In particular, land take often affects the most fertile agricultural soils, putting food security in jeopardy. Sealed soil also exposes human settlements to higher flood peaks and more intense heat island effects. Therefore, it is necessary to monitor land take and soil sealing and their effects on soil's capacity to provide ecosystem services. It is also appropriate to lay down certain principles to mitigate the impacts of land take ~~*as part of*~~***complementing*** sustainable soil management.	**modification of land use and of the characteristics of the soil. It can be seen as an overarching concept that can be subdivided into multiple aspects. First, an aspect of land use change from** natural and semi-natural **land uses towards settlement** areas**. Second, an aspect of the artificialisation of soils caused by the durable alteration of the soil components and characteristics, resulting in a loss** ~~(including agricultural and forestry land, gardens and parks) into artificial land development, using soil as a platform for constructions and infrastructure, as a direct source of raw material or as archive for historic patrimony. This transformation may cause the loss, often irreversibly,~~ of the capacity of soils to provide ~~other ecosystem services (provision of food and biomass, water and nutrients cycling, basis for biodiversity and carbon storage). In particular, land take often affects the most fertile agricultural soils, putting food security in jeopardy. Sealed soil also exposes human settlements to higher flood peaks and more intense heat island effects. Therefore, it is necessary to~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			~~monitor land take and soil sealing and their effects on soil's capacity to provide~~ ecosystem services. ~~It is also appropriate to lay down certain principles to mitigate the impacts~~ **This last aspect** of land take ~~as part of sustainable soil management~~**, soil artificialisation, can be further divided into three main processes: soil sealing, soil destruction, and other types of soil artificialisation**. **Soil sealing can be equated to a covering of the soils with artificial materials, impermeable or (semi-)permeable, often combined with a destruction of soils. Buildings and roads are an example of impermeable soil sealing. Train tracks with associated permeable materials are a type of semi-permeable soil sealing.** **Soil destruction is the destruction of the surface layer of the soil and sometimes the subsoil. It can be seen most predominantly during construction works, open-pit mining, quarrying, which completely remove – sometimes temporarily - layers of soil, or more insidiously in examples**	

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			such as waste disposal and dumping grounds where the soil is damaged to the point of destruction. **Finally, there are other, less visible types of soil artificialisation, which could be for example the intentional stabilisation and compaction of soil, the modification of layers of soil or subsoil with the inclusion of artificial materials or the partial covering of soil with composite materials.** **Soil artificialisation is as such a type of soil degradation which can be one of the most impactful on soil health, as it can lead up to a complete loss of soil through soil destruction and the total loss of soil functions, often reducing the services provided by soil to a platform for infrastructure and a source of raw materials, with infiltration sometimes still possible into the (sub-)soil, most notably when (semi-)permeable materials are used. The most visible and impactful sub-types of soil artificialisation – soil sealing and soil destruction – are also the easiest to monitor, and are as such the main focus of the**	

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			monitoring in this Directive.	
Recital 30a				
40a			**(30a) Among the land take aspects, the growth of settlement areas is a process often driven by economic development needs, which entails a land use change from natural and semi-natural areas (including protected forests, natural grasslands, peatlands, agricultural and forestry land, gardens and parks) to settlement area, for example as part of urban development.** **Settlement areas, as described in the revised Regulation (EU) 2018/841, includes all developed land -- i.e. residential, transportation, commercial, and production (commercial, manufacturing) infrastructure of any size, unless they are already included under other land-use categories. It also includes soils, herbaceous perennial vegetation such as turf grass and garden plants, trees in rural settlements, homestead gardens and urban areas.** **In particular, this aspect of land**	

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			take often affects the most fertile agricultural soils, potentially putting food security in jeopardy, by "taking" them for settlement use instead. This change of land use is often, but not always, a precursor to some other aspects of land take, in particular to soil sealing, and as such is important to monitor in order to anticipate at least part of the process of soil sealing. It is also important to note that settlements are not always fully sealed. On the contrary, a significant amount of urban area still retains important amounts of unsealed soils, sometimes even higher than 50% of their surface. This indicator of land take alone thus is not sufficient to fully monitor the issue, as it does not differentiate between sealed and unsealed soils, and invisibilises the green areas within settlement areas, making their monitoring and sustainable management more difficult.	
Recital 30b				
40b			**(30b) Unsealed soils in settlement areas, and in densely**	

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			populated urban areas in particular, are as important to monitor and manage sustainably as any other soils, as they still provide ecosystem services that are vital in maintaining a good quality of life within urban areas. These densely populated areas combine and concentrate a wide array of environmental issues in a comparatively smaller surface area. These issues can go from a higher rate of contaminated sites due to past industries, to higher risk of flooding because of soil sealing, to a higher prevalence of heat islands and a more limited access to green areas essential for mental and physical wellbeing. Soil ecosystem services provided by healthy soils in urban area can as such have a very strong positive impact on a great quantity of people by tackling those specific issues and their importance should not be minimised. Those green spaces, both public and private, also contribute to the blue-green network and biodiversity, and are a key element for other environmental policies. This is also in line with Article 8 of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Regulation …/…[1]+ on the restauration of urban ecosystems, which reflects the need for Member States to maintain and increase the surface of urban green spaces. _____ **1. + OP : please insert in the text the number of Regulation on nature restoration contained in document COM(2022) 304**	
Recital 30c				
40c			**(30c) On the other hand, soil sealing and soil destruction, as part of the soil artificialisation aspect of land take, are different from settlement growth, as they do not focus on a land use change, but rather on a concrete and measurable change in the soil cover and soil characteristics. In soil sealing, the soil is for example modified and reduced to serving as a platform for constructions and infrastructure, including buildings, roads, parking, and other mineral surfaces. Soil destruction might be caused by soil removal, even temporarily, when the soil is reduced to being**	

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			used as a direct source of raw material such as minerals and lignite, during mining or quarrying activities, during construction works or as part of soil sealing. It can also be found in dumping grounds, where the soil is covered by waste materials, damaging it to the point of destruction. These transformations may cause the loss, often irreversibly, of the capacity of soils to provide other ecosystem services (provision of food and biomass, water and nutrients cycling, basis for biodiversity and carbon storage). In particular, soil sealing is often done on fertile agricultural soils, contributing further to the disruption of food security. Sealed soil also exposes human settlements to higher flood peaks and more intense heat island effects. In addition, sealed and destroyed soils are the easiest of the soil artificialisation aspects to monitor through remote sensing and machine learning, making their monitoring easier. Therefore, sealed and destroyed soils were selected to be monitored together with their	

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			effects on soil's capacity to provide ecosystem services.	
Recital 30d				
40d			**(30d) Concerning renewable energies, Member States can qualify the soil as sealed, destroyed or neither sealed nor destroyed, depending on the type of construction. For example, solar parks could either be considered as soil sealing or not, depending on what is done with the soil at their base. If the soil can still sustain an ecosystem sufficiently, then it is not considered soil sealing. The assessment should be made based on the impact on the soil, regardless of purpose or appearance of the construction. Inventories of this type of areas, where information on what is done with the soil at their base is available, can be intersected with the remote sensing maps of soil sealing to qualify these areas as unsealed soils.**	
Recital 30e				
40e				

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			(30e) The principle of the reduction of the impact is essential when it comes to soil sealing and soil destruction in general. Indeed, it is vital to find a balance between the needed economical and demographic growth, and the provision of ecosystem services. As such, it is appropriate to lay down certain principles to mitigate the impacts of soil sealing and soil destruction as part of sustainable soil management, by adopting an effort-based approach taking into account a large set of good practices aimed at minimizing and offsetting the loss of soil's capacity to provide ecosystem services. They should be based on the land take hierarchy of the EU Soil Strategy for 2030, taking into account different conditions and geographical and administrative circumstances in Member States.	
Recital 30e second subparagraph				
40f			**These can cover a wide array of practices such as minimising soil sealing, de-sealing and renaturating previously sealed**	

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			soils, rational densification of urbanised areas while safe guarding green spaces – including urban green spaces – and natural terrains, revitalisation of brownfields, privileging time-limited land take and performing land rehabilitation upon the termination of the land take.	
Recital 30e third subparagraph				
40g			**It should be noted that, to be as sustainable as possible in the application of these principles, the offsetting measures, depending on the ecosystem service to be offset, might need to be geographically as close as possible to the source of the loss of ecosystem service. Indeed, a collateral issue to this kind of principles if applied wrongly, can be the displacement – sometimes very far away – of green and high value ecosystem areas and services away from the sealed places, with a complete concentration of soil sealing and soil destruction in the affected areas.**	

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Recital 31				
41	(31) The assessment of soil health based on the monitoring network should be accurate while at the same time keeping the costs of such monitoring at reasonable level. It is therefore appropriate to lay down criteria for sampling points that are representative of the soil condition under different soil types, climatic conditions and land use. The grid of sampling points should be determined by using geostatistical methods and be sufficiently dense to provide an estimation of the area of healthy soils, at national level, within an uncertainty of not more than 5%. This value is commonly considered to provide a statistically sound estimation and reasonable assurance that the objective has been achieved.	(31) The assessment of soil health based on the monitoring network should be accurate while at the same time keeping the costs of such monitoring at reasonable level. It is therefore appropriate to lay down criteria for sampling points that are representative of the soil condition under different soil types, climatic conditions and land use. The grid of sampling points should be determined by using geostatistical methods and be sufficiently dense to provide an estimation of the area of healthy soils, at national level, within an uncertainty of not more than 5%. This value is commonly considered to provide a statistically sound estimation and reasonable assurance that the objective has been achieved. ***It is important that the soil monitoring methodology and framework include harmonised sampling criteria, including sampling depth.***	(31) The assessment of soil health based on the monitoring network should be accurate while at the same time keeping the costs of such monitoring at reasonable level. It is therefore appropriate to lay down criteria for sampling points that are representative of the soil **units reflecting a certain degree of homogeneity of soil** condition under different soil types, climatic conditions and land use. **It is also appropriate to consider the specific situation of the Union's outermost regions, as listed in Article 349 of the Treaty on the Functioning of the European Union (TFEU), which provides for specific measures to support those regions. Therefore, Member States should be able to adapt, when necessary, the monitoring and assessment of soil health obligations to their outermost region's specific characteristics.** -The grid of sampling points should be determined by using geostatistical methods**, be based on the soil units** and be	

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			sufficiently dense to provide an estimation of the area of ~~healthy~~**degradated** soils~~, at national level,~~ **throughout the territory of Member States** within an uncertainty of not more than 5% **at the soil unit level**. This value is commonly considered to provide a statistically sound estimation and reasonable assurance that the objective has been achieved. **The design of the sample survey should be based on the best available information on soil properties distribution, including, but not limited to information resulting from previous national or subnational surveys, relevant measurements from soil managers and measurements conducted under Union and international legislations or specific programmes such as the LUCAS soil campaign as part of the Land Use/Cover Area frame statistical Survey (LUCAS) or the International Co-operative Programme on Assessment and Monitoring of Air Pollution Effects on Forests (ICP Forests). Data obtained from sampling points taken during soil**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			investigations at contaminated sites may be used for the assessement of soil health criteria, but should not prevent from complying with obligations set out under this Directive for the management of contaminated sites.	
Recital 31a				
41a		***(31a) Soil archives preserve a snapshot of soils from a specific time and location, allowing Member States to use one sample for various purposes and to streamline field sampling activities, thus reducing the long-term costs of in-situ monitoring. In addition, soil archives enable researchers to re-evaluate soils of the past in the context of the present for an improved understanding of long-term soil change, or for other research purposes, including medical research. It is therefore imperative that the Commission, including services such as the Joint Research Centre (JRC), together with the Member States and the European Soil Observatory, ensure that the samples, DNA***		

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		extracts and raw data taken for the compliance with Union and national environmental law are well preserved in physical archives and that the samples and raw data of those archives remain available for further research and innovation.		
Recital 32				
42	(32) The Commission should assist and support Member States' monitoring of soil health by continuing to carry out and enhancing regular in-situ soil sampling and related soil measurements (LUCAS soil) as part of the Land Use/Cover Area frame statistical Survey (LUCAS) Programme. For that purpose, the LUCAS Programme shall be enhanced and upgraded to fully align it with the specific quality requirements to be met for the purpose of this Directive. In order to alleviate the burden, Member States should be allowed to take into account the soil health data surveyed under the enhanced LUCAS soil. The Member States thus supported should take the necessary legal arrangements to	(32) ***As a complement to existing national inventories,*** the Commission should assist and support Member States' monitoring of soil health by continuing to carry out and enhancing regular in-situ soil sampling and related soil measurements (LUCAS soil) as part of the Land Use/Cover Area frame statistical Survey (LUCAS) Programme. For that purpose, the LUCAS Programme ~~*shall*~~***should*** be enhanced and upgraded to fully align it with the specific quality requirements ***and all the descriptors*** to be met for the purpose of this Directive. In order to alleviate the burden, Member States should be allowed to take into account the soil health data surveyed under the enhanced	(32) The Commission should assist and support Member States~~'~~ ~~monitoring of~~**, at their request, to monitor their** soil health by continuing to carry out and enhancing regular in-situ soil sampling and related soil measurements (LUCAS soil) as part of the Land Use/Cover Area frame statistical Survey (LUCAS) Programme **that applies Regulation (EC) No 223/2009 of the European Parliament and of the Council**[1]. For that purpose**, and subject to the agreement of Member States**, the LUCAS Programme ~~shall~~**should** be enhanced and upgraded to fully align it with the specific quality requirements to be met for the purpose of this Directive. In order to alleviate the burden, Member	

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	ensure that the Commission can carry out such in-situ soil sampling, including on privately owned fields, and in compliance with applicable national or Union legislation.	LUCAS soil. ***LUCAS soil will sample and analyse at least 20 % of the size of national samples, thereby contributing to the monitoring carried out by Member States. The analysis by LUCAS is essential to allowing Member States to calculate and calibrate valid transfer functions in order to allow them to continue using alternative monitoring design in accordance with Tier 2. The Commission should, at the request of a Member State, provide further assistance with up to 50% of the sampling during the first national monitoring round.*** The Member States thus supported should take the necessary legal arrangements to ensure that the Commission can carry out such in-situ soil sampling, including on privately owned fields, ***with the agreement of the owners,*** and in compliance with applicable national or Union legislation.	States should be allowed to take into account the soil health data surveyed under the enhanced LUCAS soil. The Member States thus supported should take the necessary legal arrangements to ensure that the Commission can carry out such in-situ soil sampling, including on privately owned fields, and in compliance with applicable national or Union legislation. _____ **1. Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities (OJ L 87, 31.3.2009, p. 164–173).**	
Recital 33				
43	(33) The Commission is developing remote sensing services in the context of Copernicus as a	(33) The Commission is developing remote sensing services in the context of Copernicus as a	(33) The Commission is developing remote sensing services in the context of Copernicus as a	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	user-driven programme, hereby also supporting Member States. In order to increase the timeliness and effectiveness of soil health monitoring, and where relevant, Member States should use remote sensing data including outputs from the Copernicus services for monitoring relevant soil descriptors and for assessing soil health. The Commission and the European Environment Agency should support exploring and developing soil remote sensing products, to assist the Member States in monitoring the relevant soil descriptors.	user-driven programme, hereby also supporting Member States. In order to increase the timeliness and effectiveness of soil health monitoring, and where relevant, Member States should use remote sensing data including outputs from the Copernicus services for monitoring relevant soil descriptors and for assessing soil health. The Commission and the European Environment Agency should support exploring and developing soil remote sensing products, to assist the Member States in monitoring the relevant soil descriptors. ***The Commission and Member States should further support the use of reliable and available digital technologies, such as electronic databases, geographic information systems, automated image identification or e-DNA, to improve knowledge sharing and transparency with regard to soil health and to reduce the costs of soil measurements and monitoring.***	user-driven programme **established by Regulation (EU) 2021/696**[1] , hereby also supporting Member States. In order to increase the timeliness and effectiveness of soil health monitoring, and where relevant, Member States should use remote sensing data including outputs from the Copernicus services for monitoring relevant soil descriptors and **soil indicators of soil sealing and soil destruction, and** for assessing soil health. The Commission and the European Environment Agency should support exploring and developing soil remote sensing products, to assist the Member States in monitoring the relevant soil descriptors **and indicators**. _____ **1. Regulation (EU) 2021/696 of the European Parliament and of the Council of 28 April 2021 establishing the Union Space Programme and the European Union Agency for the Space Programme and repealing Regulations (EU) No 912/2010, (EU) No 1285/2013 and (EU) No 377/2014 and Decision No 541/2014/EU (OJ L 170, 12.5.2021, p.69-148).**	
Recital 34				
44				

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	(34) Building on and upgrading the existing EU soil observatory, the Commission should establish a digital soil health data portal that should be compatible with the EU Data Strategy[1] and the EU data spaces and which should be a hub providing access to soil data coming from various sources. That portal should primarily include all the data collected by the Member States and the Commission as required by this Directive. It should also be possible to integrate in the portal, on a voluntary basis, other relevant soil data collected by Member States or any other party (and in particular data resulting from projects under Horizon Europe and the Mission 'A Soil Deal for Europe'), provided that those data meet certain requirements as regards format and specifications. Those requirements should be specified by the Commission by way of implementing acts. _____ 1. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a European strategy for data, COM(2020)66 final.	(34) Building on and upgrading the existing EU soil observatory, the Commission should establish a digital soil health data portal that should be compatible with the EU Data Strategy[1] and the EU data spaces and which should be a hub providing access to soil data coming from various sources. ***The soil health data should be made publicly available in a format that can be used by the research community, landowners and managers, advisors working within the farm advisory system and the public, ensuring compliance with Union law on the protection of personal data.*** That portal should primarily include ~~*all the*~~***relevant*** data collected by the Member States and the Commission as required by this Directive ***and serve as a platform for the establishment of a Sustainable Soil Management Toolbox that will provide up-to-date context-specific information about sustainable soil management practices based on different soil type, land use and climatic conditions***. It should also be possible to integrate in the portal, on a voluntary basis, other	(34) Building on and upgrading the existing EU soil observatory, the Commission should establish a digital soil health data portal that should be compatible with the EU Data Strategy[1] and the EU data spaces and which should be a hub providing access to soil data coming from various sources**, in the aggregated form at the soil unit level or a more detailed level if relevant, as long as it is not possible to identify the individual values or the location of the underlying georeferenced samples**. That portal should primarily include all the data collected by the Member States and the Commission as required by this Directive. **The treatment of these data as well as their access should comply with relevant Union legislation such as Directive 2003/04/EC on public access to environmental information, Directive 2007/2/EC on establishing an Infrastructure for Spatial Information in the European Community, Directive 1024/2019/EC on open data and re-use of public sector information, Regulation 2023/2854 of the European**	

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		relevant soil data collected by Member States or any other party (and in particular data resulting from projects under Horizon Europe and the Mission 'A Soil Deal for Europe'), provided that those data meet certain requirements as regards format and specifications. Those requirements should be specified by the Commission by way of implementing acts. ***Member States and the Commission should ensure that research institutions have easy and free access to all data at their request.*** _____ 1. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a European strategy for data, COM(2020)66 final.	**Parliament and of the Council of 13 December 2023 on harmonised rules on fair access to and use of data, and Regulation 223/2009 on European statistics. Furthermore, Member States should be able to express their opinion on the data made available to the public for their territory through the portal or related reports, and request to correct errors if any.** **In addition,** it should ~~also~~**[…]** be possible to integrate in the portal, on a voluntary basis, other relevant soil data collected by Member States or any other party (and in particular data resulting from projects under Horizon Europe and the Mission 'A Soil Deal for Europe'), provided that those data meet certain requirements as regards format and specifications. Those requirements should be specified by the Commission by way of implementing acts. _____ 1. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a European strategy for data, COM(2020)66 final.	

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Recital 35				
45	(35) It is also necessary to improve the harmonization of soil monitoring systems used in the Member States and exploit the synergies between Union and national monitoring systems in order to have more comparable data across the Union.	(35) It is also necessary to improve the harmonization of soil monitoring systems used in the Member States and exploit the synergies between Union and national monitoring systems ***and make full use of already existing harmonised monitoring tools such as LUCAS*** in order to have more comparable data across the Union. ***Moreover, harmonisation of monitoring systems in Member States would help to scale up investments in advanced soil monitoring techniques and technologies.***	(35) It is also necessary to improve the ~~harmonization~~**harmonisation** of soil monitoring systems used in the Member States and exploit the synergies between Union and national monitoring systems in order to have more comparable data across the Union. **In this respect it is very important to ensure the quality and comparability of soil measurements through the application of quality management system practices by the laboratories involved. To minimize the administrative burden for the laboratories, a Member State could decide to limit the number of needed accreditations of the laboratories to only one for one of the methodologies for determining the values of soil descriptors. Equivalent standards at Union or international level, for instance the quality management system of ICP Forests, could be used.**	
Recital 35a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
45a			**(35a) In order to ensure the protection of soils from pollution by emerging substances that have the potential to cause significant risks to human and animal health and to contaminate surrounding air, surface waters, groundwater, and subsequently oceans, policy mechanisms to detect and assess such substances of emerging concern should be established. In that regard, an approach that allows monitoring and analysis of those substances or groups of substances via watch lists, as is already the case for surface water and groundwater, should be developed for soil contamination. The substances or groups of substances to be placed on the watch list should be selected from amongst those substances for which the information available indicates that they could pose a significant risk at Union level to, or via, the soil environment, and for which the monitoring data are insufficient. The number of such substances or groups of substances to be monitored and**	

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			analysed under the watch lists should not be limited.	
Recital 36				
46	(36) In order to make the widest possible use of soil health data generated by the monitoring carried out under this Directive, Member States should be required to facilitate the access to such data for relevant stakeholders such as farmers, foresters, land owners and local authorities.	*deleted*	(36) In order to make the widest possible use of soil health data generated by the monitoring carried out under this Directive, Member States should be required to facilitate the access to such data **to the public, in the aggregated form at the soil unit level or a more detailed level if relevant, as long as it is not possible to identify the individual values or the location of the underlying georeferenced samples. The confidential information collected by the Commission or by Member States to produce European statistics should be protected in accordance with the rules and measures of Regulation (EC) No 223/2009 of the European Parliament and of the Council, in order to gain and maintain the confidence of the parties responsible for providing that information. In case the Commission or Member States produce soil health statistics, they should ensure that**	

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			confidential data respect the principles of Regulation (EC) No 223/2009 of the European Parliament and of the Council. Moreover, in order to protect data ownership, it is important that the Commission, the EEA or the Member States only disclose information with the consent of the data owner. **In addition, Member States should communicate soil health data and assessments to**~~for~~ relevant stakeholders such as farmers, foresters, land owners and local authorities**, upon their request**. **Besides, soil health data made available pursuant to this Directive can be used for monitoring of soil-related aspects in other Union legislation, where relevant.**	
Recital 37				
47	(37) To maintain or enhance soil health, soils need to be managed sustainably. Sustainable soil management will enable the long-term provision of soil services, including improved air and water quality and food security. It is	(37) To maintain or enhance soil health, soils need to be managed sustainably. Sustainable soil management will enable the long-term provision of soil services, including improved air and water quality and food security. It is	(37) To maintain or enhance soil health, soils need to be managed sustainably. Sustainable soil management will enable the long-term provision of soil services, including improved air and water quality and food security. It is	

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	therefore appropriate to lay down sustainable soil management principles to guide soil management practices.	therefore appropriate to lay down ***non-binding*** sustainable soil management principles to guide soil management practices.	therefore appropriate to lay down **guiding** sustainable soil management principles to ~~guide~~ **define** soil management practices.	
Recital 38				
48	(38) Economic instruments, including those under the Common Agricultural Policy (CAP) that provide support to farmers, have a crucial role in the transition to the sustainable management of agricultural soils and, to a lesser extent, forest soils. The CAP aims to support soil health through the implementation of conditionality, eco-schemes and rural development measures. Financial support for farmers and foresters who apply sustainable soil management practices can also be generated by the private sector. Voluntary sustainability labels in the food, wood, bio-based, and energy industry, for example, established by private stakeholders, can take into account the sustainable soil management principles set out in this Directive. This can enable food, wood, and other biomass producers that follow those principles in their	(38) Economic instruments, including those under the common agricultural policy (CAP) that provide support to farmers, have a crucial role in the transition to the sustainable management of agricultural soils and, to a lesser extent, forest soils. The CAP aims to support soil health through the implementation of conditionality, eco-schemes and rural development measures. Financial support for farmers and foresters who apply sustainable soil management practices can also be generated by the private sector. Voluntary sustainability labels in the food, wood, bio-based, and energy industry, for example, established by private stakeholders, can take into account the ~~*sustainable soil management principles set out in*~~***contributions to improve soil health in accordance with*** this Directive. This can enable food, wood, and	(38) Economic instruments, including those under the Common Agricultural Policy (CAP) that provide support to farmers, have a crucial role in the transition to the sustainable management of agricultural soils and, to a lesser extent, forest soils. The CAP aims to support soil health through the implementation of conditionality, eco-schemes and rural development measures. Financial support for farmers and foresters who apply sustainable soil management practices can also be generated by the private sector. Voluntary sustainability labels in the food, wood, bio-based, and energy industry, for example, established by private stakeholders, can take into account the sustainable soil management principles set out in this Directive. This can enable food, wood, and other biomass producers that follow those principles in their	

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	production to reflect these in the value of their products. Additional funding for a network of real-life sites for testing, demonstrating and upscaling of solutions, including on carbon farming, will be provided through the Soil Mission's living labs and lighthouses. Without prejudice to the polluter pays principle, support and advice should be provided by Member States to help landowners and land users affected by action taken under this Directive taking into account, in particular, the needs and limited capacities of small and medium sized enterprises.	other biomass producers that follow those principles in their production to reflect these in the value of their products. Additional funding for a network of real-life sites for testing, demonstrating and upscaling of solutions, including on carbon farming, will be provided through the Soil Mission's living labs and lighthouses. Without prejudice to the polluter pays principle, support and advice should be provided by Member States to help landowners and land users affected by action taken under this Directive taking into account, in particular, the needs and limited capacities of small and medium sized enterprises.	production to reflect these in the value of their products. Additional funding for a network of real-life sites for testing, demonstrating and upscaling of solutions, including on carbon farming, will be provided through the Soil Mission's living labs and lighthouses. Without prejudice to the polluter pays principle, support and advice should be provided by Member States to help landowners and land users affected by action taken under this Directive taking into account, in particular, the needs and limited capacities of small and medium sized enterprises.	
Recital 39				
49	(39) Pursuant to Regulation (EU) 2021/2115 of the European Parliament and of the Council[1], Member States have to describe in their CAP Strategic Plans how the environmental and climate architecture of those Plans is meant to contribute to the achievement of, and be consistent with, the long-term national targets set out in, or	(39) Pursuant to Regulation (EU) 2021/2115 of the European Parliament and of the Council[1], Member States have to describe in their CAP Strategic Plans how the environmental and climate architecture of those Plans is meant to contribute to the achievement of, and be consistent with, the long-term national targets set out in, or	(39) Pursuant to Regulation (EU) 2021/2115 of the European Parliament and of the Council[1], Member States have to describe in their CAP Strategic Plans how the environmental and climate architecture of those Plans is meant to contribute to the achievement of, and be consistent with, the long-term national targets set out in, or	

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	deriving from, the legislative acts listed in Annex XIII to that Regulation. _____ 1. Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013 (OJ L 435, 6.12.2021, p. 1).	deriving from, the legislative acts listed in Annex XIII to that Regulation. _____ 1. Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013 (OJ L 435, 6.12.2021, p. 1).	deriving from, the legislative acts listed in Annex XIII to that Regulation. _____ 1. Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013 (OJ L 435, 6.12.2021, p. 1).	
Recital 39a				
49a		***(39a) Good agricultural and environmental conditions (GAECs) 5, 6 and 7 as set out in Regulation (EU) 2021/2115 include standards to improve tillage management to reduce the risk of soil degradation and erosion, including by consideration of the slope gradient and minimum land management reflecting site specific conditions to limit erosion, minimum soil cover to avoid bare soil, protection of soils in periods that are most sensitive as well as crop rotation on arable land. In addition,***		

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		GAEC 1 on protection of permanent pasture and GAEC 2 on protecting wetlands and peatlands and soils high in organic matter, are relevant for soil protection.		
Recital 40				
50	(40) In order to ensure that the best sustainable soil management practices are implemented, Member States should be required to closely monitor the impact of soil management practices and adjust practices and recommendations as necessary, taking into account new knowledge from research and innovation. Valuable contributions are expected in this respect from the Horizon Europe Mission 'A Soil Deal for Europe' and in particular its living labs and activities to support soil monitoring, soil education and citizen engagement.	(40) ~~*In order to ensure that the best sustainable soil management practices are implemented,*~~ Member States should be required to closely monitor the impact of soil management practices and adjust practices and recommendations as necessary, taking into account new knowledge from research and innovation. Valuable contributions are expected in this respect from the Horizon Europe Mission 'A Soil Deal for Europe' and in particular its living labs and activities to support soil monitoring, soil education and citizen engagement.	(40) In order to ensure that the best sustainable soil management practices are implemented, Member States should be required to closely monitor the impact of soil management practices and adjust practices and recommendations as necessary, taking into account new knowledge from research and innovation. Valuable contributions are expected in this respect from the Horizon Europe Mission 'A Soil Deal for Europe' and in particular its living labs and activities to support soil monitoring, soil education and citizen engagement.	
Recital 41				
51	(41) Regeneration brings degraded soils back to healthy condition. When defining soil regeneration	(41) Regeneration brings degraded soils back to healthy condition. When defining soil regeneration	(41) **Soil** regeneration ~~brings~~**and soil renaturation bring** degraded soils back to healthy condition.	

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	measures, Member States should be required to take into account the outcome of the soil health assessment and to adapt those regeneration measures to the specific characteristics of the situation, the type, the use and the condition of the soil and the local, climatic and environmental conditions.	measures, Member States should be required to take into account the outcome of the soil health assessment and to adapt those regeneration measures to the specific characteristics of the situation, the type, the use and the condition of the soil and the local, climatic and environmental conditions.	When defining soil regeneration measures, Member States should be required to take into account the outcome of the soil health assessment and to adapt those regeneration measures to the specific characteristics of the situation, the type, the use and the condition of the soil and the local, climatic and environmental conditions. **In the case of soil renaturation, and in the context of this Directive, it differs from soil regeneration in that it covers the reconstruction of soils following soil sealing or soil destruction, and is also a way of countering soil artificialisation in the broad sense through soil restoration, by recovering more natural components and processes for a soil that was artificialised. The end goal is to get as close as possible to the natural functioning of the soil and its optimal ecosystem services provision. Nature-based solutions or engineering of new soils are possible ways of achieving this goal.**	
Recital 42				

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52	(42) To ensure synergies between the different measures adopted under other Union legislation that may have an impact on soil health, and the measures that are to be put in place to sustainably manage and regenerate soils in the Union, Member States should ensure that the sustainable soil management and regeneration practices are coherent with the national restoration plans adopted in accordance with Regulation (UE) …/… of the European Parliament and of the Council[1]+; the strategic plans to be drawn up by Member States under the Common Agricultural Policy in accordance with Regulation (EU) 2021/2115, the codes of good agricultural practices and the action programmes for designated vulnerable zones adopted in accordance with Council Directive 91/676/EEC[2], the conservation measures and prioritized action framework established for Natura 2000 sites in accordance with Council Directive 92/43/EEC[3], the measures for achieving good ecological and chemical status of water bodies included in river	(42) To ensure synergies between the different measures adopted under other Union legislation that may have an impact on soil health, and the measures that are to be put in place to sustainably manage and regenerate soils in the Union, Member States should ensure that the sustainable soil management and regeneration practices are coherent with the national restoration plans adopted in accordance with Regulation (UE) …/… of the European Parliament and of the Council[1]+; ***the national biodiversity strategies and action plans established in accordance with Article 6 of the United Nations Convention on Biological Diversity,*** the strategic plans to be drawn up by Member States under the Common Agricultural Policy in accordance with Regulation (EU) 2021/2115, the codes of good agricultural practices and the action programmes for designated vulnerable zones adopted in accordance with Council Directive 91/676/EEC[2], the conservation measures and prioritized action framework established for Natura 2000 sites in accordance with	(42) To ensure synergies between the different measures adopted under other Union legislation that may have an impact on soil health, and the measures that are to be put in place to sustainably manage and regenerate soils in the Union, Member States should ensure that the sustainable soil management and regeneration practices are coherent with the national restoration plans adopted in accordance with Regulation (UE) …/… of the European Parliament and of the Council[1]~~+~~; the strategic plans to be drawn up by Member States under the Common Agricultural Policy in accordance with Regulation (EU) 2021/2115, the codes of good agricultural practices and the action programmes for designated vulnerable zones adopted in accordance with Council Directive 91/676/EEC[2], the conservation measures and ~~prioritized~~**prioritised** action framework established for Natura 2000 sites in accordance with Council Directive 92/43/EEC[3], the measures for achieving good ecological and chemical status of	

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	basin management plans prepared in accordance with Directive 2000/60/EC of the European Parliament and of the Council[4], the flood risk management measures established in accordance with Directive 2007/60/EC of the European Parliament and of the Council[5], the drought management plans promoted in the Union Strategy on Adaptation to Climate Change[6], the national action programmes established in accordance with Article 10 of the United Nations Convention to Combat Desertification, targets set out under Regulation (EU) 2018/841 of the European Parliament and of the Council[7] and Regulation (EU) 2018/842 of the European Parliament and of the Council[8], the integrated national energy and climate plans established in accordance with Regulation (EU) 2018/1999 of the European Parliament and of the Council[9], the national air pollution control programmes prepared under Directive (EU) 2016/2284 of the European Parliament and of the Council[10], risk assessments and disaster risk management planning established in accordance with	Council Directive 92/43/EEC[3], the measures for achieving good ecological and chemical status of water bodies included in river basin management plans prepared in accordance with Directive 2000/60/EC of the European Parliament and of the Council[4], the flood risk management measures established in accordance with Directive 2007/60/EC of the European Parliament and of the Council[5], the drought management plans promoted in the Union Strategy on Adaptation to Climate Change[6], the national action programmes established in accordance with Article 10 of the United Nations Convention to Combat Desertification, targets set out under Regulation (EU) 2018/841 of the European Parliament and of the Council[7] and Regulation (EU) 2018/842 of the European Parliament and of the Council[8], the integrated national energy and climate plans established in accordance with Regulation (EU) 2018/1999 of the European Parliament and of the Council[9], the national air pollution control programmes prepared under Directive (EU) 2016/2284 of	water bodies included in river basin management plans prepared in accordance with Directive 2000/60/EC of the European Parliament and of the Council[4], the flood risk management measures established in accordance with Directive 2007/60/EC of the European Parliament and of the Council[5], the drought management plans promoted in the Union Strategy on Adaptation to Climate Change[6], the national action programmes established in accordance with Article 10 of the United Nations Convention to Combat Desertification, targets set out under Regulation (EU) 2018/841 of the European Parliament and of the Council[7] and Regulation (EU) 2018/842 of the European Parliament and of the Council[8], the integrated national energy and climate plans established in accordance with Regulation (EU) 2018/1999 of the European Parliament and of the Council[9], the national air pollution control programmes prepared under Directive (EU) 2016/2284 of the European Parliament and of the Council[10], risk assessments and disaster risk management planning	

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	Decision No 1313/2013/EU of the European Parliament and of the Council[11], and national action plans established in accordance with Regulation (UE) …/… of the European Parliament and of the Council[12]+. Sustainable soil management and regeneration practices should be, as far as possible, integrated within these programmes, plans and measures to the extent that they contribute to the achievement of their objectives. Consequently, relevant indicators and data, such as soil-related result indicators under the CAP Regulation and statistical data on agricultural input and output reported under Regulation (EU) 2022/2379 of the European Parliament and of the Council[13], should be accessible to the competent authorities responsible for sustainable soil management and regeneration practices and soil health assessment in order to cross-link these data and indicators and thus enable the most accurate possible assessment of the effectiveness of the measures chosen. _____ 1. OP : please insert please insert in the text the number of Regulation on nature	the European Parliament and of the Council[10], risk assessments and disaster risk management planning established in accordance with Decision No 1313/2013/EU of the European Parliament and of the Council[11], and national action plans established in accordance with ~~*Regulation (UE) …/…*~~ ***Directive 2009/128/EC*** of the European Parliament and of the Council[~~12~~]~~+~~. Sustainable soil management and regeneration practices should be, as far as possible, integrated within these programmes, plans and measures to the extent that they contribute to the achievement of their objectives. Consequently, relevant indicators and data, such as soil-related result indicators under the CAP Regulation and statistical data on agricultural input and output reported under Regulation (EU) 2022/2379 of the European Parliament and of the Council[13], should be accessible to the competent authorities responsible for sustainable soil management and regeneration practices and soil health assessment in order to cross-link these data and indicators and thus enable the most accurate possible	established in accordance with Decision No 1313/2013/EU of the European Parliament and of the Council[11], ~~and~~**the […]** national action plans established in accordance with Regulation (UE) …/… of the European Parliament and of the Council[12]~~+~~**, and the national actions plans adopted in accordance with Article 4 of Directive 2009/128/EC of the European Parliament and of the Council[13], and the environmental impact assessments performed according to Directive 2011/92/EU of the European Parliament and of the Council[14]**. Sustainable soil management and regeneration practices should be, as far as possible, integrated within these programmes, plans and measures to the extent that they contribute to the achievement of their objectives. Consequently, relevant indicators and data, such as soil-related result indicators under the CAP Regulation and statistical data on agricultural input and output reported under Regulation (EU) 2022/2379 of the European Parliament and of the Council[~~13~~**15**], should be accessible to the competent authorities	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	restoration contained in document COM(2022) 304 and insert the number, date, title and OJ reference of that Regulation in the footnote Regulation (UE) …/… of the European Parliament and of the Council on nature restoration 2. Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (OJ L 375, 31.12.1991, p. 1). 3. Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7). 4. Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, pp. 1-73). 5. Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks (OJ L 288, 6.11.2007, p. 27). 6. Communication from the European Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Forging a climate-resilient Europe - the new EU Strategy on Adaptation to Climate Change COM(2021)82 final. 7. Regulation (EU) 2018/841 of the European Parliament and of the Council of 30 May 2018 on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry in the 2030 climate and energy framework, and amending Regulation (EU) No 525/2013 and Decision No 529/2013/EU	assessment of the effectiveness of the measures chosen. _____ 1. OP : please insert please insert in the text the number of Regulation on nature restoration contained in document COM(2022) 304 and insert the number, date, title and OJ reference of that Regulation in the footnote Regulation (UE) …/… of the European Parliament and of the Council on nature restoration 2. Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (OJ L 375, 31.12.1991, p. 1). 3. Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7). 4. Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, pp. 1-73). 5. Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks (OJ L 288, 6.11.2007, p. 27). 6. Communication from the European Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Forging a climate-resilient Europe - the new EU Strategy on Adaptation to Climate Change COM(2021)82 final. 7. Regulation (EU) 2018/841 of the European Parliament and of the Council of	responsible for sustainable soil management and regeneration practices and soil health assessment in order to cross-link these data and indicators and thus enable the most accurate possible assessment of the effectiveness of the measures chosen. _____ 1. OP : ~~please insert~~ please insert in the text the number of Regulation on nature restoration contained in document COM(2022) 304 and insert the number, date, title and OJ reference of that Regulation in the footnote ~~Regulation (UE)~~ **[**~~…/… of the European Parliament and of the Council on nature restoration~~**]** 2. Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (OJ L 375, 31.12.1991, p. 1). 3. Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7). 4. Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, pp. 1-73). 5. Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks (OJ L 288, 6.11.2007, p. 27). 6. Communication from the European Commission to the European Parliament, the Council, the European Economic and	

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	(OJ L 156, 19.6.2018, p. 1). 8. Regulation (EU) 2018/842 of the European Parliament and of the Council of 30 May 2018 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement and amending Regulation (EU) No 525/2013 (OJ L 156, 19.6.2018, p. 26). 9. Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council (OJ L 328, 21.12.2018, p. 1). 10. Directive (EU) 2016/2284 of the European Parliament and of the Council of 14 December 2016 on the reduction of national emissions of certain atmospheric pollutants, amending Directive 2003/35/EC and repealing Directive 2001/81/EC (OJ L 344, 17.12.2016, p. 1). 11. Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism (OJ L 347, 20.12.2013, p. 924). 12. + OP: please insert in the text the number of the Regulation on the sustainable use of plant protection products and amending Regulation (EU) 2021/2115	30 May 2018 on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry in the 2030 climate and energy framework, and amending Regulation (EU) No 525/2013 and Decision No 529/2013/EU (OJ L 156, 19.6.2018, p. 1). 8. Regulation (EU) 2018/842 of the European Parliament and of the Council of 30 May 2018 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement and amending Regulation (EU) No 525/2013 (OJ L 156, 19.6.2018, p. 26). 9. Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council (OJ L 328, 21.12.2018, p. 1). 10. Directive (EU) 2016/2284 of the European Parliament and of the Council of 14 December 2016 on the reduction of national emissions of certain atmospheric pollutants, amending Directive 2003/35/EC and repealing Directive 2001/81/EC (OJ L 344, 17.12.2016, p. 1). 11. Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil	Social Committee and the Committee of the Regions. Forging a climate-resilient Europe - the new EU Strategy on Adaptation to Climate Change COM(2021)82 final. 7. Regulation (EU) 2018/841 of the European Parliament and of the Council of 30 May 2018 on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry in the 2030 climate and energy framework, and amending Regulation (EU) No 525/2013 and Decision No 529/2013/EU (OJ L 156, 19.6.2018, p. 1). 8. Regulation (EU) 2018/842 of the European Parliament and of the Council of 30 May 2018 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement and amending Regulation (EU) No 525/2013 (OJ L 156, 19.6.2018, p. 26). 9. Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council (OJ L 328, 21.12.2018, p. 1). 10. Directive (EU) 2016/2284 of the European Parliament and of the Council of 14 December 2016 on the reduction of	

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	contained in document COM(2022)305 and insert the number, date, title and OJ reference of that Directive in the footnote 13. Regulation (EU) 2022/2379 on statistics on agricultural input and output.	Protection Mechanism (OJ L 347, 20.12.2013, p. 924). ~~*12. + OP: please insert in the text the number of the Regulation on the sustainable use of plant protection products and amending Regulation (EU) 2021/2115 contained in document COM(2022)305 and insert the number, date, title and OJ reference of that Directive in the footnote*~~ 13. Regulation (EU) 2022/2379 on statistics on agricultural input and output.	national emissions of certain atmospheric pollutants, amending Directive 2003/35/EC and repealing Directive 2001/81/EC (OJ L 344, 17.12.2016, p. 1). 11. Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism (OJ L 347, 20.12.2013, p. 924). 12. + OP: please insert in the text the number of the Regulation on the sustainable use of plant protection products and amending Regulation (EU) 2021/2115 contained in document COM(2022)305 and insert the number, date, title and OJ reference of that Directive in the footnote 13. ~~Regulation (EU) 2022/2379 on statistics on agricultural input and output~~**Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides (OJ L 309 24.11.2009, p. 71).** **14. Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (codification) (OJ L 26, 28.1.2012, p. 1).** **15. Regulation (EU) 2022/2379 on statistics on agricultural input and output.**	
Recital 43				
53	(43) Contaminated sites are the legacy of decades of industrial activity in the EU and may lead to	(43) Contaminated sites are the legacy of decades of industrial activity in the EU and may lead to	(43) Contaminated sites are **often** the legacy of decades of **activities such as** industrial **or military**	

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	risks for human health and the environment now and in the future. It is therefore necessary first to identify and investigate potentially contaminated sites and then, in case of confirmed contamination, to assess the risks and take measures to address unacceptable risks. Soil investigation may prove that a potentially contaminated site is in fact not contaminated. In that case, the site should no longer be labelled by the Member State as potentially contaminated, unless contamination is suspected based on new evidence.	risks for human ***and animal*** health and the environment now and in the future. ***Building on existing knowledge,*** it is therefore necessary ~~*first*~~ to identify and investigate potentially contaminated sites and then, in case of confirmed contamination, to assess the risks and take measures to address ~~*unacceptable risks*~~***them***. Soil investigation may prove that a potentially contaminated site is in fact not contaminated. In that case, the site should no longer be labelled by the Member State as potentially contaminated, unless contamination is suspected based on new evidence.	activity in the EU and may lead to risks for human health and the environment now and in the future. It is therefore necessary first to identify and investigate potentially contaminated sites and then, in case of confirmed contamination, to assess the risks **of the contaminated site** and take measures to address unacceptable risks. **In this context, it is essential to also consider the impact of contaminated sites on environmental media or matrices other than soil, such as groundwater or surface water. Some of those activities, as for instance underground storage facilities for dangerous substances, may have taken place in the parent material or bedrock. When such underground storage facility has leaked, contaminants may have moved into the bedrock or parent materials, but most likely will not be found in the soil. Yet they may spread and thus have an impact on human health or the environment. Therefore, in case such activities are present at**~~Soil investigation may prove that a~~ potentially contaminated ~~site is in~~	

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			~~fact not contaminated. In that case, the site should no longer be labelled by the Member State as potentially contaminated, unless~~**sites, also the parent material or bedrock in the vicinity of the activity will have to be investigated to verify whether the activity has caused** contamination ~~is suspected based on new evidence~~**that has an impact on human health or the environment**.	
Recital 43a				
53a			**(43a) Soil investigation has to determine whether a potentially contaminated site is contaminated or not, and whether the contamination poses a risk to human health or the environment; it is not mandatory to analyse other soil descriptors than soil contamination in this investigation. As land use may change over time, it is relevant to keep information on contamination accessible to the public. For instance, at the moment a decision has to be taken on the change of land use, it is important to carry out an**	

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			evaluation whether a contamination that was found in a past soil investigation, may pose a risk to the new land use that is envisaged. So, to conclude whether a potentially contaminated site is contaminated or not, also the risks to human health or the environment linked to sensitive site uses have to be taken into account. A soil investigation may also prove that a potentially contaminated site is in fact not contaminated. In that case, the site should no longer be labelled by the Member State as potentially contaminated, unless contamination is suspected based on new evidence.	
Recital 43b				
53b			**(43b) As the number of potentially contaminated sites and contaminated sites may be very large and the level of risk a contaminated site poses may vary from very low to very high, it is logical to follow a risk-based and stepwise approach to identify and investigate potentially contaminated sites**	

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			and to manage contaminated sites. Such approach can allow prioritisation by Member States. In this prioritisation, Member States can take into account the potential risk a suspected or confirmed contamination poses, as well as economical or social context. The evaluation of potential risk used in such prioritisation is much more generic than the site-specific risk assessment that is carried out when investigating a contaminated site.	
Recital 44				
54	(44) To identify potentially contaminated sites, Member States should collect evidence among others through historical research, past industrial incidents and accidents, environmental permits and notifications by the public or authorities.	(44) To identify potentially contaminated sites, Member States should collect evidence among others through historical research, past industrial incidents and accidents, environmental permits, ***health surveys*** and notifications by the public or authorities.	(44) To identify potentially contaminated sites, Member States should collect evidence among others through historical research~~,~~ ~~past~~ **exploring information on** industrial **activities,** incidents and accidents **using old maps, archives, press articles**, environmental permits and notifications by the public or authorities. **Member States should decide on a list of potentially contaminating activities and have the possibility to prioritise certain potentially contaminated**	

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			sites that are most likely to pose a potential risk to human health or the environment, based on the type of activity, size of the potential contamination, indication of immediate risk or other relevant information. As the number of potentially contaminated sites may evolve through time, a first identification should be completed within a defined timeframe, based on the existing evidence, whilst the rest should be identified through a systematic approach.	
Recital 45				
55	(45) In order to ensure that soil investigations on potentially contaminated sites are carried out timely and effectively, Member States should, in addition to the obligation to lay down the deadline by which those investigations should be carried out, be required to lay down specific events that also trigger such investigation. Such triggering events may include the request or review of an environmental or building permit or an authorisation required	(45) In order to ensure that soil investigations on potentially contaminated sites are carried out timely and effectively***, as requested in the European Parliament´s resolution of 28 April 2021 on soil protection***, Member States should, in addition to the obligation to lay down the deadline by which those investigations should be carried out, be required to lay down specific events that also trigger such investigation. Such triggering	(45) In order to ensure that soil investigations on potentially contaminated sites are carried out timely and effectively, Member States should, in addition to the obligation to lay down the ~~deadline~~**timeframe** by which those investigations should be carried out, be required to lay down specific events that also trigger such investigation. Such triggering events may include the request or review of an environmental or building permit or an authorisation	

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	pursuant to Union legislation or national legislation, soil excavation activities, land use changes or land or real estate transactions. Soil investigations may follow different stages, such as a desk study, site visit, preliminary or exploratory investigation, more detailed or descriptive investigation, and field or laboratory testing. Baseline reports and monitoring measures implemented in accordance with Directive 2010/75/EU of the European Parliament and of the Council[1] could also qualify as soil investigation where appropriate. _____ 1. Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (OJ L 334, 17.12.2010, p. 17.	events may include the request or review of an environmental or building permit or an authorisation required pursuant to Union legislation or national legislation, soil excavation activities, land use changes or land or real estate transactions. Soil investigations may follow different stages, such as a desk study, site visit, preliminary or exploratory investigation, more detailed or descriptive investigation, and field or laboratory testing. Baseline reports and monitoring measures implemented in accordance with Directive 2010/75/EU of the European Parliament and of the Council[1] could also qualify as soil investigation where appropriate. _____ 1. Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (OJ L 334, 17.12.2010, p. 17.	required pursuant to Union legislation or national legislation, soil excavation activities, land use changes or land or real estate transactions. Soil investigations may follow different stages, such as a **preliminary** desk study**, site-specific historic study to collect information about past industrial activities, incidents or accidents**, site visit, preliminary or exploratory investigation, more detailed or descriptive investigation, ~~and~~ field or laboratory testing**, and may include a site-specific assessment of the risks the contamination poses to human health and the environment. In case contamination is found, the soil investigation should underpin the characterisation of the contamination and its environmental context and provide basic information for the site-specific risk assessment and the eventual design of the risk reduction measures**. Baseline reports and monitoring measures implemented in accordance with Directive 2010/75/EU of the European Parliament and of the Council[1] could also qualify as soil	

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			investigation where appropriate. _____ 1. Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (OJ L 334, 17.12.2010, p. 17.	
Recital 46				
56	(46) Flexibility for the management of potentially contaminated sites and contaminated sites is needed to take account of costs, benefits and local specificities. Member States should therefore at least adopt a risk-based approach for managing potentially contaminated sites and contaminated sites, taking into account the difference between these two categories, and which allows to allocate resources taking account of the specific environmental, economic and social context. Decisions should be taken based on the nature and extent of potential risks for human health and the environment resulting from exposure to soil contaminants (e.g. exposure of vulnerable populations such as pregnant women, persons with disabilities, elderly people and	(46) Flexibility for the management of potentially contaminated sites and contaminated sites is needed to take account of costs, benefits and local specificities. Member States should therefore ~~*at least*~~ adopt a risk-based approach for managing potentially contaminated sites and contaminated sites, taking into account the difference between these two categories, and which allows to allocate resources taking account of the specific environmental, economic and social context. Decisions should be taken ***in cooperation with local health practitioners, health authorities and the scientific community,*** based on the nature and extent of potential risks for human health and the environment resulting from exposure to soil contaminants (e.g. exposure of	(46) Flexibility for the management of potentially contaminated sites and contaminated sites is needed to take account of costs, benefits and local specificities. Member States should therefore at least adopt a risk-based **and stepwise** approach for managing potentially contaminated sites and contaminated sites, taking into account the difference between these two categories, and which allows to allocate resources taking account of the specific environmental, economic and social context. Decisions**, including on the risk-based and stepwise approach,** should be taken based on the nature and extent of potential risks for human health and the environment resulting from exposure to soil contaminants **or to contaminants**	

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	children). The cost-benefit analysis of undertaking remediation should be positive. The optimum remediation solution should be sustainable and selected through a balanced decision-making process that takes account of the environmental, economic and social impacts. The management of potentially contaminated sites and contaminated sites should respect the polluter-pays, precautionary and proportionality principles. Member States should lay down the specific methodology for determining the site-specific risks of contaminated sites. Member States should also define what constitutes an unacceptable risk from a contaminated site based on scientific knowledge, the precautionary principle, local specificities, and current and future land use. In order to reduce the risks of contaminated sites to an acceptable level for human health and the environment, Member States should take adequate risk reduction measures including remediation. It should be possible to qualify measures taken under other Union legislation as risk reduction measures under this	vulnerable populations such as pregnant women, persons with disabilities, elderly people and children)***, including exposure, and cumulative effects on human health, soil ecosystems and associated ecosystem services***. The cost-benefit analysis of undertaking remediation should be ~~positive~~***balanced, taking into account the advantages for future generations***. The optimum remediation solution should be sustainable and selected through a balanced decision-making process that takes account of the environmental, economic and social impacts. The management of potentially contaminated sites and contaminated sites should respect the polluter-pays, precautionary and proportionality principles. Member States should lay down the specific methodology for determining the site-specific risks of contaminated sites. Member States should also define what constitutes an unacceptable risk from a contaminated site based on scientific knowledge, the precautionary principle, ~~local specificities~~***the opinion of health authorities and practitioners***, and	**that migrated to the groundwater** (e.g. exposure of vulnerable populations such as pregnant women, persons with disabilities, elderly people and children). ~~The cost-benefit analysis of undertaking remediation should be positive. The optimum remediation solution should be sustainable and selected through a balanced decision-making process that takes account of the environmental, economic and social impacts. The management of potentially contaminated sites and contaminated sites should respect the polluter-pays, precautionary and proportionality principles. Member States should lay down the specific methodology for determining the site-specific risks of contaminated sites. Member States should also define what constitutes an unacceptable risk from a contaminated site based on scientific knowledge, the precautionary principle, local specificities, and current and future land use. In order to reduce the risks of contaminated sites to an acceptable level for human health and the environment, Member States should take adequate risk~~	

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	Directive when those measures effectively reduce risks posed by contaminated sites.	current and future land use. In order to reduce the risks of contaminated sites to an acceptable level for human ***and animal*** health and the environment, Member States should take adequate risk reduction measures, ***while prioritising in- or ex-situ*** including remediation. It should be possible to qualify measures taken under other Union legislation as risk reduction measures under this Directive when those measures effectively reduce risks posed by contaminated sites.	~~reduction measures including remediation. It should be possible to qualify measures taken under other Union legislation as risk reduction measures under this Directive when those measures effectively reduce risks posed by contaminated sites.~~	
Recital 46a				
56a			**(46a) Natural and anthropogenic background levels should be taken into account in the risk assessment and could also help to set remediation or management objectives.**	
Recital 46b				
56b			**(46b) The cost-benefit analysis of undertaking investigation, site-specific risk assessment or remediation should be positive. For instance, for small-scale**	

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			contaminated sites, detailed site-specific risk assessment may be more expensive than immediate soil remediation, or the site could be clearly and seriously contaminated that detailed site-specific risk assessment is not necessary to decide to remediate. In such cases, the number of steps in the risk-based approach can be reduced and detailed site-specific risk assessment brings little added value. Member States should lay down the specific methodology for determining the site-specific risks of contaminated sites. Member States should also define what constitutes an unacceptable risk from a contaminated site based on scientific knowledge, the precautionary principle, local specificities, and current and planned land use.	
Recital 46c				
56c			**(46c) In order to reduce the risks of contaminated sites to an acceptable level for human health and the environment, Member States should ensure**	

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			that adequate risk reduction measures including remediation are taken. The optimum risk reduction measures should be sustainable and selected through a balanced decision-making process that takes account of the environmental, economic and social impacts. The choice of the technique or measure depends on a combination of criteria such as the nature of the contaminants, the characteristics of the soil, the volume of the contamination, the time and space available, budgetary constraints, remediation objectives, current and planned land use, potential to improve soil health, road traffic, nuisance for the neighbourhood, current operation of activities, etc. As soil remediation focuses on taking away the risk that soil contamination poses to human health or environment, it may be that it does not improve other soil health descriptors. Certain remediation techniques can also negatively impact soil health. Therefore, all the advantages and disadvantages of the remediation techniques should	

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			be taken into account. It should be possible to qualify measures taken under other Union legislation as risk reduction measures under this Directive when those measures effectively reduce risks posed by contaminated sites.	
Recital 46d				
56d			**(46d) The management of potentially contaminated sites and contaminated sites should respect the polluter-pays, precautionary and proportionality principles. Member States should aim to identify the polluter and should establish a hierarchy or decision chain of responsibility, to decide who should bear the cost of the soil investigation, risk assessment and the risk reduction measures. Member States may decide to further distinguish between historically and newly contaminated sites and to apply a more stringent approach for contamination caused after a certain pivot date. In case of contaminated sites for which no accountable party can be**	

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			identified or held accountable, Member States should be able to use financial instruments and EU financial programmes in order to fulfil the obligations regarding soil investigation and remediation.	
Recital 46e				
56e			**(46e) Soil contamination is already dealt under existing relevant European legislation, such as in Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions or Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage. The rules of this Directive are without prejudice to requirements under existing relevant European legislation.**	
Recital 46f				
56f			**(46f) Soil investigations, risk assessments or risk reduction**	

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			measures that have been carried out on potentially contaminated sites or contaminated sites prior to the entry into force of this Directive that meet the requirements set out in this Directive, should be deemed appropriate to fulfill the requirements set out by this Directive on such sites.	
Recital 46a				
56g		***(46a) Land take mitigation principles should facilitate the Union´s food security while taking into account sustainable housing, essential infrastructure and renewable energy projects.***		
Recital 47				
57	(47) Measures taken pursuant to this Directive should also take account of other EU policy objectives, such as the objectives pursued by [Regulation (EU) xxxx/xxxx[1]+] that aim at ensuring secure and sustainable supply of critical raw materials for Europe's industry. _____	(47) Measures taken pursuant to this Directive should also take account of other EU policy objectives, such as the objectives pursued by [Regulation (EU) xxxx/xxxx[1]+] that aim at ensuring secure and sustainable supply of critical raw materials for Europe's industry. _____	(47) Measures taken pursuant to this Directive should also take account of other EU policy objectives, such as the objectives pursued by [Regulation (EU) xxxx/xxxx[1]+] that aim at ensuring secure and sustainable supply of critical raw materials for Europe's industry. _____	

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	1. + OP: please insert in the text the number of the Regulation establishing a framework for ensuring a secure and sustainable supply of critical raw materials and amending Regulations (EU) 168/2013, (EU) 2018/858, 2018/1724 and (EU) 2019/1020 contained in document COM(2023)160 and insert the number, date, title and OJ reference of that Directive in the footnote.	1. + OP: please insert in the text the number of the Regulation establishing a framework for ensuring a secure and sustainable supply of critical raw materials and amending Regulations (EU) 168/2013, (EU) 2018/858, 2018/1724 and (EU) 2019/1020 contained in document COM(2023)160 and insert the number, date, title and OJ reference of that Directive in the footnote.	1. + OP: please insert in the text the number of the Regulation establishing a framework for ensuring a secure and sustainable supply of critical raw materials and amending Regulations (EU) 168/2013, (EU) 2018/858, 2018/1724 and (EU) 2019/1020 contained in document COM(2023)160 and insert the number, date, title and OJ reference of that Directive in the footnote.	
Recital 48				
58	(48) Transparency is an essential component of soil policy and ensures public accountability and awareness, fair market conditions and the monitoring of progress. Therefore, Member States should set up and maintain a national register of contaminated sites and potentially contaminated sites which contains site-specific information that should be made publicly accessible in an online georeferenced spatial database. The register should contain the information that is necessary for the public to be informed on the existence and on the management of potentially contaminated sites and contaminated sites. Because the presence of soil contamination is not yet confirmed but only	(48) Transparency is an essential component of soil policy and ensures public accountability and awareness, fair market conditions and the monitoring of progress. Therefore, Member States should set up and maintain a national register of contaminated sites and potentially contaminated sites which contains site-specific information that should be made publicly accessible in an online georeferenced spatial database. The register should contain the information that is necessary for the public to be informed on the existence and on the management of potentially contaminated sites and contaminated sites. Because the presence of soil contamination is not yet confirmed but only	(48) Transparency is an essential component of soil policy and ensures public accountability and awareness, fair market conditions and the monitoring of progress. Therefore, Member States should set up and maintain a national register of contaminated sites and potentially contaminated sites which contains site-specific information that should be made publicly accessible in an online georeferenced spatial database**. In case registers are established at subnational level, Member States should foresee a coordinated national entry point to the different subnational registers, with for example a centralised national website with weblinks**. The register should contain the	

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	suspected on potentially contaminated sites, the difference between contaminated sites and potentially contaminated sites has to be communicated and explained well to the public to avoid raising unnecessary concern.	suspected on potentially contaminated sites, the difference between contaminated sites and potentially contaminated sites has to be communicated and explained well to the public to avoid raising unnecessary concern.	information that is necessary for the public to be informed on the existence and on the management of potentially contaminated sites and contaminated sites. Because the presence of soil contamination is not yet confirmed but only suspected on potentially contaminated sites, the difference between contaminated sites and potentially contaminated sites has to be communicated and explained well to the public to avoid raising unnecessary concern. **Registers that exist already at the time this Directive enters into force and that meet the requirements set out in this Directive, should be deemed appropriate to fulfill the requirements set out in this Directive.**	
Recital 48a				
58a		***(48a) In order to protect soils from pollution by emerging chemicals that have the potential to cause significant risks to human and animal health and to contaminate surrounding air, surface waters, groundwater, and subsequently oceans, policy mechanisms to detect and assess***		

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		such substances of emerging concern should be established. In that regard, an approach that allows monitoring and analysis of those substances or groups of substances via watch lists, as is already the case for surface water and groundwater, should be developed for soil contamination. The substances or groups of substances to be placed on the watch list should be selected from amongst those substances for which the information available indicates that they could pose a significant risk at Union level to, or via, the soil environment, and for which the monitoring data are insufficient. The number of such substances or groups of substances to be monitored and analysed under the watch lists should not be limited.		
Recital 48b				
58b		***(48b) Substances such as persistent organic pollutants, materials and particles, including microplastics or nanoplastics, pose a clear risk to soil health, but also to essential activities such as the development of agriculture.***		

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		Their presence in soils can have implications for soil fertility, thereby compromising the health and healthy development of crops. It is therefore essential that this Directive provide for a framework for both substances and materials to be included in the monitoring of soil contaminants, and for the establishment of environmental quality standards and a set of measures to prevent and remediate soil contamination from known and emerging threats, where appropriate.		
Recital 49				
59	(49) Article 19(1) of the Treaty on European Union (TEU) requires Member States to provide remedies sufficient to ensure effective judicial protection in the fields covered by Union law. In addition, in accordance with the Convention on access to information, public participation in decision- making and access to justice in environmental matters[1] (Aarhus Convention), members of the public concerned should have access to justice in order to contribute to the protection of the	(49) Article 19(1) of the Treaty on European Union (TEU) requires Member States to provide remedies sufficient to ensure effective judicial protection in the fields covered by Union law. In addition, in accordance with the Convention on access to information, public participation in decision- making and access to justice in environmental matters[1] (Aarhus Convention), members of the public concerned should have access to justice in order to contribute to the protection of the	(49) Article 19(1) of the Treaty on European Union (TEU) requires Member States to provide remedies sufficient to ensure effective judicial protection in the fields covered by Union law. In addition, in accordance with the Convention on access to information, public participation in decision- making and access to justice in environmental matters[1] (Aarhus Convention), members of the public concerned should have access to justice in order to contribute to the protection of the	

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	right to live in an environment which is adequate for personal health and well-being. _____ 1. Convention on access to information, public participation in decision- making and access to justice in environmental matters – Declaration, (OJ L 124, 17.5.2005).	right to live in an environment which is adequate for personal health and well-being. _____ 1. Convention on access to information, public participation in decision- making and access to justice in environmental matters – Declaration, (OJ L 124, 17.5.2005).	right to live in an environment which is adequate for personal health and well-being. _____ 1. Convention on access to information, public participation in decision- making and access to justice in environmental matters – Declaration, (OJ L 124, 17.5.2005).	
Recital 49a				
59a			**(49a) As clarified by the case-law of the Court of Justice[1], Member States may not restrict legal standing to challenge a decision of a public authority to those members of the public concerned who participated in the preceding administrative procedure to adopt that decision. In addition, any review procedure should be fair, equitable, timely and not prohibitively expensive, and provide for adequate redress mechanisms, including injunctive relief as appropriate. Furthermore, in line with the case law of the Court of Justice[2] access to justice is as a minimum to be granted to the public concerned.**	

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			_____ **1. Case C–826/18, Judgment of the Court (First Chamber) of 14 January 2021; LB and Others v College van burgemeester en wethouders van de gemeente Echt-Susteren; paragraphs 58 and 59.** **2. Case C-237/07, Judgment of the Court (Second Chambre) of 25 July 2008; Dieter Janecek v Freistaat Bayern,; paragraph 42; Case C-404/13, Judgment of the Court (Second Chamber) of 19 November 2014; Client Earth v the Secretary of State for the Environment, Food and Rural Affairs; paragraph 56; Case C-723/17, Judgment of the Court (First Chamber) of 26 June 2019; Craeynest and Others; paragraph 56; Case C-752/18, Judgment of the Court (Grand Chamber) of 19 December 2019, Deutsche Umwelthilfe eV v Freistaat Bayern, paragraph 56.**	
Recital 50				
60	(50) Directive (EU) 2019/1024 of the European Parliament and of the Council[1] mandates the release of public sector data in free and open formats. The overall objective is to continue the strengthening of the EU's data economy by increasing the amount of public sector data available for re-use, ensuring fair competition and easy access to public sector information, and	(50) Directive (EU) 2019/1024 of the European Parliament and of the Council[1] mandates the release of public sector data in free and open formats. The overall objective is to continue the strengthening of the EU's data economy by increasing the amount of ***interoperable*** public sector data available for re-use, ensuring fair competition and easy access to public sector information,	(50) Directive (EU) 2019/1024 of the European Parliament and of the Council[1] mandates the release of public sector data in free and open formats. The overall objective is to continue the strengthening of the EU's data economy by increasing the amount of public sector data available for re-use, ensuring fair competition and easy access to public sector information, and	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	enhancing cross-border innovation based on data. The main principle is that government data should be open by default and design. Directive 2003/4/EC of the European Parliament and of the Council[2] is aimed at guaranteeing the right of access to environmental information in the Member States in line with the Aarhus Convention. The Aarhus Convention and Directive 2003/4/EC encompass broad obligations related both to making environmental information available upon request and actively disseminating such information. Directive 2007/2/EC of the European Parliament and of the Council[3] is also of broad scope, covering the sharing of spatial information, including data sets on different environmental topics. It is important that provisions of this Directive related to access to information and data-sharing arrangements complement those Directives and do not create a separate legal regime. Therefore, the provisions of this Directive regarding information to the public and information on monitoring of implementation should be without	and enhancing cross-border innovation based on data~~. The main principle is that government data should be open by default and design~~. Directive 2003/4/EC of the European Parliament and of the Council[2] is aimed at guaranteeing the right of access to environmental information in the Member States in line with the Aarhus Convention. The Aarhus Convention and Directive 2003/4/EC encompass broad obligations related both to making environmental information available upon request and actively disseminating such information. Directive 2007/2/EC of the European Parliament and of the Council[3] is also of broad scope, covering the sharing of spatial information, including data sets on different environmental topics. It is important that provisions of this Directive related to access to information and data-sharing arrangements complement those Directives and do not create a separate legal regime. Therefore, the provisions of this Directive regarding information to the public and information on monitoring of implementation should be without	enhancing cross-border innovation based on data. The main principle is that government data should be open by default and design. Directive 2003/4/EC of the European Parliament and of the Council[2] is aimed at guaranteeing the right of access to environmental information in the Member States in line with the Aarhus Convention. The Aarhus Convention and Directive 2003/4/EC encompass broad obligations related both to making environmental information available upon request and actively disseminating such information. Directive **2003/04/EC provides a restricted list of exemptions from dissemination or disclosure of environmental information, taking into account the public interest served by the dissemination, in case the dissemination or disclosure of the information would adversely affect certain interests such as public security or national defence; the confidentiality of commercial or industrial information where such confidentiality is provided for by national or Union law to protect**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	prejudice to Directives (EU) 2019/1024, 2003/4/EC and 2007/2/EC. _____ 1. Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information (OJ L 172, 26.6.2019, p. 56). 2. Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 41, 14.2.2003, p. 26). 3. Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.4.2007, p. 1).	prejudice to Directives (EU) 2019/1024, 2003/4/EC and 2007/2/EC. _____ 1. Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information (OJ L 172, 26.6.2019, p. 56). 2. Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 41, 14.2.2003, p. 26). 3. Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.4.2007, p. 1).	**a legitimate economic interest, including the public interest in maintaining statistical confidentiality and tax secrecy; the confidentiality of personal data and/or files relating to a natural person where that person has not consented to the disclosure of the information to the public, where such confidentiality is provided for by national or Union law. Directive** 2007/2/EC of the European Parliament and of the Council[3] is also of broad scope, covering the sharing of spatial information, including data sets on different environmental topics. It is important that provisions of this Directive related to access to information and data-sharing arrangements complement those Directives and do not create a separate legal regime. Therefore, the provisions of this Directive regarding information to the public and information on monitoring of implementation should be without prejudice to Directives (EU) 2019/1024, 2003/4/EC and 2007/2/EC. _____ 1. Directive (EU) 2019/1024 of the European Parliament and of the Council of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			20 June 2019 on open data and the re-use of public sector information (OJ L 172, 26.6.2019, p. 56). 2. Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 41, 14.2.2003, p. 26). 3. Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.4.2007, p. 1).	
Recital 50a				
60a			**(50a) It is also important that provisions of this Directive related to data-sharing arrangements enable Member States to reuse already existing data infrastructures established pursuant to Directives (EU) 2019/1024 and 2007/2/EC to ensure an effective and timely exchange of information. For this reason the Member States and the Commission could make use of tools such as REPORTNET managed by the EEA. This approach follows the once-only principle and avoids additional burden on the Member States to**	

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			setup a dedicated data infrastructure under this Directive.	
Recital 51				
61	(51) In order to ensure the necessary adaptation of the rules on soil health monitoring, sustainable soil management and management of contaminated sites, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending this Directive to adapt to technical and scientific progress the methodologies for monitoring soil health, the list of sustainable soil management principles, the indicative list of risk reduction measures, the phases and requirements for the site-specific risk assessment and the content of the register of contaminated and potentially contaminated sites. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in	(51) In order to ensure the necessary adaptation of the rules on soil health monitoring, ~~*sustainable soil management*~~***assessment*** and management of contaminated sites, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending ***or supplementing*** this Directive ***to adopt a methodology for determining threshold values for soil descriptors to be established by Member States, and*** to adapt to technical and scientific progress the methodologies for monitoring soil health~~*, the list of sustainable soil management principles*~~, the indicative list of risk reduction measures, the phases and requirements for the site-specific risk assessment and ~~*the content*~~***establishment*** of the ~~*register of contaminated and*~~	(51) In order to ensure the necessary adaptation of the rules on soil health monitoring, sustainable soil management and management of contaminated sites, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending this Directive to adapt to technical and scientific progress the methodologies for monitoring soil health, the ~~list of sustainable soil management principles, the~~ indicative list of risk reduction measures~~,~~ **and** the phases and requirements for the site-specific risk assessment ~~and the content of the register of contaminated and potentially contaminated sites~~. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016[1]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. _____ 1. Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016 (OJ L 123, 12.5.2016, p. 1).	~~*potentially*~~***minimum tolerable values in relation to the definition of an unacceptable risk for health and the environment resulting from*** contaminated sites. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016[1]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. _____ 1. Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016 (OJ L 123, 12.5.2016, p. 1).	consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016[1]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. _____ 1. Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016 (OJ L 123, 12.5.2016, p. 1).	
Recital 52				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
62	(52) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission in order to set out the format, structure and detailed arrangements for reporting data and information electronically to the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and the Council[1]. _____ 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).	(52) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission in order to set out the format, structure and detailed arrangements for reporting data and information electronically to the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and the Council[1]. _____ 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).	(52) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission in order to set out the format, structure and detailed arrangements for reporting data and information electronically to the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and the Council[1]. _____ 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).	
Recital 52a				
62a			**(52a) In order to provide support to Member States to carry out their obligations under this Directive, the Commission should provide for documents and scientific tools analysing, synthesizing and documenting, in an efficient and coordinated way,**	

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			possible methodologies and procedures that could be applied. These non-binding documents and scientific tools would provide in due time essential information for Member States, while ensuring the flexibility to continue using methodologies and procedures already in place. The documents and scientific tools should be established in cooperation with the Member States. These documents and scientific tools should be complemented with the necessary assistance and capacity building.	
Recital 52b				
62b			**(52b) In addition to the documents and scientific tools, the Commission should organize regular exchange of information, experience and best practices on the application of this Directive. This forum could, in addition to the practical implementation of this Directive, be used to discuss for exemple the use of traffic light systems for the communication to the public of the results of the assessments of**	

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			soil health; the sustainable management of soil contamination other than anthropogenic point source contamination; the application of the hierarchy of responsability defining the responsible party or parties for the management of contaminated sites; orphan site management; remediation techniques for contaminated sites; the identification and evaluation of natural and anthropogenic background levels; different approaches for the identification of areas where individual criteria for healthy soil condition are not satisfied; the quality management system practices for laboratories; the soil sealing and soil destruction mitigation principles.	
Recital 53				
63	(53) The Commission should carry out an evidence-based evaluation and, where relevant, a revision of this Directive, 6 years after its entry into force on the basis of the results of the soil health assessment. The evaluation should assess in particular the need to set	(53) The Commission should carry out an evidence-based evaluation and, where relevant, a revision of this Directive, 6 years after its entry into force on the basis of the results of the soil health assessment. The evaluation should assess in particular the ~~need to set~~	(53) The Commission should carry out an evidence-based evaluation and, where relevant, a revision of this Directive, ~~6~~**7 and a half** years after its entry into force on the basis of the results of the soil health assessment. The evaluation should assess in particular the need	

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	more specific requirements to make sure unhealthy soils are regenerated and the objective to achieve healthy soils by 2050 is achieved. The evaluation should also assess the need to adapt the definition of healthy soils to scientific and technical progress by adding provisions on certain descriptors or criteria based on new scientific evidence relating to the protection of soils or on the grounds of a problem specific to a Member State arising from new environmental or climatic circumstances. Pursuant to paragraph 22 of the Interinstitutional Agreement on Better Law-Making, that evaluation should be based on the criteria of efficiency, effectiveness, relevance, coherence and EU value added and should provide the basis for impact assessments of possible further measures.	~~*more specific requirements to make sure unhealthy soils are regenerated and the objective*~~***gap and measures needed*** to achieve healthy soils by 2050~~*is achieved*~~. The evaluation should also assess the need to adapt the definition of healthy soils to scientific and technical progress by adding provisions on certain descriptors or criteria based on new scientific evidence relating to the protection of soils or on the grounds of a problem specific to a Member State arising from new environmental or climatic circumstances. Pursuant to paragraph 22 of the Interinstitutional Agreement on Better Law-Making, that evaluation should be based on the criteria of efficiency, effectiveness, relevance, coherence and EU value added and should provide the basis for impact assessments of possible further measures.	to set more specific requirements to make sure ~~unhealthy~~**degraded** soils are regenerated and the objective to achieve healthy soils by 2050 is achieved. The evaluation should also assess the need to adapt the definition of healthy soils to scientific and technical progress by adding provisions on certain descriptors or criteria based on new scientific evidence relating to the protection of soils or on the grounds of a problem specific to a Member State arising from new environmental or climatic circumstances. Pursuant to paragraph 22 of the Interinstitutional Agreement on Better Law-Making, that evaluation should be based on the criteria of efficiency, effectiveness, relevance, coherence and EU value added and should provide the basis for impact assessments of possible further measures.	
Recital 54				
64	(54) Coordinated measures by all Member States are necessary to achieve the vision to have all soils healthy by 2050 and to secure the	(54) Coordinated measures by all Member States are necessary to achieve the vision to have all soils healthy by 2050 and to secure the	(54) Coordinated measures by all Member States are necessary to achieve the vision to have all soils healthy by 2050 and to secure the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	provision of ecosystem services by soils across the Union in the long-term. Individual actions of Member States have proven to be insufficient since the soil degradation is continuing and even deteriorating. Since the objectives of this Directive cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 TEU. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.	provision of ecosystem services by soils across the Union in the long-term. Individual actions of Member States have proven to be insufficient since the soil degradation is continuing and even deteriorating. Since the objectives of this Directive cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 TEU. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.	provision of ecosystem services by soils across the Union in the long-term. Individual actions of Member States have proven to be insufficient since the soil degradation is continuing and even ~~deteriorating~~ **increasing**. Since the objectives of this Directive cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 TEU. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.	
Recital 55				
65	(55) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents[1], Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more	(55) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents[1], Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more	(55) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents[1], Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified. _____ 1. OJ C 369, 17.12.2011, p. 14.	documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified. _____ 1. OJ C 369, 17.12.2011, p. 14.	documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified. _____ 1. OJ C 369, 17.12.2011, p. 14.	
Recital 55a				
65a		***(55a) This Directive is aimed at meeting the long-term objective of healthy soil in the Union by 2050 based on a coherent framework for soil monitoring and improvement of its health. Given its nature as a directive, in accordance with Article 288 of the Treaty on the Functioning of the European Union, this Directive is binding as to the result to be achieved in the Member States to whom it is addressed, while leaving national authorities the power to choose the form and methods to achieve the result. It will therefore be up to Member States to devise their own laws on how to reach the goals laid down***		

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		in this Directive. The proposed instrument of a directive leaves much flexibility to the Member States to identify the best measures for them and to adapt the approach to local conditions. This is crucial to take account of the regional and local specificities as regards soil variability, land use, climatological conditions and socio-economic aspects. The nature of the instrument implies that principles laid down in this Directive do not entail direct obligations on individuals.		
Formula				
66	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	
Chapter I				
67	Chapter I General provisions	Chapter I General provisions	Chapter I General provisions	
Article 1				
68	Article 1 Objective and Subject matter	Article 1 Objective and Subject matter	Article 1 Objective and Subject matter	

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Article 1(1)				
69	1. The objective of the Directive is to put in place a solid and coherent soil monitoring framework for all soils across the EU and to continuously improve soil health in the Union with the view to achieve healthy soils by 2050 and maintain soils in healthy condition, so that they can supply multiple ecosystem services at a scale sufficient to meet environmental, societal and economic needs, prevent and mitigate the impacts of climate change and biodiversity loss, increase the resilience against natural disasters and for food security and that soil contamination is reduced to levels no longer considered harmful to human health and the environment.	1. The objective of the Directive is to put in place a ***clear,*** solid ~~*and*~~**,** coherent ***and flexible framework for*** soil monitoring ~~*framework*~~***and assessment*** for all soils across the EU ~~*and*~~***in order*** to continuously improve soil health in the Union with the view to achieve healthy soils by 2050 and maintain soils in healthy condition~~,~~ ***and prevent their deterioration*** so that they can supply multiple ecosystem services at a scale sufficient to meet environmental, societal and economic needs, prevent and mitigate the impacts of climate change and biodiversity loss, increase the resilience against natural disasters and for food security and that soil contamination is reduced to levels no longer considered harmful to human health and the environment. ***This Directive, therefore, establishes a framework within which Member States are required to put in place measures that are technically feasible and based on a cost-benefit analysis, with a view to achieving healthy soils by 2050.***	1. The objective of the Directive is to put in place a solid and coherent soil monitoring framework for all soils across the ~~EU and~~ **Union,** to continuously improve soil health in the Union**, maintain soils in healthy condition and tackle all aspects of soil degradation,** with the view to achieve healthy soils by 2050 ~~and maintain soils in healthy condition~~, so that they can supply multiple ecosystem services at a scale sufficient to meet environmental, societal and economic needs, prevent and mitigate the impacts of climate change and biodiversity loss, increase the resilience against natural disasters and for food security and that soil contamination is reduced to levels no longer considered harmful to human health and the environment.	

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Article 1(1a)				
69a		***1a. This Directive contributes to fulfilling international and Union-level commitments, objectives and goals, including those contained in:*** ***(a) the Kunming-Montreal Global Biodiversity Framework;*** ***(b) the Paris Agreement;*** ***(c) the UN Convention to Combat Desertification (UNCCD);*** ***(d) the 7th EU Environment Action Programme (Decision No 1386/2013/EU);*** ***(e) the 8th EU Environment Action Programme (Decision (EU) 2022/591);*** ***(f) the Roadmap to a Resource Efficient Europe (COM/2011/0571).***		
Article 1(2)				
70	2. This Directive lays down measures on:	2. This Directive lays down measures on:	2. This Directive lays down **a framework and** measures on:	
Article 1(2), point (a)				
71	(a) monitoring and assessment of	(a) monitoring***, maintaining,***	(a) monitoring and assessment of	

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	soil health;	***improving, rehabilitating and assessing*** ~~*and assessment of*~~ soil health***, based on its ecological status***;	soil health;	
Article 1(2), point (b)				
72	(b) sustainable soil management;	(b) sustainable soil management;	(b) sustainable soil management;	
Article 1(2), point (c)				
73	(c) contaminated sites.	(c) contaminated sites.	(c) **management of** contaminated sites.	
Article 2				
74	Article 2 Scope	Article 2 Scope	Article 2 Scope	
Article 2, first paragraph				
75	This Directive applies to all soils in the territory of Member States.	This Directive applies to all soils in the territory of Member States.	This Directive applies to all soils in the territory of Member States.	
Article 3				
76	Article 3 Definitions	Article 3 Definitions	Article 3 Definitions	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 3, first paragraph				
77	For the purposes of this Directive, the following definitions shall apply:	For the purposes of this Directive, the following definitions shall apply:	For the purposes of this Directive, the following definitions shall apply:	
Article 3, first paragraph, point (1)				
78	(1) 'soil' means the top layer of the Earth's crust situated between the bedrock and the land surface, which is composed of mineral particles, organic matter, water, air and living organisms;	(1) 'soil' means the top layer of the Earth's crust situated between the bedrock and the land surface, which is composed of mineral particles, organic matter, water, air and living organisms***, excluding raw material deposits***;	(1) 'soil' means the top layer of the Earth's crust situated between the bedrock **or parent material** and the land surface, which is composed of mineral particles, organic matter, water, air and living organisms;	
Article 3, first paragraph, point (1a)				
78a		***(1a) 'soil ecological status' means the ecological quality of a soil evaluated according to the soil's diversity, biological and functional activity, habitat and the presence of degradation factors, and determined according to the following classification:*** ***(a) 'high soil ecological status' refers to soils with high biological and functional activity;*** ***(b) 'good ecological status' refers to soils in an overall good***		

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		ecological status but that show evidence of slight adverse impacts from one or multiple degradation factors; ***(c) 'moderate ecological status' refers to soils with evidence of slight adverse impacts from degradation factors;*** ***(d) 'degraded soils' refers to soils with clear evidence of adverse impacts from one degradation factor; and*** ***(e) 'critically degraded soils' refers to soils with clear evidence of adverse impacts from more than one degradation factor;***		
Article 3, first paragraph, point (1b)				
78b		***(1b) 'soil ecological functions' means the set of interrelated processes and interactions within the soil ecosystem that sustain life, support and are the result of soil biodiversity and maintain the overall health and productivity of terrestrial environments, such as nutrient cycling, organic matter decomposition, soil structure formation, water filtration and purification, carbon sequestration, and the provision of habitats and resources for a diverse range of***		

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		organisms;		
Article 3, first paragraph, point (2)				
79	(2) 'ecosystem' means a dynamic complex of plant, animal, and micro-organism communities and their non-living environment interacting as a functional unit;	(2) 'ecosystem' means a dynamic complex of plant, animal, and micro-organism communities and their non-living environment interacting as a functional unit;	(2) 'ecosystem' means a dynamic complex of plant, animal, and micro-organism communities and their non-living environment interacting as a functional unit;	
Article 3, first paragraph, point (3)				
80	(3) 'ecosystem services' means indirect contributions of ecosystems to the economic, social, cultural and other benefits that people derive from those ecosystems;	(3) 'ecosystem services' means ***direct and*** indirect contributions of ecosystems to the ***wellbeing of society as a whole, and*** economic, social, cultural***, environmental*** and other benefits that people derive from those ecosystems;	(3) 'ecosystem services' means **direct or** indirect contributions of ecosystems to the economic, social, cultural and other benefits that people derive from those ecosystems;	
Article 3, first paragraph, point (3a)				
80a		***(3a) 'soil biodiversity' means the variation in soil life, from genes to communities, and the ecological complexes of which they are part, that is complexes ranging from soil micro-habitats to landscapes;***		
Article 3, first paragraph, point (4)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
81	(4) 'soil health' means the physical, chemical and biological condition of the soil determining its capacity to function as a vital living system and to provide ecosystem services;	(4) 'soil health' means the physical, chemical***, functional*** and biological condition of the soil determining its capacity to function as a vital living system and to provide ecosystem services***, taking land use into account***;	(4) 'soil health' means the physical, chemical and biological condition of the soil determining its capacity to function as a vital living system and to provide ecosystem services;	
Article 3, first paragraph, point (5)				
82	(5) 'sustainable soil management' means soil management practices that maintain or enhance the ecosystem services provided by the soil without impairing the functions enabling those services, or being detrimental to other properties of the environment;	(5) ~~'~~sustainable soil management' means soil management practices that ***aim to*** maintain or enhance the ***soil*** ecosystem services ~~*provided by the soil without impairing the functions enabling those services, or being detrimental to other properties of the environment*~~***taking into account the socio-economic effects***;	(5) 'sustainable soil management' means soil management practices that maintain or enhance the ecosystem services provided by the soil without impairing the **soil** functions enabling those services~~,~~ or being **significantly** detrimental to other properties of the environment;	
Article 3, first paragraph, point (6)				
83	(6) 'soil management practices' mean practices that impact the physical, chemical or biological qualities of a soil;	(6) 'soil management practices' mean practices that impact the physical, chemical or biological qualities of a soil;	(6) 'soil management practices' mean practices that impact the physical, chemical or biological ~~qualities~~ **properties** of a soil;	
Article 3, first paragraph, point (7)				
84				

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	(7) 'managed soils' means soils where soil management practices are carried out;	(7) 'managed soils' means soils where soil management practices are carried out;	(7) 'managed soils' means soils where soil management practices are carried out;	
Article 3, first paragraph, point (8)				
85	(8) 'soil district' means the part of the territory of a Member State, as delimited by that Member State in accordance with this Directive;	(8) 'soil district' means the part of the territory of a Member State ***or several Member States***, as delimited by that Member State ***or those Member States*** in accordance with this Directive;	(8) 'soil district' means the part of the territory of a Member State, as delimited by that Member State in accordance with this Directive;	
Article 3, first paragraph, point (8a)				
85a			**(8a) 'soil unit' means a spatially discrete area within a soil district resulting from the intersection of spatial data used as criteria for statistical homogeneity within that soil district;**	
Article 3, first paragraph, point (9)				
86	(9) 'soil health assessment' means the evaluation of the health of the soil based on the measurement or estimation of soil descriptors;	(9) 'soil health assessment' means the evaluation of the health of the soil based on the measurement or estimation of soil descriptors;	(9) 'soil health assessment' means the evaluation of the health of the soil based on the measurement or estimation of soil descriptors;	
Article 3, first paragraph, point (9a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
86a			**(9a) 'soil descriptor' means a parameter describing a physical, chemical, or biological characteristic of soil health;**	
Article 3, first paragraph, point (9b)				
86b			**(9b) 'potentially contaminated site' means a delineated area where soil contamination or contamination of bedrock or parent material caused by point-source anthropogenic activities is suspected with high probability based on relevant evidence;**	
Article 3, first paragraph, point (10)				
87	(10) 'contaminated site' means a delineated area of one or several plots with confirmed presence of soil contamination caused by point-source anthropogenic activities;	(10) 'contaminated site' means a delineated area of one or several plots with confirmed presence of soil contamination caused by ~~*point-source anthropogenic activities*~~***the presence of a substance or material in the soil in a concentration that may be harmful to health or the environment***;	(10) 'contaminated site' means a delineated area ~~of one or several plots~~ with confirmed ~~presence of~~ soil contamination **or contamination of bedrock or parent material** caused by point-source anthropogenic activities;	
Article 3, first paragraph, point (11)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
88	(11) 'soil descriptor' means a parameter describing a physical, chemical, or biological characteristic of soil health;	(11) 'soil descriptor' means a parameter describing a physical, chemical, or biological characteristic of soil health;	*deleted*	
Article 3, first paragraph, point (12)				
89	*(12)* 'land' means the surface of the Earth that is not covered by water;	(12) 'land' means the surface of the Earth that is not covered by water;	(12) 'land' means the surface of the Earth that is not **regularly** covered by water **bodies**;	
Article 3, first paragraph, point (13)				
90	(13) 'land cover' means the physical and biological cover of the earth's surface;	(13) 'land cover' means the physical and biological cover of the earth's surface;	(13) 'land cover' means the physical and biological cover of the earth's surface;	
Article 3, first paragraph, point (14)				
91	(14) 'natural land' means an area where human activity has not substantially modified an area's primary ecological functions and species composition;	(14) 'natural land' means an area where human activity has not substantially modified an area's primary ecological functions and species composition;	(14) '~~natural land~~**unsealed soil**' means an area ~~where human activity has not substantially modified an area's primary ecological functions and species composition~~**of soil that does not fall under the definition of sealed soil**;	
Article 3, first paragraph, point (15)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
92	(15) 'semi-natural land' means an area where ecological assemblages have been substantially modified in their composition, balance or function by human activities, but maintain potentially high value in terms of biodiversity and the ecosystem services it provides;	(15) 'semi-natural land' means an area where ecological assemblages have been substantially modified in their composition, balance or function by human activities, but maintain potentially high value in terms of biodiversity and the ecosystem services it provides;	(15) '~~semi-natural land~~**soil sealing'** means ~~an area where ecological assemblages have been substantially modified in their composition, balance or function by human activities, but maintain potentially high value in terms of biodiversity and the ecosystem services it provides~~**the covering of soils by buildings, construction and layers of completely or partly impermeable material**;	
Article 3, first paragraph, point (16)				
93	(16) 'artificial land' means land used as a platform for constructions and infrastructure or as a direct source of raw material or as archive for historic patrimony at the expense of the capacity of soils to provide other ecosystem services;	(16) 'artificial land' means land used as a platform for constructions and infrastructure or as a direct source of raw material or as archive for historic patrimony at the expense of the capacity of soils to provide other ecosystem services;	(16) '~~artificial land~~**sealed soil**' means ~~land used as a platform for constructions and infrastructure or as a direct source of raw material or as archive for historic patrimony at the expense of the capacity of soils to provide other ecosystem services~~**an area of soil that underwent soil sealing**;	
Article 3, first paragraph, point (17)				
94	(17) 'land take' means the conversion of natural and semi-natural land into artificial land;	(17) 'land take' means the conversion of natural and semi-natural land into artificial land;	(17) '~~land take~~**soil destruction**' means the ~~conversion of natural and semi-natural land into artificial land~~**temporary or long-term**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			removal of soils;	
Article 3, first paragraph, point (17a)				
94a			**(17a) 'destroyed soil' means an area of soil that underwent soil destruction;**	
Article 3, first paragraph, point (17b)				
94b			**(17b) 'de-sealing' means the conversion of sealed soil into unsealed soil;**	
Article 3, first paragraph, point (17a)				
94c		***(17a) 'soil sealing' means the covering of land with impermeable material, particularly in the context of using land as a platform for buildings and infrastructure;***		
Article 3, first paragraph, point (17b)				
94d		***(17b) 'de-sealing of soil' means the re-conversion of land that no longer performs its natural soil functions, such as infiltration, percolation and hydrological***		

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		functionality, into functional soil;		
Article 3, first paragraph, point (18)				
95	(18) 'transfer function' means a mathematical rule that allows to convert the value of a measurement, performed using a methodology different from a reference methodology, into the value that would be obtained by performing the soil measurement using the reference methodology;	(18) 'transfer function' means a mathematical rule that allows to convert the value of a measurement, performed using a methodology different from a reference methodology, into the value that would be obtained by performing the soil measurement using the reference methodology;	(18) 'transfer function' means a mathematical rule that allows to convert the value of a measurement, performed using a methodology different from a reference methodology, into the value that would be obtained by performing the soil measurement using the reference methodology;	
Article 3, first paragraph, point (19)				
96	(19) 'public concerned' means the public affected or likely to be affected by soil degradation, or having an interest in the decision-making procedures related to the implementation of the obligations under this Directive, including land owners and land users, as well as non-governmental organisations promoting the protection of human health or the environment and meeting any requirements under national law.	(19) 'public concerned' means the public affected or likely to be affected by soil degradation, or having an interest in the decision-making procedures related to the implementation of the obligations under this Directive, including ***citizens,*** land owners***, managers*** and ~~*land*~~ users, as well as non-governmental organisations promoting the protection of human ***or animal*** health or the environment and meeting any requirements under national law.	(19) 'public concerned' means the public affected or likely to be affected by soil degradation, or having an interest in the decision-making procedures related to the implementation of the obligations under this Directive, including land owners and land users, as well as non-governmental organisations promoting the protection of human health or the environment and meeting any requirements under national law.	

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Article 3, first paragraph, point (19a)				
96a		***(19a) 'public' means one or more natural or legal persons and, in accordance with national law or practice, associations, organisations or groups comprising such persons;***		
Article 3, first paragraph, point (20)				
97	(20) 'soil contamination' means the presence of a chemical or substance in the soil in a concentration that may be harmful to human health or the environment;	(20) 'soil contamination' means the presence of a ~~*chemical or*~~ substance ***or material*** in the soil in a concentration that may ~~*be*~~***lead, directly or indirectly, to*** harmful ~~*to*~~***effects on*** human ***or animal*** health or the environment;	(20) 'soil contamination' means the presence of a ~~chemical or~~ substance in the soil ~~in a concentration~~ **at a level** that may be harmful to human health or the environment;	
Article 3, first paragraph, point (21)				
98	(21) 'contaminant' means a substance liable to cause soil contamination;	(21) 'contaminant' means a substance liable to cause soil contamination;	(21) 'contaminant' means a substance liable to cause soil contamination **or contamination of bedrock or parent material**;	
Article 3, first paragraph, point (22)				
99	(22) 'regeneration' means an intentional activity aimed at reversing soil from degraded to	(22) 'regeneration' means an intentional activity aimed at reversing soil from degraded to	(22) '**soil** regeneration' means an intentional activity aimed at reversing soil from degraded to	

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	healthy condition;	healthy condition;	healthy condition;	
Article 3, first paragraph, point (22a)				
99a			**(22a) 'soil renaturation' means the restoration or reconstruction of destroyed soils with the aim to recover the capacity of soils to provide ecosystem services;**	
Article 3, first paragraph, point (23)				
100	(23) 'risk' means the possibility of harmful effects to human health or the environment resulting from exposure to soil contamination;	(23) 'risk' means the possibility of harmful effects to human ***or animal*** health or the environment resulting from exposure to soil contamination;	(23) 'risk' means the ~~possibility~~ **likelihood** of harmful effects to human health or the environment resulting from exposure to soil contamination **or to contamination of bedrock or parent material**;	
Article 3, first paragraph, point (24)				
101	(24) 'soil investigation' means a process to assess the presence and concentration of contaminants in the soil which is usually performed in different stages;	(24) 'soil investigation' means a process to assess the presence and concentration of contaminants in the soil which is usually performed in different stages;	(24) 'soil investigation' means a process **which can be performed in multiple and iterative phases** to assess the presence and ~~concentration~~**level** of contaminants in the soil ~~which is usually performed in different stages~~**, in the bedrock or parent material and, if relevant to characterise**	

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			and delineate the extent of a contaminated site and, if relevant, to assess the site-specific risks the contaminated site poses to human health or the environment;	
Article 3, first paragraph, point (25)				
102	(25) 'geographically explicit' means information referenced and stored in a manner that permits it to be mapped and localised with specific precision and accuracy.	(25) 'geographically explicit' means information referenced and stored in a manner that permits it to be mapped and localised with specific precision and accuracy.	*deleted*	
Article 3, first paragraph, point (26)				
103	*(26)* 'soil remediation' means a regeneration action that reduces, isolates or immobilizes contaminant concentrations in the soil.	(26) 'soil remediation' means a regeneration action that reduces, isolates or immobilizes contaminant concentrations in the soil ***below a toxicity threshold for which significant dangers for organisms in contact with that soil can be excluded, with the aim of improving the ecological status***.	(26) 'soil remediation' means a ~~regeneration action that reduces, isolates or immobilizes contaminant concentrations~~ **set of actions that reduce, isolate or immobilise contaminants** in the soil~~.~~**, the bedrock or the parent material;**	
Article 3, first paragraph, point (27)				
103a			**(27) 'risk reduction measures' mean measures that aim to**	

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			reduce the risks of contaminated sites to human health and the environment by modifying the source pathway-receptor linkage without changing the characteristics of the contamination itself or via soil remediation.	
Article 4				
104	Article 4 Soil districts	Article 4 Soil districts	Article 4 Soil districts **and soil units**	
Article 4(1), first subparagraph				
105	1. Member States shall establish soil districts throughout their territory.	1. Member States shall***, in consultation with local, regional and cross-regional authorities,*** establish soil districts***, based on, where appropriate, existing administrative units*** throughout their ***own*** territory ***and in cross-border territories together with neighbouring Member States***.	1. Member States shall establish ~~soil districts~~**, for administrative purposes,** throughout their territory**, one or more soil districts under the responsibility of one or more competent authorities as designated pursuant to Article 5**.	
Article 4(1), second subparagraph				
106	The number of soil districts for each Member State shall as a minimum correspond to the	*deleted*	*deleted*	

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	number of NUTS 1 territorial units established under Regulation (EC) No 1059/2003.			
Article 4(2)				
107	*2.* When establishing the geographic extent of soil districts, Member States may take into account existing administrative units and shall seek homogeneity within each soil district regarding the following parameters:	2. When establishing the geographic extent of soil districts, Member States may take into account existing ***land use, governance structures and*** administrative units and shall ~~*seek*~~***prioritise*** homogeneity within each soil district regarding the following parameters:	2. ~~When establishing the geographic extent of soil districts,~~ Member States ~~may take~~**shall also establish soil units covering their entire territory for the purposes of monitoring design and reporting of soil health with a given level of uncertainty within that soil unit, taking** into account ~~existing administrative units and shall seek homogeneity within each soil district regarding the following parameters~~:	
Article 4(2), point (a)				
108	(a) soil type as defined in the World Reference Base for Soil Resources[1]; _____ 1. https://www.fao.org/soils-portal/data-hub/soil-classification/world-reference-base/en/	(a) soil type as defined in the World Reference Base for Soil Resources[1]; _____ 1. https://www.fao.org/soils-portal/data-hub/soil-classification/world-reference-base/en/	(a) ~~soil type as defined in the World Reference Base for Soil Resources[1]~~**the geographical extent of soil districts as established pursuant to the first paragraph of this Article**; _____ ~~1. https://www.fao.org/soils-portal/data-hub/soil-classification/world-reference-base/en/~~	

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Article 4(2), point (b)				
109	(b) climatic conditions;	(b) climatic conditions;	(b) ~~climatic conditions~~**the soil type as defined in the map of the soil regions of the European Union and Adjacent Countries**[1]; _____ **1. 'Soil Regions of the European Union and Adjacent Countries 1:5,000,000', 2005, accessed 2024-03-07, http://data.europa.eu/88u/dataset/ae71ffee-1ae9-4624-ae3f-f49513fe9dcb**	
Article 4(2), point (c)				
110	(c) environmental zone as described in Alterra Report 2281[1]; _____ 1. M.J. Metzger, A.D. Shkaruba, R.H.G. Jongman and R.G.H. Bunce, Descriptions of the European Environmental Zones and Strata, Alterra Report 2281 ISSN 1566-7197.	(c) environmental zone as described in Alterra Report 2281[1]; _____ 1. M.J. Metzger, A.D. Shkaruba, R.H.G. Jongman and R.G.H. Bunce, Descriptions of the European Environmental Zones and Strata, Alterra Report 2281 ISSN 1566-7197.	(c) ~~environmental zone as described in Alterra Report 2281[1];~~**the land use categories, excluding water bodies, as referred to in Regulation (EU) 2018/841 of the Parliament and the Council**[1]**;** _____ 1. ~~M.J. Metzger, A.D. Shkaruba, R.H.G. Jongman and R.G.H. Bunce, Descriptions~~**Regulation (EU) 2018/841** of the European ~~Environmental Zones and Strata, Alterra Report 2281 ISSN 1566-7197.~~**Parliament and of the Council of 30 May 2018 on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry in the 2030 climate and energy**	

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			framework, and amending Regulation (EU) No 525/2013 and Decision No 529/2013/EU	
Article 4(2), point (d)				
111	(d) land use or land cover as used in the Land Use/Cover Area frame statistical Survey (LUCAS) programme.	(d) land use or land cover as used in the Land Use/Cover Area frame statistical Survey (LUCAS) programme.	*deleted*	
Article 4(2), point (da)				
111a		***(da) river basin districts pursuant to Directive 2000/60/EC and water bodies used for abstraction of water intended for human consumption as defined in Directive (EU) 2020/2184.***		
Article 4(2), point (db)				
111b		***(db) the existence of remote archipelagic regions with islands scattered between them, with each island corresponding to a soil district;***		
Article 4(2), point (dc)				
111c				

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		(dc) use of Copernicus for the soil districts' delimitation.		
Article 4(2), second subparagraph				
111d			**Member States may use more detailed or updated equivalent data when available at the European, national or subnational level to establish their soil units.**	
Article 4(2), third subparagraph				
111e			**Members States may take into account additional spatial data to establish their soil units, such as climate, environmental zone as described in Alterra Report 2281[1], or river basins.** _____ **1. M.J. Metzger, A.D. Shkaruba, R.H.G. Jongman and R.G.H. Bunce, Descriptions of the European Environmental Zones and Strata, Alterra Report 2281 ISSN 1566-7197.**	
Article 4(2a)				
111f		***2a. Member States shall, where appropriate, ensure that soil districts of neighbouring Member***		

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		States in which there are transboundary effects on soil, comparable land use across borders or similar values for the parameters referred to in paragraph 2, points (a) to (d), cooperate with each other to exchange best practices. Member States shall also ensure that a coherent approach is taken by soil districts across borders.		
Article 4(2b)				
111g		***2b. The Commission shall support Member States in ensuring that their soil districts cooperate on a cross-border basis and shall facilitate harmonisation of monitoring systems, transfer functions, monitoring design and classification of ecological status at the level of the soil descriptors listed in Annex I.***		
Article 5				
112	Article 5 Competent authorities	Article 5 Competent authorities	Article 5 Competent authorities	
Article 5, first paragraph				

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113	Member States shall designate the competent authorities responsible at an appropriate level for carrying out the duties laid down in this Directive.	Member States shall designate the competent authorities responsible at an appropriate level for carrying out the duties laid down in this Directive***, taking into account existing administrative divisions and responsibilities, including in the case of cross-border soil districts***.	Member States shall designate the competent authorities responsible at an appropriate level for carrying out the duties laid down in this Directive.	
Article 5, second paragraph				
114	Member States shall designate one competent authority for each soil district established in accordance with Article 4.	Member States shall designate one competent authority for each soil district established in accordance with Article 4. ***Member States may designate one competent authority for several soil districts.***	*deleted*	
Article 5, second paragraph a				
114a		***2a. Member States shall communicate to the Commission the list of competent authorities referred to in paragraphs 1 and 2 of this Article in accordance with Article 18(3), point (b). The Commission shall maintain an updated list of the competent authorities on its website.***		

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Chapter II				
115	Chapter II Monitoring and assessment of soil health	Chapter II Monitoring and assessment of soil health	Chapter II Monitoring and assessment of soil health	
Article 6				
116	Article 6 Soil health and land take monitoring framework	Article 6 Soil health and land take monitoring framework	Article 6 Soil health and ~~land take~~ **soil sealing and soil destruction** monitoring framework	
Article 6(1)				
117	1. Member States shall establish a monitoring framework based on the soil districts established in accordance with Article 4(1), to ensure that regular and accurate monitoring of soil health is carried out in accordance with this Article and Annexes I and II.	1. Member States shall establish a monitoring framework based on the soil districts established in accordance with Article 4(1), to ensure that regular and accurate monitoring of soil health is carried out in accordance with this Article and Annexes I and II***, and is complementary to the assessment approach established by Directive 2000/60/EC***.	-1. Member States shall establish a monitoring framework ~~based on~~**at a level appropriate for** the soil ~~districts established in accordance with Article 4(1),~~**descriptors and soil sealing and soil destruction indicators** to ensure that regular**, coherent** and accurate monitoring of soil health **and soil sealing and soil destruction** is carried out in accordance with this Article and Annexes I and II.	
Article 6(1) second subparagraph				
117a			**If necessary, Member States**	

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			may adapt their monitoring framework for their outermost regions in order to take into account their specific characteristics.	
Article 6(2)				
118	2. Member States shall monitor soil health and land take in each soil district.	2. Member States shall monitor soil health and land take in each soil district. ***Member States shall make use of the expertise of national research institutes, existing national monitoring systems and available data. The monitoring activities carried out by the Member States shall not result in a financial burden for the land managers.***	2. Member States shall monitor soil health **in each soil unit within a soil district and soil sealing and soil destruction**~~and land take~~ in each soil district.	
Article 6(3)				
119	3. The monitoring framework shall be based on the following:	3. The monitoring framework shall be based on the following:	3. The monitoring framework shall be based on the following:	
Article 6(3), point (a)				
120	(a) the soil descriptors and soil health criteria referred to in Article 7;	(a) the soil descriptors and soil health criteria referred to in Article 7;	(a) the soil descriptors and ~~soil health~~ criteria **for healthy soil condition** referred to in Article 7;	

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Article 6(3), point (b)				
121	(b) the soil sampling points to be determined in accordance with Article 8(2);	(b) the soil sampling points ***and sampling depth*** to be determined in accordance with Article 8(2);	(b) the soil sampling points to be determined in accordance with Article ~~8(2)~~**8(1)**;	
Article 6(3), point (c)				
122	(c) the soil measurement carried out by the Commission in accordance with paragraph 4 of this Article, if any;	(c) the soil measurement carried out by the Commission in accordance with paragraph 4 of this Article, if any;	(c) the soil ~~measurement~~**measurements to be** carried out **by Member States and, if any,** by the Commission in accordance with ~~paragraph 4 of this~~ Article~~, if any~~ **8(2) and 8(2a)**;	
Article 6(3), point (d)				
123	(d) the remote sensing data and products referred to in paragraph 5 of this Article, if any;	(d) ~~the~~***scientifically robust*** remote sensing data and products referred to in paragraph 5 of this Article, if any;	(d) the remote sensing data and products referred to in paragraph 5 of this Article, if any;	
Article 6(3), point (e)				
124	(e) the land take and soil sealing indicators referred to in Article 7(1).	(e) the land take and soil sealing indicators referred to in Article 7(1).	(e) the ~~land take and~~ soil sealing **and soil destruction** indicators referred to in Article 7(1).	
Article 6(4)				
125				

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	4. The Commission shall, subject to agreement from Member States concerned, carry out regular soil measurements on soil samples taken in-situ, based on the relevant descriptors and methodologies referred to in Articles 7 and 8, to support Member States' monitoring of soil health. Where a Member State provides agreement in accordance with this paragraph, it shall ensure that the Commission can carry out such in-situ soil sampling.	*deleted*	*deleted*	
Article 6(4a)				
125a		***4a. The Commission shall ensure that the first soil measurement referred to in paragraph 4 is performed by ... [OP: please insert the date = three years from the entry into force of this Directive].*** ***The Commission shall contribute to the monitoring carried out by Member States by providing sampling and analysing of at least 20 % of the size of national samples.*** ***The Commission shall, at the request of a Member State, provide further assistance with up to 50% of the sampling during the***		

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		first national monitoring round.		
Article 6(5)				
126	5. The Commission and the European Environment Agency (EEA) shall leverage existing space-based data and products delivered under the Copernicus component of the EU Space Programme established by Regulation (EU) 2021/696 to explore and develop soil remote sensing products, to support the Member States in monitoring the relevant soil descriptors.	5. The Commission and the European Environment Agency (EEA) shall leverage existing space-based data and products delivered under the Copernicus component of the EU Space Programme established by Regulation (EU) 2021/696 to explore and develop soil remote sensing products, to support the Member States in monitoring the relevant soil descriptors.	5. The Commission and the European Environment Agency (EEA) shall leverage existing space-based data and products delivered under the Copernicus component of the EU Space Programme established by Regulation (EU) 2021/696 to explore and develop**, together with Member States,** soil remote sensing products, **to provide the Member States with the necessary data on soil sealing and soil destruction indicators and** to support the Member States in monitoring the relevant soil descriptors.	
Article 6(6)				
127	6. The Commission and the EEA shall, on the basis of existing data and within two years of the entry into force of this Directive, establish a digital soil health data portal that shall provide access in georeferenced spatial format to at least the available soil health data	6. The Commission and the EEA shall, on the basis of existing data and within two years of the entry into force of this Directive, establish a digital soil health data portal that shall provide access in georeferenced spatial format***, in line with Regulation (EC) No***	6. The Commission and the EEA shall, on the basis of existing data and within two years of the entry into force of this Directive, establish a digital soil health data portal that shall provide access in georeferenced spatial format to at least the available soil health data	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	resulting from:	***223/2009 of the European Parliament and of the Council[1a],*** to at least the available soil health data resulting from: ***1a. Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities (OJ L 087 31.3.2009, p. 164).***	**aggregated at the soil unit level or a more detailed level,** resulting from:	
Article 6(6), point (a)				
128	(a) the soil measurements referred to in Article 8(2);	(a) the soil measurements referred to in Article 8(2);	(a) the soil measurements referred to in Article 8(2) **and (2a)**;	
Article 6(6), point (b)				
129	(b) the soil measurements referred to in paragraph 4 of this Article;	(b) the soil measurements referred to in paragraph 4 of this Article;	*deleted*	
Article 6(6), point (c)				
130				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(c) the relevant soil remote sensing data and products referred to in paragraph 5 of this Article.	(c) the relevant soil remote sensing data and products referred to in paragraph 5 of this Article.	(c) the relevant soil remote sensing data and products referred to in paragraph 5 of this Article.	
Article 6(6), point (c) subparagraph				
130a			**The treatment of these data as well as their access shall be done in accordance with relevant Union legislation.**	
Article 6(5b)				
130b			**5b. The Commission and the EEA shall ensure that the Member States are given, in an early, timely and effective manner, the opportunity to express their opinion and to request error correction, if any, before soil health data are made public through the digital soil health data portal referred to in paragraph 6. This shall also apply to any other report based on the monitoring framework established under this Directive.**	
Article 6(6a)				
130c		***6a. The soil monitoring***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		framework referred to in paragraphs 3 to 6 shall build on existing monitoring frameworks at Union and national level, including data from the LUCAS Soil Observatory.		
Article 6(7)				
131	7. The digital soil health data portal referred to in paragraph 6 may also provide access to other soil health related data than the data referred to in that paragraph if those data were shared or collected in accordance with the formats or methods established by the Commission pursuant to paragraph 8.	7. The digital soil health data portal referred to in paragraph 6 may also provide access to other soil health related data than the data referred to in that paragraph if those data were shared or collected in accordance with the formats or methods established by the Commission pursuant to paragraph 8.	7. The digital soil health data portal referred to in paragraph 6 may also provide access to other soil health related data than the data referred to in that paragraph if those data were shared or collected in accordance with the formats or methods established by the Commission pursuant to paragraph 8.	
Article 6(7a)				
131a			**7a. The digital soil health data portal referred to in paragraph 6 shall not provide access to the data and information the disclosure of which would adversely affect public security or national defence.**	
Article 6(7a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
131b		***7a. The digital soil health data portal shall include the Sustainable Soil Management Toolbox referred to in Article 10a.***		
Article 6(8)				
132	8. The Commission shall adopt implementing acts to establish formats or methods for sharing or collecting the data referred to in paragraph 7 or for integrating those data in the digital soil health data portal. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21.	8. The Commission shall adopt implementing acts to establish formats or methods for sharing or collecting the data referred to in paragraph 7 or for integrating those data in the digital soil health data portal***, ensuring compliance with Union law on the protection of personal data***. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21.	8. The Commission shall adopt implementing acts to establish formats or methods for sharing or collecting the data referred to in ~~paragraph 7~~ **this Article** or for integrating those data in the digital soil health data portal. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21.	
Article 6(8a)				
132a		***8a. The Commission shall provide to Member States the necessary capacity building, assistance and consulting services and support their monitoring initiatives, multilateral harmonisation of regulations, methods and archives, and thereby close existing data gaps and workflow***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		bottlenecks by sharing common expertise. To that end, the Commission shall build on existing mechanisms, including the Soil BON initiative.		
Article 6a (new)				
132b		***Article 6a*** ***Efficient use and preservation of soil samples***		
Article 6a(1)				
132c		***1. The Commission, together with Member States and the European Soil Observatory, shall put in place measures to ensure that the physical archives of soils, DNA extracts and the digital archive of raw data, at both Union and national level, remain available for further research and innovation. The Commission and Member States shall ensure that samples are stored in a manner appropriate to their long-term sustainable use.***		
Article 6a(2)				
132d				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		2. By ... [OP: please insert the date = 12 months from the date of entry into force of this Directive], the Commission shall provide guidelines with protocols of reference to use soil samples in the most cost-efficient way.		
Article 7				
133	Article 7 Soil descriptors, criteria for healthy soil condition, and land take and soil sealing indicators	Article 7 Soil descriptors, criteria for ~~*healthy soil condition, and*~~***soil ecological status,*** land take and soil sealing indicators	Article 7 Soil descriptors, criteria for healthy soil condition, and ~~land take and~~ soil sealing **and soil destruction** indicators	
Article 7(1), first subparagraph				
134	1. When monitoring and assessing soil health, Member States shall apply the soil descriptors and soil health criteria listed in Annex I.	1. When monitoring and assessing soil ~~*health*~~, Member States ~~*shall*~~***may*** apply the soil descriptors ~~*and soil health criteria*~~***that best illustrate the soil characteristics of each soil type at national level*** listed in Annex I.	1. When monitoring and assessing soil health, Member States shall apply the soil descriptors ~~and soil health criteria~~ listed in Annex I**, Parts A, B and C**.	
Article 7(1), second subparagraph				
135	When monitoring land take, Member States shall apply the land take and soil sealing indicators	When monitoring land take, Member States shall apply the land take and soil sealing indicators	When monitoring ~~land take~~ **soil sealing and soil destruction**, Member States shall apply the ~~land~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	referred to in Annex I.	referred to in Annex I.	~~take and~~ soil sealing **and soil destruction** indicators ~~referred to~~ **listed** in Annex I**, Part D**.	
Article 7(2)				
136	2. Member States may adapt the soil descriptors and the soil health criteria referred to in part A of Annex I, in accordance with the specifications referred to in the second and third columns in part A of Annex I.	2. Member States ~~*may adapt the soil descriptors and*~~***shall select the adequate tier for*** the soil ~~*health criteria referred to in part A of Annex I,*~~***monitoring design for which they qualify*** in accordance with the ~~*specifications referred to in the second and third columns*~~***conditions of Annex I, and shall ensure that they include at least all soil descriptors*** in Part A of Annex I.	2. **When assessing soil health,** Member States ~~may adapt the soil descriptors and the soil health~~ **shall use criteria for healthy soil condition. The** criteria ~~referred to in part A of Annex I, in accordance with the specifications referred to in the second and third columns in part A of Annex I.~~ **for healthy soil condition shall consist of:**	
Article 7(2a)				
136a			**(a) non-binding sustainable target values listed in Annex I, Parts A and B; and**	
Article 7(2b)				
136b			**(b) operational trigger values.**	
Article 7(3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
137	3. Member States shall determine the organic contaminants for the soil descriptor related to soil contamination referred to in part B of Annex I.	3. Member States shall determine the organic contaminants for the soil descriptor related to soil contamination referred to in part ~~*B*~~***A*** of Annex I.	3. Member States shall ~~determine~~ **set** the organic contaminants for the soil descriptor related to soil contamination referred to in Part B of Annex I. **For that purpose, Member States may take into account the indicative watch list referred to in paragraph 5a.**	
Article 7(4)				
138	4. Member States shall set soil health criteria for the soil descriptors listed in part B of Annex I in accordance with the provisions set out in the third column in part B of Annex I.	*deleted*	4. Member States shall set ~~soil health criteria~~**the non-binding sustainable target values** for the soil descriptors listed in Part B of Annex I in accordance with the provisions set out in the third column in Part B of Annex I.	
Article 7(4a)				
138a			**4a. Member States shall set one or more operational trigger values for each soil descriptor listed in Annex I, Parts A and B, reflecting soil degradation levels for which measures are required to improve the soil health in accordance with Article 9(4) of this Directive.**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 7(4a) subparagraph				
138b			**Member States may set the operational trigger value for one or more soil degradations at the same level as the non-binding sustainable target value for these soil degradations.**	
Article 7(5)				
139	5. Member States may set additional soil descriptors and land take indicators, including but not limited to the optional descriptors and indicators listed in part C and D of Annex I, for monitoring purposes (‘additional soil descriptors’ and ‘additional land take indicators’).	5. Member States may set additional soil descriptors and land take indicators, including but not limited to the ~~*optional*~~ descriptors and indicators listed in part ~~*C and*~~ D of Annex I, for monitoring purposes ~~*(‘additional soil descriptors’ and ‘additional land take indicators’)*~~.	5. Member States may set additional soil descriptors and ~~land take~~**soil sealing and soil destruction** indicators~~, including but not limited to the optional descriptors and indicators~~**[…] that are not** listed in ~~part C and D of~~ Annex I~~, for monitoring purposes (‘additional soil descriptors’ and ‘additional land take indicators’)~~ .	
Article 7(5a)				
139a			**5a. Within (OP: please insert date = 18 months after date of entry into force of the Directive), the Commission shall establish, in cooperation with Member States, an indicative watch list of soil contaminants, having a high**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			potential to affect soil health, human health or the environment, and shall update the list according to the latest scientific knowledge. Member States may adapt their soil contamination descriptor accordingly.	
Article 7(6)				
140	6. Member States shall inform the Commission when soil descriptors, land take indicators and soil health criteria are set or adapted in accordance with paragraphs 2 to 5 of this Article.	6. Member States shall inform the Commission when soil descriptors, land take indicators and soil health criteria are set or adapted in accordance with paragraphs 2 to 5 of this Article ***and with Article 9***.	6. Member States shall inform the Commission when soil descriptors, ~~land take~~**soil sealing and soil destruction** indicators and ~~soil health~~ criteria **for healthy soil condition** are set or adapted in accordance with paragraphs 2 to 5 of this Article.	
Article 8				
141	Article 8 Measurements and methodologies	Article 8 Measurements and methodologies	Article 8 Measurements and methodologies	
Article 8(1)				
142	1. Member States shall determine sampling points by applying the methodology set out in part A of Annex II.	1. Member States shall determine sampling points by applying the methodology set out in ~~*part A of*~~ Annex ~~*II*~~***I according to the***	1. Member States shall determine sampling points by applying the methodology set out in Part A**.1** of Annex II.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		selected tier for soil monitoring design, taking into account risk assessments based on existing monitoring systems.		
Article 8(1), second subparagraph				
142a			**The Commission shall provide Member States with relevant maps of soil descriptors, the initial starting sample and the relevant data linked to sampling points collected under previous European soil surveys for the application of the methodology set out in Part A.1 of Annex II.**	
Article 8(1a) first subparagraph				
142b			**1a. After determination of the sampling points and prior to the sampling survey, Member States shall notify the Commission of any potential need for support in terms of field sampling and soil analyses as well as any other need related to the sampling survey.**	
Article 8(1a) second subparagraph				
142c				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			The Commission shall assess the needs and set the appropriate level of support in coordination with the Member States concerned.	
Article 8(1a) third subparagraph				
142d			**In case of support by the Commission, the Member State concerned shall adapt the sampling survey accordingly and the practical organisation between the Commission and the competent authority of the Member State is covered by a written agreement. In the event of support for the field survey, the Member State concerned shall ensure that the Commission can carry out in-situ soil sampling.**	
Article 8(2)				
143	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:	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:	2. Member States **and, in case of support by the Commission and in accordance with the written agreement referred to in the paragraph 1(a) subparagraph 3, the Commission** shall carry out soil measurements by taking soil	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			samples at the sampling points referred to in paragraph 1 and collect, process and analyse data **as relevant** in order to determine the following:	
Article 8(2), point (a)				
144	(a) the values of the soil descriptors as set in Annex I;	(a) the values of the soil descriptors ***according to the selected tier for soil monitoring design*** as set in Annex I;	(a) the values of the soil descriptors ~~as set~~ **listed** in Annex I;	
Article 8(2), point (b)				
145	(b) where relevant, the values of the additional soil descriptors;	(b) where relevant, the values of the additional soil descriptors;	(b) where relevant, the values of the additional soil descriptors;	
Article 8(2), point (c)				
146	(c) the values of the land take and soil sealing indicators listed in part D of Annex I.	(c) the values of the land take and soil sealing indicators listed in part D of Annex I.	*deleted*	
Article 8(2), first subparagraph				
146a			**Member States are exempted from taking soil samples from sealed and destroyed soils.**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 8(2), second subparagraph				
146b			**In relation to the aspect of soil degradation salinisation listed in Part A of Annex I, Member States may exclude the areas not at risk of salinisation from the measurement of electrical conductivity and shall inform the Commission thereof.**	
Article 8(2), third subparagraph				
146c			**The in-situ soil sampling shall be carried out in accordance with the minimum criteria for the methodology of field sample survey defined in Part A.2 of Annex II.**	
Article 8(2a), first subparagraph				
146d			**2a. Under the condition that the data were collected in the same period as the sampling survey and according to the methodologies referred to in Annex II Part A.2 and Part B, the soil measurements to be carried out by Member States as referred to in paragraph 2 may**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			consist of, where relevant, the measurements made by:	
Article 8(2a), first subparagraph, point (i)				
146e			**(i) Member States in accordance with existing national or sub-national soil monitoring networks and surveys;**	
Article 8(2a), first subparagraph, point (ii)				
146f			**(ii) Member States under Union legislation and international law;**	
Article 8(2a), first subparagraph, point (iii)				
146g			**(iii) private actors, research organisations and other parties, where available.**	
Article 8(2a), second subparagraph				
146h			**For the first cycle of soil measurements to be performed in accordance with paragraph 4, the period referred in the first subparagraph of this paragraph starts on ... (OP: please insert date = one year before date of**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			entry into force of the Directive).	
Article 8(2b)				
146i			**2b. Member States shall collect, process and analyse data in order to determine the values of the soil sealing and soil destruction indicators listed in Part D of Annex I.**	
Article 8(3), first subparagraph				
147	3. Member States shall apply the following:	3. Member States shall apply the following:	3. Member States shall apply the following:	
Article 8(3), first subparagraph, point (a)				
148	(a) the methodologies for determining or estimating the values of the soil descriptors set out in part B of Annex II;	(a) the methodologies for determining or estimating the values of the soil descriptors set out in ~~*part B of*~~ Annex II;	(a) the methodologies for determining or estimating the values of the soil descriptors set out in Part B of Annex II;	
Article 8(3), first subparagraph, point (b)				
149	(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;	(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;	(b) the minimum methodological criteria for determining the values of the ~~land take and~~ soil sealing **and soil destruction** indicators set out in Part C of Annex II;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 8(3), first subparagraph, point (c)				
150	(c) any requirements laid down by the Commission in accordance with paragraph 6.	(c) any requirements laid down by the Commission in accordance with paragraph 6.	(c) any requirements laid down by the Commission in accordance with paragraph 6.	
Article 8(3), second subparagraph				
151	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.	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 ***or may be estimated by comparing data taken at national level with in-situ monitoring coordinated by the Commission***, as required in Annex II, part B, fourth column.	Member States may apply other methodologies than the ones listed in the first subparagraph, points (a) and (b), provided that validated transfer functions are **made** available, as required in Annex II, Part B, fourth column.	
Article 8(3a), first subparagraph				
151a			**3a. Member States shall ensure that laboratories, or parties contracted by laboratories, performing the soil measurements apply quality management system practices in accordance with EN ISO/IEC-17025 or with other equivalent standards accepted at Union or**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			international level, and have access to suitably qualified staff with adequate training and to the infrastructure, equipment and products necessary to carry out such soil measurements.	
Article 8(3a), second subparagraph				
151b			**When assessing compliance with quality management system practices, Member States may deem sufficient one accreditation for one of the methodologies for determining the values of soil descriptors set out in Part B of Annex II.**	
Article 8(3a), third subparagraph				
151c			**Member States shall ensure that laboratories, or parties contracted by laboratories, performing the soil measurements demonstrate their competences in analysing relevant measurands by:**	
Article 8(3a), third subparagraph, point (a)				
151d			**(a) participation in proficiency**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			testing programmes covering the methods of analysis at levels of concentrations that are representative of soil monitoring programmes, if available;	
Article 8(3a), third subparagraph, point (b)				
151e			**(b) analysis of reference materials that are representative of collected samples which contain appropriate levels of concentrations, if available.**	
Article 8(3a), fourth subparagraph				
151f			**Where the Commission carries out soil measurements in accordance with this Article, this paragraph shall apply to Commission.**	
Article 8(4)				
152	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).	4. Member States shall ensure that the first soil measurements are performed at the latest by… (OP: please insert the date = ~~*4*~~ *3* years after date of entry into force of the Directive).	4. Member States **and, in case of support by the Commission, the Commission** shall ensure that the first soil measurements are performed at the latest by… (***OP: please insert the date = 5 years after date of entry into force of the***	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Directive ~~OP: please insert the date = 4 years after date of entry into force of the Directive~~).	
Article 8(5), first subparagraph				
153	5. Member States shall ensure that new soil measurements are performed at least every 5 years.	5. Member States shall ensure that new soil measurements are performed at least every ~~5~~ ***6*** years ***or earlier, whenever soil status modification is suspected***. ***Member States shall also facilitate in-situ soil monitoring coordinated by the Commission.***	5. Member States shall ensure that new soil measurements are performed ~~at least~~ every ~~5~~ **6** years **within one sampling campaign or as part of a continuous sampling scheme during the indicated period of time**.	
Article 8(5), first subparagraph a				
153a			**By way of derogation from the first subparagraph, Member States may decide, before a new sampling campaign, not to carry out new soil measurements for a soil descriptor in part or in all of their territory if it is reasonable and justified to expect, based on data previously collected pursuant to Articles 6, 7 and 8, and the use of scientific evidence, including predictive soil models, that the value of such soil descriptor has not evolved significantly since the last cycle.**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Member States shall without undue delay notify the Commission of any such decision.	
Article 8(5), second subparagraph				
154	Member States shall ensure that the value of the land take and soil sealing indicators are updated at least every year.	Member States shall ensure that the value of the land take and soil sealing indicators are updated at least every ~~*year*~~***two years***.	**5a.** Member States shall ensure that the value of the ~~land take and~~ soil sealing **and soil destruction** indicators are updated at least every ~~year~~**3 years, based on available information**.	
Article 8(6)				
155	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).	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)*~~.	6. The Commission is empowered to adopt delegated acts in accordance with Article 20 to amend Annex II**, Part B** 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 **products** referred to in Article 6(5).	
Article 9				
156	Article 9	Article 9	Article 9	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Assessment of the soil health	Assessment of the soil health	Assessment of the soil health	
Article 9(1), first subparagraph				
157	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.	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 ***according to the selected tier for soil monitoring design, while taking into account the historical and natural circumstances of the soil***.	1. Member States shall assess the soil health in all their soil districts **and associated soil units** 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~~**listed** in Parts A and B of Annex I.	
Article 9(1), second subparagraph				
158	Member States shall also take into account the data collected in the context of soil investigations referred to in Article 14.	***For the assessment of the soil ecological status,*** Member States shall also take into account the data collected in the context of soil investigations referred to in Article 14.	*deleted*	
Article 9(1), third subparagraph				
159	Member States shall ensure that soil health assessments are performed at least every 5 years	Member States shall ensure that ~~*soil health*~~ assessments ***of soil ecological status*** are performed at	Member States shall ensure that ~~soil health~~ assessments **of soil health** are performed ~~at least~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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).	least every ~~5~~ ***6*** 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)***, accompanied by reports on relative improvement, trends, progress or regression***.	every ~~5~~ **6** years and that the first soil health assessment is performed by … ***(OP: please insert the date = 6 years after date of entry into force of the Directive)*** ~~(OP: please insert the date = 5 years after date of entry into force of the Directive)~~.	
Article 9(2), first subparagraph				
160	2. A soil is considered healthy in accordance with this Directive where the following cumulative conditions are fulfilled:	2. A soil is considered healthy in accordance with this Directive where the ~~*following cumulative conditions are fulfilled:*~~***soil is classified either with good or high ecological status.***	2. ~~A soil is considered~~**Soil health is assessed with respect to each aspect of soil degradation using the non-binding sustainable target value and the operational trigger values for the related criterion for** healthy **soil condition set** in accordance with ~~this Directive where the following cumulative conditions are fulfilled:~~**Article 7(2), 7(4) and 7(4a).**	
Article 9(2), first subparagraph, point (a)				
161	(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;	*deleted*	*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 9(2), first subparagraph, point (b)				
162	*(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’).	*deleted*	*deleted*	
Article 9(2), second subparagraph				
163	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.	*deleted*	*deleted*	
Article 9(2), third subparagraph				
164	Soil is unhealthy where at least one of the criteria referred to in subparagraph 1 is not met (‘unhealthy soil’).	*deleted*	*deleted*	
Article 9(3), first subparagraph				
165	*3.* Member States shall analyse the values for the soil descriptors listed	3. Member States shall analyse the values for the soil descriptors listed	3. Member States shall analyse the values for the soil descriptors listed	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	in ~~*part*~~***parts A, B and*** C of Annex I***, according to the selected tier for soil monitoring design,*** and assess whether there is a critical loss of ***soil biodiversity and*** ecosystem services, taking into account the relevant data and available scientific knowledge.	in Part C of Annex I ~~and assess~~ **with a view to identify** 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 soil sealing and soil destruction indicators listed in Part D of Annex I with a view to assess their impact on the loss of ecosystem services and on the objectives and targets established under Regulation (EU) 2018/841.**	
Article 9(3), first subparagraph a				
165a			**3a. Member States may identify improvements for each soil descriptor listed in parts A, B and C of Annex I.**	
Article 9(3), second subparagraph				
166	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.	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.	*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 9(4)				
167	*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.	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*~~***of soil that are not of high soil ecological status or good ecological status*** and inform the public in accordance with Article 19.	4. Based on the ~~assessment~~**assessments** of soil health carried out in accordance with this Article, the competent ~~authority~~**authorities as referred to in Article 5** shall, where relevant in coordination with local, regional, national authorities, identify, in each soil district, the areas ~~which present unhealthy soils~~ **where individual criteria for healthy soil condition are not satisfied and where measures are required to improve the soil health** and inform the public**, on an aggregated level,** in accordance with Article 19.	
Article 9(3a), second subparagraph				
167a			**In addition, in order to contribute to improving the soil health, the competent authorities as referred to in Article 5 shall, where relevant in coordination with local, regional, national authorities, identify, in each soil district, the areas of sealed and destroyed soil with high potential**	

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			to improve soil health through de-sealing and renaturation. The potential of areas of sealed and destroyed soil shall be assessed based on technical feasibility, cost-efficiency and achievable level of soil health improvement.	
Article 9(4a)				
167b		***4a. The Commission shall adopt delegated acts by 31 December 2026 in accordance with Article 20 to supplement this Regulation by establishing a methodology for determining threshold values for soil descriptors in Annex I for each soil ecological status. The methodology shall take into consideration the most recent scientific evidence and account for different climatic conditions and type of soils.***		
Article 9(4b)				
167c		***4b. By 30 June 2028, Member States shall submit to the Commission draft threshold values for soil descriptors in Annex I, taking into consideration climate conditions, the type of soil***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		and type of land area, together with the scientific justification and evidence on which they based their choices.		
Article 9(4c)				
167d		***4c. Within 6 months of the date of the submission of the draft threshold values referred to in paragraph 4b, the Commission shall make observations on the draft threshold values, assessing the scientific justification and ensuring a level playing field within the internal market. Upon request from the Commission, Member States shall provide to the Commission all necessary additional information and, where appropriate, revise the proposed threshold values.***		
Article 9(4d)				
167e		***4d. Provided that any observations made by the Commission in accordance with paragraph 4c have been adequately taken into account, the Commission shall, by means of implementing acts, approve***		

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		threshold values no later than 31 December 2029.		
Article 9(4e)				
167f		***4f. When applying a Tier 2 for soil monitoring design, Member States may benefit from variation of up to 20% in comparison to the threshold values set in accordance with paragraph 4d.***		
Article 9(5), first subparagraph				
168	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.	*deleted*	*deleted*	
Article 9(5), second subparagraph				
169	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.	*deleted*	*deleted*	

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Article 9(6)				
170	*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).	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*~~***and make them available free of charge***, in particular to support the development of the advice referred to in Article 10(3). ***Member States shall ensure that research institutions have easy and continuous access to samples, DNA extracts and raw data free of charge.***	6. **In addition to the obligations under Article 19,** Member States shall communicate soil health data and ~~assessment~~**assessments** 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)~~**10(2)**.	
Chapter III				
171	Chapter III Sustainable soil management	Chapter III Sustainable soil management	Chapter III Sustainable soil management	
Article 10				
172	Article 10 Sustainable soil management	Article 10 Sustainable soil management	Article 10 Sustainable soil management	
Article 10(1), first subparagraph				
173	1. From (OP: please insert the date = 4 years after date of entry into	*deleted*	1. From ***(OP: please insert the date = 5 years after date of entry***	

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	force of the Directive), Member States shall take at least the following measures, taking into account the type, use and condition of soil:		***into force of the Directive)*** ~~(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**, and the geographical and climatic conditions**:	
Article 10(1), first subparagraph, point (a)				
174	(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;	*deleted*	(a) defining sustainable soil management practices ~~respecting the~~**taking into account the guiding** 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;	
Article 10(1), first subparagraph, point (b)				
175	(b) defining soil management practices and other practices affecting negatively the soil health	*deleted*	*(b)* defining soil management practices and other practices affecting negatively the soil health	

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	to be avoided by soil managers.		to be avoided by soil managers.	
Article 10(1), second subparagraph				
176	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.	*deleted*	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**'**.	
Article 10(1), third subparagraph				
177	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.	*deleted*	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~~**practices** shall inform the development of the programmes, plans and measures set out in Annex IV.	
Article 10(1), fourth subparagraph				

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178	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.	*deleted*	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.	
Article 10(2), first subparagraph				
179	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.	2. Member States shall ensure easy ***and equal*** access to impartial and independent advice on sustainable soil management, training activities and capacity building for soil managers, landowners***, land managers*** and relevant authorities***, in all their soil districts***.	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.	
Article 10(2), second subparagraph				
180	Member States shall also take the following measures:	Member States shall also take the following measures:	Member States shall also take the following measures:	
Article 10(2), second subparagraph, point (a)				
181				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(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;	(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;	(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;	
Article 10(2), second subparagraph, point (b)				
182	(b) promoting research and implementation of holistic soil management concepts;	(b) promoting research***, innovation, citizens science and encourage*** ~~*and*~~ implementation of ~~*holistic*~~***sustainable*** soil management concepts;	(b) promoting research and implementation of holistic soil management concepts;	
Article 10(2), second subparagraph, point (c)				
183	(c) making available a regularly updated mapping of available funding instruments and activities to support the implementation of sustainable soil management.	(c) making available a regularly updated mapping of available funding instruments and activities to support the implementation of sustainable soil management***, and other activities to support the implementation of this Directive, including research and citizen science***.	(c) making available a regularly updated mapping of available funding instruments and activities to support the implementation of sustainable soil management.	
Article 10(3)				
184	3. Member States shall regularly assess the effectiveness of the	*deleted*	*3.* Member States shall regularly assess the effectiveness of the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.		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.	
Article 10(4)				
185	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.	*deleted*	*deleted*	
Article 10(4a)				
185a		***4a. The Commission shall, upon request, assist and provide guidance to Member States regarding the development of specific measures linked to the sustainable soil management principles listed in Annex III.***		
Article 10a (new)				
185b		***Article 10a*** ***Article 10a***		

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		Sustainable Soil Management Toolbox		
Article 10a, first paragraph				
185c		***1. In order to support the implementation of this Directive, the Commission shall establish a sustainable soil management toolbox that provides soil managers with practical information on the use of sustainable soil management practices, which includes information provided by the Member States.***		
Article 10a, second paragraph				
185d		***2. The toolbox shall contain:*** ***(a) recommendations and examples of best practices from the Member States´ competent authorities which monitor the impact of soil management practices, and information about the impact of such practices on various ecosystem services and soil threats;*** ***(b) the context-specific information related to combinations of soil type, land use***		

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		and climatic conditions; ***(c) new knowledge from research and innovation, including from the Horizon Europe mission 'A Soil Deal for Europe';*** ***(d) other relevant information collected by the Commission or provided to the Commission by the Member States.***		
Article 10a, third paragraph				
185e		***3. The toolbox shall be publicly available free of charge, and be included in the digital soil health data portal established in accordance with Article 6(6).*** ***The Commission shall actively update and take all appropriate measures to promote the content of the toolbox to land managers.***		
Article 11				
186	Article 11 Land take mitigation principles	Article 11 Land take mitigation ~~*principles*~~	Article 11 Land take mitigation principles	
Article 11, first paragraph				
187	Member States shall ensure that the	***In case of land take,*** Member	**Without impinging on the**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	following principles are respected in case of land take:	States shall ~~*ensure that*~~***consider*** the following ~~*principles are respected in case of land take*~~***actions, while taking into account local specificities and socio-economic impacts***:	**autonomy of the Member States with regards to spatial planning,** Member States shall ensure that the following principles are **taken into consideration** ~~respected~~ in case **of new soil sealing and soil destruction as part** of land take**, at the appropriate spatial level within their territory**:	
Article 11, first paragraph, point (a)				
188	(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:	(a) ~~*avoid or reduce*~~***avoiding or reducing*** as much as technically**,** ***socially*** and economically possible the loss of the capacity of the soil to provide multiple ecosystem ***and other*** services, including ***agriculture,*** food production~~,~~ ***and sustainable forest management*** by:	(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:	
Article 11, first paragraph, point (a)(i)				
189	(i) reducing the area affected by the land take to the extent possible and	(i) reducing the area affected by the land take ~~*to the extent*~~***as much as*** possible ~~*and*~~**;**	(i) reducing**, as much as possible,** the area **of soil** affected by ~~the land take to the extent possible and~~ **soil sealing and soil destruction , in particular by encouraging the reuse and repurposing of sealed soils, such as existing buildings, and**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 11, first paragraph, point (a)(ii)				
190	(ii) selecting areas where the loss of ecosystem services would be minimized and	(ii) ~~*selecting*~~***prioritising*** areas where the loss of ecosystem services would be minimized ~~*and*~~***;***	(ii) selecting areas where the loss of ecosystem services would be **minimal, in particular on severely degraded soils, such as brownfields,** ~~minimized~~ and	
Article 11, first paragraph, point (a)(iii)				
191	(iii) performing the land take in a way that minimizes the negative impact on soil;	(iii) performing the land take in a way that ~~*minimizes the negative impact on soil*~~***is aligned with sustainable development, including preserving soil fertility, biodiversity, water permeability, filtration and retention to the extent possible***;	(iii) performing the ~~land take~~ **soil sealing and soil destruction** in a way that ~~minimizes~~ **minimises** the negative impact on soil**, in particular by protecting the surrounding soils or by keeping the soil sealing as reversible as possible**;	
Article 11, first paragraph, point (b)				
192	(b) compensate as much as possible the loss of soil capacity to provide multiple ecosystem services.	(b) ~~*compensate*~~***if possible, compensating*** as much as possible the loss of soil capacity to provide multiple ecosystem services***; such compensation, where applicable, may take place on an aggregated level or cross border between Member States if the soil district has the same characteristics as an***	(b) ~~compensate as much as possible~~ **aim to offset to a reasonable extent** the loss of soil capacity to provide multiple ecosystem services**, including with the return of services from renaturation, by encouraging the de-sealing of sealed soils and the reconstruction of destroyed soils**.	

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		adjacent soil district in a neighbouring Member State or a cross-border soil district.		
Article 11, first paragraph, point (ba)				
192a		***(ba) adopting measures to ensure fair compensation of landowners in case of land take;***		
Article 11, first paragraph, point (bb)				
192b		***(bb) putting in place measures to prevent or limit land take, including mapping of abandoned brownfield and industrial sites and incentives to restore and reuse abandoned areas with sealed soils.***		
Chapter IV				
193	Chapter IV Contaminated sites	Chapter IV Contaminated sites	Chapter IV **Management of** contaminated sites	
Article 12				
194	Article 12 Risk-based approach	Article 12 Risk-based approach	Article 12 Risk-based **and stepwise** approach	

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Article 12(1)				
195	1. Member States shall manage the risks for human health and the environment of potentially contaminated sites and contaminated sites, and keep them to acceptable levels, taking account of the environmental, social and economic impacts of the soil contamination and of the risk reduction measures taken pursuant to Article 15 paragraph 4.	1. Member States shall manage ***and reduce*** the risks for human ***and animal*** health and the environment of potentially contaminated sites and contaminated sites, and keep them to acceptable levels ***considering the intended use of the soil***, taking account of the environmental, social and economic impacts of the soil contamination and of the risk reduction measures taken pursuant to Article 15 paragraph 4.	1. Member States shall **ensure that** ~~manage~~ the risks for human health and the environment of potentially contaminated sites and contaminated sites **are identified, managed, and kept**~~, and keep them~~ to acceptable levels, taking account of the environmental, social and economic impacts of the soil contamination and of the risk reduction measures taken pursuant to Article 15 **(4). The risks may be evaluated taking account of the land use during each step referred to in** paragraph 4**2**.	
Article 12(1) subparagraph				
195a			**Member States shall establish a hierarchy of responsibility to determine the responsible party or parties for the site-specific implementation of points (b) and (c) of paragraph 2.**	
Article 12(2)				
196	2. By … (OP: please insert the	2. By … (OP: please insert the	2. By … (OP: please insert the	

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	date =4 years after the date of entry into force of the Directive) Member States shall establish a risk-based approach for the following:	date =4 years after the date of entry into force of the Directive) Member States shall establish a risk-based approach for the following:	date =4 years after the date of entry into force of the Directive) Member States shall establish a risk-based **and stepwise** approach for the following:	
Article 12(2), point (a)				
197	(a) the identification of potentially contaminated sites in accordance with Article 13;	(a) the identification of potentially contaminated sites in accordance with Article 13;	(a) the identification of potentially contaminated sites in accordance with Article 13;	
Article 12(2), point (b)				
198	(b) the investigation of potentially contaminated sites in accordance with Article 14;	(b) the investigation of potentially contaminated sites in accordance with Article 14;	(b) the investigation of potentially contaminated sites in accordance with Article 14;	
Article 12(2), point (c)				
199	(c) the management of contaminated sites in accordance with Article 15.	(c) the management of contaminated sites in accordance with Article 15.	(c) the **site-specific risk assessment and** management of contaminated sites in accordance with Article 15.	
Article 12(3)				
200	3. The requirement laid down in paragraph 2 is without prejudice to more stringent requirements arising	3. The requirement laid down in paragraph 2 is without prejudice to more stringent requirements arising	3. The requirement laid down in paragraph 2 is without prejudice to more stringent requirements arising	

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	from Union or national legislation.	from Union or national legislation.	from Union or national legislation.	
Article 12(4)				
201	4. The public concerned shall be given early and effective opportunities:	4. The public ~~concerned~~ shall be given early and effective opportunities:	4. The public concerned shall be given early and effective opportunities:	
Article 12(4), point (a)				
202	(a) to participate in the establishment and concrete application of the risk-based approach as defined in this Article;	(a) to participate in the establishment and concrete application of the risk-based approach as defined in this Article, ***the identification of potentially contaminated sites in accordance with Article 13, the investigation of potentially contaminated sites in accordance with Article 14 and the assessment and management of contaminated sites in accordance with Article 15, when all options are still available***;	(a) to ~~participate in~~ **comment on** the establishment and concrete application of the risk-based **and stepwise** approach as defined in this Article;	
Article 12(4), point (b)				
203	(b) to provide information relevant for the identification of potentially contaminated sites in accordance with Article 13, the investigation of potentially contaminated sites in	(b) to provide information ***and evidence*** relevant for the ~~identification of potentially contaminated sites in accordance with Article 13, the investigation of~~	(b) to provide information relevant for the identification of potentially contaminated sites in accordance with Article 13 **and**, the investigation of potentially	

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	accordance with Article 14 and the management of contaminated sites in accordance with Article 15;	~~*potentially contaminated sites in accordance with Article 14 and the management of contaminated sites in accordance with Article 15*~~***activities referred to in point (a) at any time, such as human biomonitoring or environmental monitoring data***;	contaminated sites in accordance with Article 14 ~~and the management of contaminated sites in accordance with Article 15~~;	
Article 12(4), point (c)				
204	(c) to request correction of information contained in the register for contaminated sites and potentially contaminated sites in accordance with Article 16.	(c) to request correction of information contained in the register for contaminated sites and potentially contaminated sites in accordance with Article 16.	(c) to **provide information in view of the** ~~request~~ correction of information contained in the register ~~for~~ **of** contaminated sites and potentially contaminated sites in accordance with Article 16.	
Article 12(4a)				
204a		***4a. For the purposes of paragraph 4, Member States shall ensure that the public is informed in a timely, adequate and effective manner, including by public notices and electronic media, of all relevant information.***		
Article 12(4b)				
204b		***4b. Member States shall take due***		

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		account of the information submitted in accordance with paragraph 4 when implementing the provisions of this Chapter and in relation to the soil descriptors for soil contamination listed in Annex I.		
Article 12(4c)				
204c		***4c. Where the evidence shows wide dispersive soil pollution or exposure to the substance or mixture concerned via soil, the competent authority shall initiate a risk management process. Where the evidence shows a lack of information on the risk to human or animal health or the environment posed by a hazardous substance or mixture present in the soil, the competent authority shall investigate further with a view to taking risk management measures in line with the precautionary principle, where necessary.***		
Article 12(4d)				
204d		***4d. Member States shall promptly inform the public of any decision***		

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		or measure taken pursuant to paragraphs 4 and 4c and of the reasons and considerations upon which the decision or measure is based, including an explanation of how the information was taken into account.		
Article 13				
205	Article 13 Identification of potentially contaminated sites	Article 13 Identification of potentially contaminated sites	Article 13 Identification of potentially contaminated sites	
Article 13(1)				
206	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').	1. Member States shall systematically and actively identify all sites where a soil contamination is suspected based on evidence collected through all ~~*available*~~***appropriate*** means**,** ***including citizens' input and set procedures*** ('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 ('~~**the** potentially contaminated sites'~~)~~.	
Article 13(2), first subparagraph				
207	2. When identifying the potentially contaminated sites Member States shall take into account the	2. When identifying the potentially contaminated sites Member States shall take into account the	2. **For the purpose of the identification of potentially contaminated sites, Member**	

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	following criteria:	following criteria:	**States shall lay down a list of potentially contaminating activities. Those activities may be further classified or prioritised according to their relevance to cause soil contamination based on scientific evidence.** When identifying the potentially contaminated sites**,** Member States shall take into account the following criteria **where relevant**:	
Article 13(2), first subparagraph, point (a)				
208	(a) operation of an active or inactive potentially contaminating risk activity;	(a) operation of an active or inactive potentially contaminating risk activity;	(a) operation of an active or inactive potentially contaminating ~~risk~~ activity;	
Article 13(2), first subparagraph, point (b)				
209	(b) operation of an activity referred to in Annex I to Directive 2010/75/EU;	(b) operation of an activity referred to in Annex I to Directive 2010/75/EU;	(b) operation of an activity referred to in Annex I to Directive 2010/75/EU;	
Article 13(2), first subparagraph, point (c)				
210	(c) operation of an establishment referred to in Directive 2012/18/EU of the European Parliament and of the Council[1]; _____	(c) operation of an establishment referred to in Directive 2012/18/EU of the European Parliament and of the Council[1]; _____	(c) operation of an establishment referred to in Directive 2012/18/EU of the European Parliament and of the Council[1]; _____	

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	1. Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC (OJ L 197, 24.7.2012, p. 1).	1. Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC (OJ L 197, 24.7.2012, p. 1).	1. Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC (OJ L 197, 24.7.2012, p. 1).	
Article 13(2), first subparagraph, point (d)				
211	(d) operation of an activity referred to in Annex III to Directive 2004/35/CE of the European Parliament and of the Council[1]; _____ 1. Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage (OJ L 143, 30.4.2004, p. 56)	*deleted*	*(d)* operation of an activity referred to in Annex III to Directive 2004/35/CE of the European Parliament and of the Council[1]; _____ 1. Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage (OJ L 143, 30.4.2004, p. 56)	
Article 13(2), first subparagraph, point (e)				
212	(e) occurrence of a potentially contaminating accident, calamity, disaster, incident or spill;	(e) occurrence of a potentially contaminating accident, calamity, disaster, incident or spill;	*deleted*	
Article 13(2), first subparagraph, point (f)				
213	*(f)* any other event liable to cause soil contamination;	(f) any other event liable to cause soil contamination;	(f) ~~any other event liable to cause soil contamination;~~ **relevant**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			information resulting from the soil health monitoring carried out in accordance with Articles 6, 7 and 8.	
Article 13(2), first subparagraph, point (fa)				
213a		***(fa) any areas used for the abstraction of drinking water;***		
Article 13(2), first subparagraph, point (g)				
214	(g) any information resulting from the soil health monitoring carried out in accordance with Articles 6, 7 and 8.	(g) any information resulting from the soil health monitoring carried out in accordance with Articles 6, 7 and 8.	*deleted*	
Article 13(2), first subparagraph, point (ga)				
214a		***(ga) occurrence of any disease that is presumed to be linked to exposure to contamination via the soil;***		
Article 13(2), first subparagraph, point (gb)				
214b		***(gb) any information provided by the public or Member State authorities.***		

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Article 13(2), second subparagraph				
215	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.	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.	*deleted*	
Article 13(3)				
216	*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.	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.	3. Member States shall ensure that ~~all~~ **the** potentially contaminated sites ~~are identified by (OP: please insert date = 7 years after~~ **existent before or at the** date of entry into force of ~~the~~ **this** Directive~~) and~~ are **identified and** duly recorded in the register referred to in Article 16 ~~by that date~~ **by** ***(OP: please insert date =*** **10** ***years after date of entry into force of the Directive.***~~.~~	
Article 14				
217	Article 14 Investigation of potentially contaminated sites	Article 14 Investigation of potentially contaminated sites	Article 14 Investigation of potentially contaminated sites	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 14(1)				
218	1. Member States shall ensure that all potentially contaminated sites identified in accordance with Article 13 are subject to soil investigation.	1. Member States shall ensure that all potentially contaminated sites identified in accordance with Article 13 are subject to soil investigation ***according to order of priority***.	1. Member States shall ensure that ~~all~~ **the** potentially contaminated sites identified ~~in accordance with~~ **pursuant to** Article 13 are subject to soil investigation**, in accordance with paragraph 2 of this Article and the risk-based and stepwise approach referred to in Article 12**.	
Article 14(2), first subparagraph				
219	2. Member States shall lay down the rules concerning the deadline, content, form and the prioritisation of the soil investigations. Those rules shall be established in accordance with the risk-based approach referred to in Article 12 and the list of potentially contaminating risk activities referred to in Article 13(2), second subparagraph.	2. Member States shall lay down the rules concerning the deadline, content, form and the prioritisation of the soil investigations***, taking into account environmental, social and economic aspects***. Those rules shall be established in accordance with the risk-based approach referred to in Article 12 and the list of potentially contaminating risk activities referred to in Article 13(2), second subparagraph.	2. Member States shall lay down the rules concerning the ~~deadline~~**time frame**, content, form and the prioritisation of the soil investigations. ~~Those rules shall be established in accordance with the risk-based approach referred to in Article 12 and the list of potentially contaminating risk activities referred to in Article 13(2), second subparagraph.~~	
Article 14(2), first subparagraph a (new)				
219a		***Potentially contaminated sites located in areas used for the***		

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		abstraction of water for human consumption shall be prioritised for soil investigation.		
Article 14(2), second subparagraph				
220	Member States may consider baseline reports and monitoring measures implemented in accordance with the Directive 2010/75/EU as soil investigation where appropriate.	Member States may consider baseline reports and monitoring measures implemented in accordance with the Directive 2010/75/EU as soil investigation where appropriate.	Member States may consider baseline reports and monitoring measures implemented in accordance with the Directive 2010/75/EU as **well as other investigations as** soil investigation ~~where appropriate~~**, when they fulfill the requirements of this Directive**.	
Article 14(3)				
221	3. Member States shall also establish specific events that trigger an investigation before the deadline set in accordance with paragraph 2.	3. Member States shall also establish specific events that trigger an investigation before the deadline set in accordance with paragraph 2.	3. Member States shall also establish specific events that trigger an investigation ~~before the deadline set in accordance with~~ **within the time frame referred to in** paragraph 2.	
Article 15				
222	Article 15 Risk assessment and management of contaminated sites	Article 15 Risk assessment and management of contaminated sites	Article 15 **Site-specific** risk assessment and management of contaminated sites	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 15(1)				
223	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.	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.	1. Member States shall lay down the specific methodology for ~~determining~~ **assessing** the site-specific risks of contaminated sites. Such methodology ~~shall~~ **may** be based on the **indicative** phases and ~~requirements~~ **principles** for site-specific risk assessment listed in Annex VI.	
Article 15(2)				
224	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.	2. Member States shall define what constitutes an unacceptable risk for human ***and animal*** health and the environment resulting from contaminated sites by taking into account existing scientific knowledge, the ***opinion of health professionals and health authorities, the*** precautionary principle, local specificities, and current and future land use.	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~~ **planned** land use.	
Article 15(3)				
225	3. For each contaminated site identified pursuant to Article 14 or by any other means, the	3. For each contaminated site identified pursuant to Article 14 or by any other means, the	3. For each contaminated site ~~identified~~ **established** pursuant to Article 14 or by any other means,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	responsible competent authority shall carry out a site-specific assessment for the current and planned land uses to determine whether the contaminated site poses unacceptable risks for human health or the environment.	responsible competent authority shall carry out a site-specific assessment for the current and planned land uses to determine whether the contaminated site poses unacceptable risks for human ***and animal*** health or the environment.	~~the responsible competent authority~~ **Member States** shall ~~carry out~~ **ensure that** a site-specific assessment **is carried out** for the current and planned land ~~uses~~ **use** to determine whether the contaminated site poses unacceptable risks for human health or the environment. **If the information gathered pursuant to Article 14 is sufficient to conclude that the soil contamination poses no unacceptable risk to human health or the environment or to conclude that soil remediation is needed, site specific risk assessment does not have to be carried out.**	
Article 15(3a)				
225a		***3a. Where appropriate, Member States may consider assessments which have been implemented in accordance with Directive 2010/75/EU, 2011/92/EU or 2012/18/EU as sufficient.***		
Article 15(4)				
226	4. On the basis of the outcome of	4. On the basis of the outcome of	4. On the basis of the outcome of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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').	the assessment referred to in paragraph 3, the responsible competent authority shall ~~take~~***ensure that*** the appropriate measures ***are taken*** to bring the risks to an acceptable level for human health and the environment ('risk reduction measures').	the assessment referred to in paragraph 3, ~~the responsible competent authority~~ **Member States** shall **ensure that** ~~take~~ the appropriate measures **are taken and implemented** to bring the risks to an acceptable level for human health and the environment ('risk reduction measures') **within an appropriate timescale**.	
Article 15(5)				
227	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.	5. The risk reduction measures ~~may consist of~~***shall be based on*** 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 ***in the short and long term***. ***Member States shall always aim for prevention and soil decontamination.***	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, **sustainability, improvement of soil health** and technical feasibility of available risk reduction measures **shall be taken into account**.	
Article 15(5), second subparagraph				
227a		***Risk reduction measures affecting surrounding water***		

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		bodies used for abstraction of water intended for human consumption shall comply with the acceptable risk standards set out in Directive (EU) 2020/2184.		
Article 15(5a(new))				
227b		***5a. The Commission is empowered to adopt delegated acts in accordance with Article 20 to supplement this Directive by establishing maximum tolerable values in relation to the definition of an unacceptable risk for health and the environment resulting from contaminated sites as referred to in paragraph 2.***		
Article 15(6)				
228	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.	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.	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~~ **principles** for site-specific risk assessment to scientific and technical progress.	
Article 16				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
229	Article 16 Register	Article 16 Register	Article 16 Register	
Article 16(1)				
230	1. By … (OP : please insert date = 4 years after entry into force of the Directive), Member States shall, in accordance with paragraph 2, draw up a register of contaminated sites and potentially contaminated sites.	1. By … (OP : please insert date = 4 years after entry into force of the Directive), Member States shall, in accordance with paragraph 2, draw up a register of contaminated sites and potentially contaminated sites.	1. By ***… (OP : please insert date = 4 years after entry into force of the Directive***~~… (OP : please insert date = 4 years after entry into force of the Directive~~), Member States shall, in accordance with paragraph 2, draw up a register of contaminated sites and potentially contaminated sites **as established according to this Chapter**.	
Article 16(2)				
231	2. The register shall contain the information set out in Annex VII.	2. The register shall contain the information set out in Annex VII.	2. The register shall contain the information set out in Annex VII**, except the information the disclosure of which would adversely affect public security or national defence**.	
Article 16(3)				
232	3. The register shall be managed by the responsible competent authority and shall be regularly	3. The register shall be managed by the responsible competent authority and shall be regularly	3. **Member States shall manage or supervise** the register~~ shall be managed by the responsible~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	kept under review and up to date.	kept under review and up to date.	~~competent authority and shall be~~ **and ensure that it is** regularly ~~kept under review~~ **reviewed** and up ~~to date~~ **dated**.	
Article 16(4), first subparagraph				
233	4. Member States shall make public the register and information referred to in paragraphs 1 and 2. Disclosure of any information may be refused or restricted by the competent authority where the conditions laid down in Article 4 of Directive 2003/4/EC of the European Parliament and of the Council[1] are fulfilled. _____ 1. Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 41, 14.2.2003, p. 26).	4. Member States shall make public, ***accessible in a user-friendly manner and free of charge*** the register and information referred to in paragraphs 1 and 2. Disclosure of any information may be refused or restricted by the competent authority where the conditions laid down in Article 4 of Directive 2003/4/EC of the European Parliament and of the Council[1] are fulfilled. _____ 1. Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 41, 14.2.2003, p. 26).	4. Member States shall make public the register and information referred to in paragraphs 1 and 2**, in accordance with Article 19**. Disclosure of any information may be refused or restricted by the competent authority where the conditions laid down in Article 4 of Directive 2003/4/EC of the European Parliament and of the Council[1] are fulfilled. _____ 1. Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 41, 14.2.2003, p. 26).	
Article 16(4), second subparagraph				
234	The register shall be made available in an online georeferenced spatial database.	The register shall be made available in an online georeferenced spatial database.	The register shall be made available in **the form of** an online georeferenced spatial database.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 16(5)				
235	5. The Commission shall adopt implementing acts establishing the format of the register. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21.	5. The Commission shall ***by ... [OP : please insert date = 1 year from the entry into force of this Directive]*** adopt implementing acts establishing the format of the register. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21.	*deleted*	
Chapter V				
236	Chapter V Financing, information to the public and reporting by Member States	Chapter V Financing, information to the public and reporting by Member States	Chapter V Financing, information to the public and reporting by Member States	
Article 17				
237	Article 17 Union financing	Article 17 Union ***and Member States'*** financing	Article 17 Union financing	
Article 17, first paragraph				
238	Given the priority inherently attached to the establishment of soil monitoring and sustainable management and regeneration of	Given the priority inherently attached to the establishment of soil monitoring and sustainable management and regeneration of	Given the priority inherently attached to the establishment of soil monitoring ~~and~~, sustainable management and regeneration of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	soils, the implementation of this Directive shall be supported by existing Union financial programmes in accordance with their applicable rules and conditions.	soils, ***by ... [OP: please insert date = 12 months from the entry into force of this Directive], the Commission shall submit a report to the European Parliament and to the Council evaluating the financial resources available at Union level for*** the implementation of this Directive ~~*shall be supported by existing Union financial programmes in accordance with their applicable rules and conditions*~~.	soils**, and management of contaminated sites**, the implementation of this Directive shall be supported by ~~existing~~ Union financial programmes in accordance with their applicable rules and conditions.	
Article 17(1), first subparagraph a (new)				
238a		***The Commission shall assess any gap between the available Union funding and funding needs for supporting Member States in the implementation of this Directive, paying specific attention to environmental monitoring needs, including LUCAS soil.***		
Article 17(1), first paragraph b				
238b		***Additional financial resources shall be put in place for the post-2027 period in order to promote the sustainable management of soils, their permanent***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		regeneration and monitoring activities.		
Article 17(1a(new))				
238c		***1a When implementing this Directive, Member States shall make use of financial resources from appropriate sources, including Union, national, regional and local funds, to finance actions with a focus on soil protection, sustainable management and regeneration.***		
Article 17(1b(new))				
238d		***1b The Commission shall monitor the capacity of Member States to absorb Union funds related to soil protection, sustainable management and regeneration. The Commission shall provide training and technical support to increase the absorption capacity of the Member States.***		
Article 17(1c(new))				
238e		***1c Member States and the Commission, in collaboration with***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		the European Investment Bank, shall improve and facilitate the use of innovative financing mechanisms and promote the mobilisation of private capital for actions necessary to achieve the objectives of this Directive.		
Article 17(1d(new))				
238f		***1d Member States and the Commission shall observe the 'do no significant harm' principle within the meaning of Article 17 of Regulation (EU) 2020/852 for the implementation of this Directive.***		
Article 18				
239	Article 18 Reporting by Member States	Article 18 Reporting by Member States	Article 18 Reporting by Member States	
Article 18(1), first subparagraph				
240	1. Member States shall electronically report the following data and information to the Commission and to the EEA every 5 years:	1. Member States shall electronically report the following data and information to the Commission and to the EEA ***at least*** every ~~5~~***6*** years:	1. Member States shall electronically report the following data and information to the Commission and to the EEA every ~~5~~ **6** years:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 18(1), first subparagraph, point (a)				
241	(a) the data and results of the soil health monitoring and assessment carried out in accordance with Articles 6 to 9;	(a) the data and results of the soil health monitoring and assessment carried out in accordance with Articles 6 to 9;	(a) the data and results of the soil health monitoring and assessment carried out in accordance with Articles 6 to 9;	
Article 18(1), first subparagraph, point (b)				
242	(b) a trend analysis of the soil health for the descriptors listed in parts A, B, and C of Annex I and for the land take and soil sealing indicators listed in part D of Annex I in accordance with Article 9;	(b) ***the supporting data, metadata and*** a trend analysis of the soil health for the descriptors listed in parts A, B, and C of Annex I, ***according to the selected tier for soil monitoring design*** and for the land take and soil sealing indicators listed in part D of Annex I in accordance with Article 9, ***including the extended descriptors indicated by individual Member States***;	(b) a trend analysis of the soil health for the descriptors listed in Parts A, B, and C of Annex I and for the ~~land take and~~ soil sealing **and soil destruction** indicators listed in Part D of Annex I in accordance with Article 9;	
Article 18(1), first subparagraph, point (c)				
243	(c) a summary of the progress on:	(c) a summary of the progress on:	(c) a summary of the progress on:	
Article 18(1), first subparagraph, point (c)(i)				
244	(i) implementing sustainable soil management principles in accordance with Article 10;	(i) implementing sustainable soil management principles in accordance with Article 10;	(i) implementing sustainable soil management principles in accordance with Article 10;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 18(1), first subparagraph, point (c)(ii)				
245	(ii) the registration, identification, investigation, and management of contaminated sites in accordance with Articles 12 to 16;	(ii) the registration, identification, investigation, and management of contaminated sites in accordance with Articles 12 to 16;	(ii) the ~~registration,~~ identification~~,~~ **and the** investigation **of potentially contaminated sites, the**~~, and~~ management of contaminated sites**, and the registration of potentially contaminated sites and contaminated sites,** in accordance with Articles 12 to 16;	
Article 18(1), first subparagraph, point (d)				
246	(d) the data and information contained in the register referred to in Article 16.	(d) the data and information contained in the register referred to in Article 16.	*deleted*	
Article 18(1), second subparagraph				
247	The first reports shall be submitted by … (OP: please insert date = 5 years and 6 months after entry into force of the Directive).	The first reports shall be submitted by … (OP: please insert date = ~~*5*~~ ***6*** years ~~*and 6 months*~~ after entry into force of the Directive).	The first reports shall be submitted by … (OP: please insert date = ~~5~~ **6** years and 6 months after entry into force of the Directive).	
Article 18(2)				
248	2. Member States shall ensure that the Commission and the EEA have	2. Member States shall ensure that the Commission and the EEA have	2. Member States ~~shall ensure that~~ **and** the Commission ~~and~~ **, with**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	permanent access to the information and data referred to in paragraph 1.	permanent access to the information and data referred to in paragraph 1.	**the support of** the EEA ~~have permanent access to~~ **shall ensure effective exchange of** the information and data referred to in paragraph 1**, respecting the statistical confidentiality**. **Member States shall also ensure that the Commission and the EEA have timely and effective access to the data and information contained in the register referred to in Article 16.**	
Article 18(2a)				
248a			**2a. By way of derogation from the first and the second paragraphs, if disclosure of certain data and information would adversely affect public security or national defence, Member States may decide not to report, exchange nor ensure access to such data and information.**	
Article 18(3)				
249	3. Member States shall provide the Commission with online access to the following:	3. Member States shall provide the Commission with online access to the following:	3. Member States shall provide the Commission with online access to the following:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 18(3), point (a)				
250	(a) an up-to-date list and spatial data of their soil districts referred to in Article 4 by … (OP: please insert the date = 2 years and 3 months after date of entry into force of the Directive);	(a) an up-to-date list and spatial data of their soil districts referred to in Article 4 by … (OP: please insert the date = ~~*2 years and 3*~~***12*** months after date of entry into force of the Directive) ***and, where available, their respective soil district plans***;	(a) an up-to-date list and spatial ~~data~~ **extent** of their soil districts **and soil units** referred to in Article 4 by … (OP: please insert the date =~~2~~ **3** years and 3 months after date of entry into force of the Directive);	
Article 18(3), point (b)				
251	(b) an up-to-date list of the competent authorities referred to in Article 5 by … (OP: please insert the date = 2 years and 3 months after date of entry into force of the Directive);	(b) an up-to-date list of the competent authorities referred to in Article 5 by … (OP: please insert the date = ~~*2 years and 3*~~***12*** months after date of entry into force of the Directive);	(b) an up-to-date list of the competent authorities referred to in Article 5 by … (OP: please insert the date =~~2~~ **3** years and 3 months after date of entry into force of the Directive);	
Article 18(3), point (c)				
252	(c) the measures and sustainable soil management practices referred to in Article 10 by… (OP: please insert the date = 4 years and 3 months after date of entry into force of the Directive).	(c) the measures and sustainable soil management practices referred to in Article 10 by… (OP: please insert the date = 4 years and 3 months after date of entry into force of the Directive).	(c) the measures and sustainable soil management practices referred to in Article 10 by… (OP: please insert the date =~~4~~ **5** years and 3 months after date of entry into force of the Directive).	
Article 18(3), point (ca)				
252a				

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		(ca) the measurements of the soil descriptors at the level of the sampling point.		
Article 18(4)				
253	4. The Commission is empowered to adopt implementing acts establishing the format and the modalities for submitting the information referred to paragraph 1 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21.	4. The Commission is empowered to adopt implementing acts establishing the format and the modalities for submitting the information referred to paragraph 1 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21.	4. The Commission is empowered to adopt implementing acts establishing the format and the modalities for submitting the information referred to paragraph 1 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21.	
Article 19				
254	Article 19 Information to the public	Article 19 Information to the public	Article 19 Information to the public	
Article 19(1)				
255	1. Member States shall make public the data generated by the monitoring carried out under Article 8 and the assessment carried out under Article 9 of this Directive accessible to the public, in accordance with the provisions under Article 11 of Directive	1. Member States shall make ~~*public*~~ the data generated by the monitoring carried out under Article 8 and the ~~*assessment*~~***assessments*** carried out under Article 9 ***and Article 10(3)*** of this Directive accessible to the public, in accordance with the	1. Member States shall make **accessible to the** public the ~~data~~ **results** generated by the monitoring carried out under Article 8- and the ~~assessment~~**assessments** carried out under Article 9 **in the form of aggregated data, and the register**	

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	2007/2/EC of the European Parliament and of the Council[1] for geographically explicit data and Article 5 of Directive (EU) 2019/1024 for other data. _____ 1. Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.4.2007, p. 1).	provisions under Article 11 of Directive 2007/2/EC of the European Parliament and of the Council[1] for geographically explicit data and Article 5 of Directive (EU) 2019/1024 for other data. _____ 1. Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.4.2007, p. 1).	**under Article 16** of this Directive ~~accessible to the public, in accordance with the provisions under Article 11 of Directive 2007/2/EC of the European Parliament and of the Council[1] for geographically explicit data and Article 5 of Directive (EU) 2019/1024 for other data.~~**.** _____ ~~1. Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.4.2007, p. 1).~~	
Article 19(2)				
256	2. The Commission shall ensure that soil health data made accessible through the digital soil health data portal referred to in Article 6 is available to the public in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council[1] and Regulation (EC) No 1367/2006 of the European Parliament and of the Council[2]. _____ 1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of	2. The Commission shall ensure that ***relevant*** soil health data made accessible through the digital soil health data portal referred to in Article 6 is available to the public ***only with the express permission of the landowner and land manager, in an aggregated and anonymised form,*** in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council[1] and Regulation (EC) No 1367/2006 of the European Parliament and of the Council[2]. _____	2. The Commission shall ensure that ~~soil health data made accessible through~~ **the public has access to […]** the digital soil health data portal referred to in Article 6 ~~is available to the public in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council[1] and Regulation (EC) No 1367/2006 of the European Parliament and of the Council[2].~~**.** _____ ~~1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of~~	

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	natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39). 2. Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies (OJ L 264, 25.9.2006, p. 13).	1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39). 2. Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies (OJ L 264, 25.9.2006, p. 13).	~~23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).~~ ~~2. Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies (OJ L 264, 25.9.2006, p. 13).~~	
Article 19(3)				
257	3. Member States shall ensure that the information referred to in Article 18 of this Directive is available and accessible to the public in accordance with Directive 2003/4/EC, Directive 2007/2/EC and Directive (EU) 2019/1024 of the Parliament and of the Council[1]. _____ 1. Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information (OJ L 172, 26.6.2019, p. 56).	3. Member States shall ensure that the ***relevant*** information referred to in Article 18 of this Directive is available and accessible to the public ***only with the express permission of the landowner and land manager, in an aggregated and anonymised form,*** in accordance with Directive 2003/4/EC, Directive 2007/2/EC and Directive (EU) 2019/1024 of the Parliament and of the Council[1]. _____ 1. Directive (EU) 2019/1024 of the	*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information (OJ L 172, 26.6.2019, p. 56).		
Article 19(4)				
258	*4.* Disclosure of any information required under this Directive may be refused or restricted where the conditions laid down in Article 4 of Directive 2003/4/EC are fulfilled.	4. Disclosure of any information required under this Directive may be refused or restricted where the conditions laid down in Article 4 of Directive 2003/4/EC are fulfilled.	4. Disclosure of any information required under this Directive may be refused or restricted where the conditions laid down in Article 4 of Directive 2003/4/EC are fulfilled.	
Article 19(4a)				
258a			**4a. When the Commission or Member States use confidential data to produce European statistics, it shall protect such data in accordance with the rules and measures of Regulation (EC) No 223/2009 of the European Parliament and of the Council. The Commission or the EEA shall require the explicit authorisation of the authority that collected the data before disclosure of confidential data.**	
Article 19(4a(new))				
258b				

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		4a. Member States shall adopt measures to ensure that soil related information collected through the implementation of this Directive is made available to the potential buyer or potential tenant of the relevant land plot.		
Chapter VI				
259	Chapter VI Delegation and Committee procedure	Chapter VI Delegation and Committee procedure	Chapter VI Delegation and Committee procedure	
Article 20				
260	Article 20 Exercise of the delegation	Article 20 Exercise of the delegation	Article 20 Exercise of the delegation	
Article 20(1)				
261	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	
Article 20(2)				
262	2. The power to adopt delegated	2. The power to adopt delegated	2. The power to adopt delegated	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	acts referred to in Articles 8, 10, 15 and 16 shall be conferred on the Commission for an indeterminate period of time from the date of entry into force of this Directive.	acts referred to in Articles 8, ~~10, 15 and 16~~***9 and 15*** shall be conferred on the Commission for an indeterminate period of time from the date of entry into force of this Directive~~.~~	acts referred to in Articles ~~8, 10, 15 and 16~~ **8(6) and 15(6)** shall be conferred on the Commission for an indeterminate period of time from the date of entry into force of this Directive.	
Article 20(3)				
263	3. The delegation of power referred to in Articles 8, 10, 15 and 16 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	3. The delegation of power referred to in Articles 8, ~~10, 15 and 16~~***9 and 15*** may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	3. The delegation of power referred to in Articles ~~8, 10, 15 and 16~~ **8(6) and 15(6)** may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	
Article 20(4)				
264	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the	

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	Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	
Article 20(5)				
265	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	
Article 20(6)				
266	6. A delegated act adopted pursuant to Articles 8, 10, 15 and 16 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	6. A delegated act adopted pursuant to Articles 8, ~~*10, 15 and 16*~~***9 and 15*** shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	6. A delegated act adopted pursuant to Articles ~~8, 10, 15 and 16~~ **8(6) and 15(6)** shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	
Article 21				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
267	Article 21 Committee	Article 21 Committee	Article 21 Committee	
Article 21(1)				
268	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	
Article 21(2)				
269	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	
Chapter VII				
270	Chapter VII Final provisions	Chapter VII Final provisions	Chapter VII Final provisions	
Article 22				
271	Article 22 Access to justice	Article 22 Access to justice	Article 22 Access to justice	
Article 22, first paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
272	Member States shall ensure that members of the public, in accordance with national law, that have a sufficient interest or that maintain the impairment of a right, have access to a review procedure before a court of law, or an independent and impartial body established by law, to challenge the substantive or procedural legality of the assessment of soil health, the measures taken pursuant to this Directive and any failures to act of the competent authorities.	Member States shall ensure that members of the public, in accordance with national law, that have a sufficient interest or that maintain the impairment of a right, have access to a review procedure before a court of law, or an independent and impartial body established by law, to challenge the substantive or procedural legality of the assessment of soil health, the measures taken pursuant to this Directive and any failures to act of the competent authorities.	**1.** Member States shall ensure that**, in accordance with the national legal system,** members of the public~~, in accordance with national law, that have a sufficient interest or that maintain the impairment of a right~~ **concerned**, have access to a review procedure before a court of law, or ~~an~~ **another** independent and impartial body established by law, to challenge the substantive or procedural legality of the assessment of soil health, the measures taken pursuant to this Directive and any failures to act of the competent authorities~~.~~ **when one of the following conditions is met:**	
Article 22, first paragraph a				
272a			**a) they have a sufficient interest;**	
Article 22, first paragraph b				
272b			**b) they maintain the impairment of a right, where administrative procedural law of a Member State requires this as a precondition.**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 22, second paragraph				
273	Member States shall determine what constitutes a sufficient interest and impairment of a right, consistently with the objective of providing the public with wide access to justice. For the purposes of paragraph 1, any non-governmental organisation promoting environmental protection and meeting any requirements under national law shall be deemed to have rights capable of being impaired and their interest shall be deemed sufficient.	Member States shall determine what constitutes a sufficient interest and impairment of a right, consistently with the objective of providing the public with wide access to justice~~. For the purposes of paragraph 1, any non-governmental organisation promoting environmental protection and meeting any requirements under national law~~ ***in line with Article 9 of the Aarhus Convention. The recognition of standing*** shall ***not be conditional on the member of the public concerned having played a role during a participatory phase of the decision-making procedures under this Directive***~~be deemed to have rights capable of being impaired and their interest shall be deemed sufficient~~.	*deleted*	
Article 22, second paragraph				
273a			**2. Standing in the review procedure shall not be conditional on the role that the concerned member of the public played during a participatory**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			phase of the decision-making procedures under this Directive.	
Article 22, third paragraph				
274	Review procedures referred to in paragraph 1 shall be fair, equitable, timely and free of charge or not prohibitively expensive, and shall provide adequate and effective remedies, including injunctive relief where necessary.	Review procedures referred to in paragraph 1 shall be fair, equitable, timely and free of charge or not prohibitively expensive, and shall provide adequate and effective remedies, including injunctive relief where necessary.	**3.** Review ~~procedures referred to in paragraph 1~~ **procedure** shall be fair, equitable, timely and ~~free of charge or~~ not prohibitively expensive, and shall provide adequate and effective **redress mechanisms** ~~remedies~~, including injunctive relief ~~where necessary~~ **as appropriate**.	
Article 22, fourth paragraph				
275	Member States shall ensure that practical information is made available to the public on access to the administrative and judicial review procedures referred to in this Article.	Member States shall ensure that practical information is made available to the public on access to the administrative and judicial review procedures referred to in this Article.	*deleted*	
Article 23				
276	Article 23 Penalties	*deleted*	*deleted*	
Article 23(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
277	*1.* Without prejudice to the obligations of Member States under Directive 2008/99/EC of the European Parliament and of the Council, Member States shall lay down the rules on penalties applicable to violations by natural and legal persons, of the national provisions adopted pursuant to this Directive and shall ensure that those rules are implemented. The penalties provided for shall be effective, proportionate and dissuasive.	*deleted*	*deleted*	
Article 23(2)				
278	*2.* The penalties referred to in paragraph 1 shall include fines proportionate to the turnover of the legal person or to the income of the natural person having committed the violation. The level of the fines shall be calculated in such a way as to make sure that they effectively deprive the person responsible for the violation of the economic benefits derived from that violation. In the case of a violation committed by a legal person, such fines shall be proportionate to the legal person's annual turnover in	*deleted*	*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the Member State concerned, taking account, inter alia, the specificities of small and medium-sized enterprises (SMEs).			
Article 23(3)				
279	*3.* Member States shall ensure that the penalties established pursuant to this Article give due regard to the following, as applicable:	*deleted*	*deleted*	
Article 23(3), point (a)				
280	*(a)* the nature, gravity, and extent of the violation;	*deleted*	*deleted*	
Article 23(3), point (b)				
281	*(b)* the intentional or negligent character of the violation;	*deleted*	*deleted*	
Article 23(3), point (c)				
282	*(c)* the population or the environment affected by the violation, bearing in mind the impact of the infringement on the objective of achieving a high level of protection of human health and	*deleted*	*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the environment.			
Article 23(4)				
283	*4.* Member States shall without undue delay notify the Commission of the rules and measures referred to in paragraph 1 and of any subsequent amendments affecting them.	*deleted*	*deleted*	
Article 23a				
283a			**Article 23a** **Support by the Commission**	
Article 23a(1), first subparagraph				
283b			**1. The Commission shall provide Member States with the necessary support, assistance and capacity building in order to enable them to carry out their obligations under this Directive. In particular, the Commission shall issue, in cooperation with the Member States, documents and scientific tools that may be used by Member States to facilitate them to:**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 23a(1), first subparagraph, point (a)				
283c			**(a) establish a monitoring framework pursuant to Article 6 and determine their sampling points pursuant to Article 8(1) and (1a) and Part A.1 of Annex II ;**	
Article 23a(1), first subparagraph, point (b)				
283d			**(b) set sustainable target values and operational trigger values for the soil descriptors pursuant to Article 7(2) and Parts A, B and C as relevant of Annex I;**	
Article 23a(1), first subparagraph, point (c)				
283e			**(c) determine their list of organic contaminants to be monitored pursuant to Article 7(3) and Part B of Annex I with the possibility to take into account the indicative watch list of soil contaminants to be established by the Commission pursuant to Article 7(5a);**	
Article 23a(1), first subparagraph, point (d)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
283f			**(d) assess the areas not at risk of salinization that can be excluded from the measurements of electrical conductivity pursuant to Article 8(2) and Part A of Annex I;**	
Article 23a(1), first subparagraph, point (e)				
283g			**(e) carry out in-situ sampling of soil descriptors pursuant to Article 8(2) and Part A.2 of Annex II;**	
Article 23a(1), first subparagraph, point (f)				
283h			**(f) determine the values of the soil sealing and soil destruction indicators pursuant to Article 8(2b) and Part C of Annex II;**	
Article 23a(1), first subparagraph, point (g)				
283i			**(g) determine or estimate the values of the soil descriptors pursuant to Article 8(3) and Part B of Annex II;**	
Article 23a(1), first subparagraph, point (h)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
283j			**(h) identify and assess the critical loss of ecosystem services pursuant to Article 9(3) subparagraph 1 and the impact of soil sealing and soil destruction on the loss of ecosystem services pursuant to Article 9(3) subparagraph 2;**	
Article 23a(1), first subparagraph, point (i)				
283k			**(i) identify the potentially contaminated sites and to lay down a list of potentially contaminating activities pursuant to Article 13; and**	
Article 23a(1), first subparagraph, point (j)				
283l			**(j) lay down the specific methodology for assessing the site specific risks of contaminated sites, taking into account common practices, methodologies and toxicological data pursuant to Article 15.**	
Article 23a(1), second subparagraph				
283m			**The documents and scientific**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			tools referred to in the first subparagraph shall be provided for, as regards:	
Article 23a(1), second subparagraph, point (i)				
283n			**(i) point a), within 1 year after the entry into force of this Directive;**	
Article 23a(1), second subparagraph, point (ii)				
283o			**(ii) points b), c), e) and j), within 18 months after the entry into force of this Directive;**	
Article 23a(1), second subparagraph, point (iii)				
283p			**(iii) point i), within 2 years after the entry into force of this Directive;**	
Article 23a(1), second subparagraph, point (iv)				
283q			**(iv) points d), f) and g), within 3 years after the entry into force of this Directive;**	
Article 23a(1), second subparagraph, point (v)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
283r			**(v) point h), within 4 years after the entry into force of this Directive.**	
Article 23a(1), third subparagraph				
283s			**Those documents and scientific tools may take the form of guidelines.**	
Article 23a(2), first subparagraph				
283t			**2. The Commission shall organize regular exchange of information, experience and best practices between Member States and, where relevant, other parties on the application of this Directive and the communication to the public of the results generated by the monitoring and the soil health assessments. The first exchange shall take place within three months after entry into force of the Directive.**	
Article 23a(2), second subparagraph				
283u			**The Commission shall publish the results of the exchange of**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			information, experience and best practices on these and other relevant topics, and where relevant, provide recommendations or guidelines to Member States.	
Article 24				
284	Article 24 Evaluation and review	Article 24 Evaluation and review	Article 24 Evaluation and review	
Article 24(1)				
285	1. By (OP :please insert the date = 6 years after the date of entry into force of the Directive), the Commission shall carry out an evaluation of this Directive to assess the progress towards its objectives and the need to amend its provisions in order to set more specific requirements to ensure that unhealthy soils are regenerated and that all soils will be healthy by 2050. This evaluation shall take into account, inter alia, the following elements:	1. By (OP :please insert the date = 6 years after the date of entry into force of the Directive), the Commission shall carry out an evaluation of this Directive to assess the progress towards its objectives and the need to amend its provisions in order to ~~*set more specific*~~***adapt the*** requirements ***laid down in this Directive*** to ensure ~~*that unhealthy soils are regenerated and that*~~***continuous progress towards*** all soils ~~*will be*~~***being*** healthy by 2050. This evaluation shall take into account, inter alia, the following elements:	1. By (OP :please insert the date = ~~6~~ **7 years and 6 months** after the date of entry into force of the Directive), the Commission shall carry out an evaluation of this Directive to assess the progress towards its objectives and the need to amend its provisions in order to set more specific requirements to ~~ensure that unhealthy soils are regenerated and that all soils will be healthy by 2050~~ **achieve the objectives of this Directive**. This evaluation shall take into account, inter alia, the following elements:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 24(1), point (a)				
286	(a) the experience gained through the implementation of this Directive;	(a) the experience gained through the implementation of this Directive;	(a) the experience gained through the implementation of this Directive;	
Article 24(1), point (b)				
287	(b) the data and information referred to in Article 18;	(b) the data and information referred to in Article 18;	(b) the data and information referred to in Article 18;	
Article 24(1), point (c)				
288	(c) relevant scientific and analytical data, including results from research projects funded by the Union;	(c) relevant scientific and analytical data, including results from research projects funded by the Union ***and by Member States***;	(c) relevant scientific and analytical data, including results from research projects funded by the Union;	
Article 24(1), point (d)				
289	(d) an analysis of the gap towards achieving healthy soils by 2050;	(d) an analysis of the gap ~~towards achieving~~***and measures needed to achieve*** healthy soils by 2050;	(d) an analysis of the gap towards achieving healthy soils by 2050;	
Article 24(1), point (e)				
290	(e) an analysis of the possible need to adapt to scientific and technical progress the provisions of this Directive in particular regarding	(e) an analysis of the possible need to adapt to scientific and technical progress the provisions of this Directive in particular regarding	(e) an analysis of the possible need to adapt to scientific and technical progress the provisions of this Directive in particular regarding	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the following items:	the following items:	the following items:	
Article 24(1), point (e)(i)				
291	(i) the definition of healthy soils;	(i) the definition of healthy soils;	(i) the definition of healthy soils;	
Article 24(1), point (e)(ii)				
292	(ii) the establishment of criteria for soil descriptors listed in part C of annex I;	(ii) the establishment of criteria for soil descriptors listed in ~~*part C of*~~ annex I;	(ii) the establishment of criteria for soil descriptors listed in Part C of Annex I **and soil sealing and soil destruction indicators listed in Part D of Annex I**;	
Article 24(1), point (e)(iii)				
293	(iii) the addition of new soil descriptors for monitoring purposes.	(iii) the addition of new soil descriptors for monitoring purposes~~.~~ ***or the adjustment of existing soil descriptors and criteria in Annex I;***	(iii) the addition of new soil descriptors for monitoring purposes.	
Article 24(1), point e a (new)				
293a		***(ea) an analysis of the monitoring designs provided for and threshold values set by Member States under this Directive;***		
Article 24(1), point e b (new)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
293b		***(eb) the socioeconomic impact of this Directive.***		
Article 24(2)				
294	2. The Commission shall present a report on the main findings of the evaluation referred to in paragraph 1 to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions.	2. The Commission shall present a report on the main findings of the evaluation referred to in paragraph 1 to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions, ***accompanied, where appropriate, by a legislative proposal***.	2. The Commission shall present a report on the main findings of the evaluation referred to in paragraph 1 to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions.	
Article 24(2a(new)				
294a		***2a. From ... [OP: please insert the date = eight years from the date of entry into force of this Directive] and every five years thereafter, the Commission shall report to the European Parliament and to the Council on the implementation of this Directive including the measures necessary to comply with this Directive taken by Member States. The report shall include an overall assessment of the progress made towards achieving healthy soils.***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 24(2b(new))				
294b		***2b. By ... [OP: please insert the date = 6 years from the date of entry into force of the Directive], the Commission shall assess, as part of the assessment referred to in paragraph 1, the information collected in Member States regarding the occurrence, dispersion and values of soil contaminants, with a view to establishing a list of priority substances, followed by a watch list on soil contaminants, where appropriate.***		
Article 24a (new)				
294c		***Article 24a European Union Soil Observatory (EUSO) Forum***		
Article 24a(1)				
294d		***1. The Commission shall, through the EUSO Forum, facilitate the cooperation at regular intervals between stakeholders, including Member***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		States' competent authorities at all relevant levels, industry, civil society, and the scientific community. The EUSO Forum shall facilitate the coordinated implementation of Union law and policies related to soil health monitoring and the improvement of soil health, inter alia by exchange of experience and good practices, including on sustainable soil management and regeneration practices, as well as exchange of experience on soil management practices to be avoided.		
Article 25				
295	Article 25 Transposition	Article 25 Transposition	Article 25 Transposition	
Article 25(1), first subparagraph				
296	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by … [OP please insert date = 2 years after date of entry into force of the Directive]. They shall forthwith communicate to the Commission	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by … [OP please insert date = 2 years after date of entry into force of the Directive]. They shall forthwith communicate to the Commission	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by … [OP please insert date = 2 years after date of entry into force of the Directive]. They shall forthwith communicate to the Commission	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the text of those provisions.	the text of those provisions.	the text of those provisions.	
Article 25(1), second subparagraph				
297	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.	
Article 25(2)				
298	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	
Article 26				
299	Article 26 Entry into force	Article 26 Entry into force	Article 26 Entry into force	
Article 26, first paragraph				
300	This Directive shall enter into force on the twentieth day following that	This Directive shall enter into force on the twentieth day following that	This Directive shall enter into force on the twentieth day following that	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	of its publication in the Official Journal of the European Union.	of its publication in the Official Journal of the European Union.	of its publication in the Official Journal of the European Union.	
Article 27				
301	Article 27 Addressees	Article 27 Addressees	Article 27 Addressees	
Article 27, first paragraph				
302	This Directive is addressed to the Member States.	This Directive is addressed to the Member States.	This Directive is addressed to the Member States.	
Formula				
303	Done at Brussels,	Done at Brussels,	Done at Brussels,	
Formula				
304	For the European Parliament	For the European Parliament	For the European Parliament	
Formula				
305	The President	The President	The President	
Formula				
306	For the Council	For the Council	For the Council	

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Formula				
307	The President	The President	The President	
Annex I				
308	Annex I	Annex I	Annex I	
Annex I, first paragraph				
309	SOIL DESCRIPTORS,CRITERIA FOR HEALTHY SOIL CONDITION, AND LAND TAKE AND SOIL SEALING INDICATORS	SOIL DESCRIPTORS, CRITERIA ***AND METHODS FOR THE DETERMINATION OF SOIL ECOLOGICAL STATUS*** ~~*FOR HEALTHY SOIL CONDITION*~~, AND LAND TAKE AND SOIL SEALING INDICATORS	SOIL DESCRIPTORS,CRITERIA FOR HEALTHY SOIL CONDITION, AND ~~LAND TAKE AND~~ SOIL SEALING **AND SOIL DESTRUCTION** INDICATORS	
Annex I, second paragraph				
310	For the purposes of this Annex, the following definitions shall apply	For the purposes of this Annex, the following definitions shall apply	For the purposes of this Annex, the following definitions shall apply	
Annex I, third paragraph				
311	(1) 'reverse land take' means the conversion of artificial land into	(1) 'reverse land take' means the conversion of artificial land into	(1) '~~reverse land take~~ **natural land**' means ~~the conversion of~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	natural or semi-natural land;	natural or semi-natural land;	~~artificial land into~~ **an area of land in which the** natural **process is dominant and human intervention is minimal or non-existent, with the primary ecological functions and species composition not substantially modified** ~~or semi-natural land~~;	
Annex I, 2 paragraph				
312	(2) 'net land take' means the result of land take minus reverse land take.	(2) 'net land take' means the result of land take minus reverse land take.	(2) 'net ~~land take~~ **sealing**' means the result of ~~land take~~ **soil sealing** minus ~~reverse land take.~~ **de-sealing;**	
Annex I, 2 paragraph				
312a			**(3) 'Settlement area' as defined in the 2006 IPCC Guidelines for National Greenhouse Gas Inventories;**	
Annex I, 2 paragraph 3a				
312b			**(3a) 'Organic soils' and 'mineral soils' as defined in the 2006 IPCC Guidelines for National Greenhouse Gas Inventories.**	
Annex I, Table 1				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
313	Table 1 *(see the parts of the Annexes containing tables at the end of the document)*			
Annex II				
314	Annex II	Annex II	Annex II	
Annex II, first paragraph				
315	METHODOLOGIES	METHODOLOGIES	METHODOLOGIES	
Annex II, Part I				
316	Part I Part A	Part I Part A	Part I Part A	
Annex II, second paragraph				
317	Methodology for determining sampling points	Methodology for determining sampling points	Methodology for determining sampling points **and for the sample survey**	
Annex II, Table 2				
318	Table 2 *(see the parts of the Annexes containing tables at the end of the document)*			
Annex II, Part II				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
319	Part II Part B		Part II Part B	
Annex II, third paragraph				
320	Methodology for determining or estimating the values of soil descriptors	Methodology for determining or estimating the values of soil descriptors	Methodology for determining or estimating the values of soil descriptors	
Annex II, fourth paragraph				
321	When a reference methodology is set, either the reference methodology is used or another methodology, provided that it is available in the scientific literature or publicly available and a validated transfer function is available.	When a reference methodology is set, either the reference methodology is used or another methodology, provided that it is available in the scientific literature or publicly available and a validated transfer function is available.	When a reference methodology is set, either the reference **methodology or an equivalent** methodology is used or another methodology, provided that it is available in the scientific literature or publicly available and a validated transfer function is available.	
Annex II, fourth paragraph a				
321a			**If a CEN methodology is available, it is preferred over the reference methodology. In this case the initial reference methodology is considered as an equivalent methodology.**	
Annex II, Table 3				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
322	Table 3 *(see the parts of the Annexes containing tables at the end of the document)*			
Annex II, Part III				
323	Part III Part C	Part III Part C	Part III Part C	
Annex II, fifth paragraph				
324	minimum methodological criteria for determining the values of land take and soil sealing indicators	minimum methodological criteria for determining the values of land take and soil sealing indicators	minimum methodological criteria for determining the values of ~~land take and~~ **the** soil sealing **and soil destruction** indicators	
Annex II, sixth paragraph				
325	- For land take, reverse land take and net land take, the methodologies used should comply with the definitions set in Article 3 and Annex I.	- For land take, reverse land take and net land take, the methodologies used should comply with the definitions set in Article 3 and Annex I.	*deleted*	
Annex II, -a paragraph				
326	- Soil sealing shall be expressed as a percentage of sealed area per total area.	- Soil sealing shall be expressed as a percentage of sealed area per total area.	*deleted*	
Annex II, eighth paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
326a			**- For the soil sealing and soil destruction indicators, the methodologies used shall comply with the definitions set out in Article 3 and Annex I. Such methodologies shall make use at least of the Copernicus products or, preferably, best available data including remote sensing images, which shall be supplemented with relevant national inventories.**	
Annex II, ninth paragraph				
326b			**- For the settlement area indicator, Member states may use data collected under Regulation (EU) 2018/841, provided that such data are reported at district level.**	
Annex II, -a paragraph				
327	- The methodologies chosen shall either be available in the scientific literature or publicly available.	- The methodologies chosen shall either be available in the scientific literature or publicly available.	- The methodologies chosen shall either be available in the scientific literature or publicly available.	
Annex III				
328				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Annex III	*deleted*	Annex III	
Annex III, first paragraph				
329	SUSTAINABLE SOIL MANAGEMENT PRINCIPLES	*deleted*	SUSTAINABLE SOIL MANAGEMENT PRINCIPLES	
Annex III, second paragraph				
330	The following principles shall apply:	*deleted*	The following principles shall apply:	
Annex III, second paragraph, point (a)				
331	(a) avoid leaving soil bare by establishing and maintaining vegetative soil cover, especially during environmentally sensitive periods;	*deleted*	*(a)* avoid leaving soil bare by establishing and maintaining vegetative soil cover, especially during environmentally sensitive periods;	
Annex III, second paragraph, point (b)				
332	(b) minimise physical soil disturbance;	*deleted*	*(b)* minimise physical soil disturbance;	
Annex III, second paragraph, point (c)				
333	(c) avoid inputs or release of		*(c)* avoid inputs or release of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	substances into soil that may harm human health or the environment, or degrade soil health;	*deleted*	substances into soil that may harm human health or the environment, or degrade soil health;	
Annex III, second paragraph, point (d)				
334	(d) ensure that machinery use is adapted to the strength of the soil, and that the number and frequency of operations on soils are limited so that they do not compromise soil health;	*deleted*	*(d)* ensure that machinery use is adapted to the strength of the soil, and that the number and frequency of operations on soils are limited so that they do not compromise soil health;	
Annex III, second paragraph, point (e)				
335	(e) when fertilization is applied, ensure adaptation to the needs of the plant and trees at the given location and in the given period, and to the condition of soil and prioritize circular solutions that enrich the organic content;	*deleted*	*(e)* when fertilization is applied, ensure adaptation to the needs of the plant and trees at the given location and in the given period, and to the condition of soil and prioritize circular solutions that enrich the organic content;	
Annex III, second paragraph, point (f)				
336	(f) in case of irrigation, maximise efficiency of irrigation systems and irrigation management and ensure that when recycled wastewater is used, the water quality meets the requirements set out in Annex I of	*deleted*	*(f)* in case of irrigation, maximise efficiency of irrigation systems and irrigation management and ensure that when recycled wastewater is used, the water quality meets the requirements set out in Annex I of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Regulation (EU) 2020/741 of the European Parliament and of the Council[1] and when water from other sources is used, it does not degrade soil health; _____ 1. Regulation (EU) 2020/741 of the European Parliament and of the Council of 25 May 2020 on minimum requirements for water reuse (OJ L 177, 5.6.2020, p. 32).		Regulation (EU) 2020/741 of the European Parliament and of the Council[1] and when water from other sources is used, it does not degrade soil health; _____ 1. Regulation (EU) 2020/741 of the European Parliament and of the Council of 25 May 2020 on minimum requirements for water reuse (OJ L 177, 5.6.2020, p. 32).	
Annex III, second paragraph, point (g)				
337	(g) ensure soil protection by the creation and maintenance of adequate landscape features at the landscape level;[1] _____ 1. This principle does not apply to forest soils	*deleted*	*(g)* ensure soil protection by the creation and maintenance of adequate landscape features at the landscape level;[1] _____ 1. This principle does not apply to forest soils	
Annex III, second paragraph, point (h)				
338	(h) use site-adapted species in the cultivation of crops, plants or trees where this can prevent soil degradation or contribute to improving soil health, also taking into consideration the adaptation to climate change;	*deleted*	*(h)* use site-adapted species in the cultivation of crops, plants or trees where this can prevent soil degradation or contribute to improving soil health, also taking into consideration the adaptation to climate change;	
Annex III, second paragraph, point (i)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
339	(i) ensure optimised water levels in organic soils so that the structure and composition of such soils are not negatively affected;[1] _____ 1. This principle does not apply to urban soils	*deleted*	(i) ensure optimised water levels in organic soils ~~so that~~ **to avoid negative impact on** the structure and composition of such soils ~~are not negatively affected~~;[1] _____ 1. This principle does not apply to urban soils	
Annex III, second paragraph, point (j)				
340	(j) in the case of crop cultivation, ensure crop rotation and crop diversity, taking into consideration different crop families, root systems, water and nutrient needs, and integrated pest management;	*deleted*	*(j)* in the case of crop cultivation, ensure crop rotation and crop diversity, taking into consideration different crop families, root systems, water and nutrient needs, and integrated pest management;	
Annex III, second paragraph, point (k)				
341	(k) adapt livestock movement and grazing time, taking into consideration animal types and stocking density, so that soil health is not compromised and the soil's capacity to provide forage is not reduced;	*deleted*	*(k)* adapt livestock movement and grazing time, taking into consideration animal types and stocking density, so that soil health is not compromised and the soil's capacity to provide forage is not reduced;	
Annex III, second paragraph, point (l)				
342				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(l) in case of known disproportionate loss of one or several functions that substantially reduce the soils capacity to provide ecosystem services, apply targeted measures to regenerate those soil functions.	*deleted*	(l) in case of known ~~disproportionate~~ loss of one or several functions that substantially reduce the soils capacity to provide ecosystem services, apply targeted measures to ~~regenerate~~ **restore** those soil functions.	
Annex IV				
343	Annex IV	Annex IV	Annex IV	
Annex IV, first paragraph				
344	PROGRAMMES, PLANS, TARGETS AND MEASURES REFERRED TO IN ARTICLE 10	PROGRAMMES, PLANS, TARGETS AND MEASURES REFERRED TO IN ARTICLE 10	PROGRAMMES, PLANS, TARGETS AND MEASURES REFERRED TO IN ARTICLE 10	
Annex IV, first paragraph a				
344a		***The following indicative list of programmes, plans, targets and measures shall be taken into account:***		
Annex IV, second paragraph				
345	(1) The national restoration plans prepared in accordance with Regulation …/…[1]+.	(1) The national restoration plans prepared in accordance with Regulation …/…[1]+.	(1) The national restoration plans prepared in accordance with Regulation …/…[1]+.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	_____ 1. + OP : please insert in the text the number of Regulation on nature restoration contained in document COM(2022) 304	_____ 1. + OP : please insert in the text the number of Regulation on nature restoration contained in document COM(2022) 304	_____ 1. + OP : please insert in the text the number of Regulation on nature restoration contained in document COM(2022) 304	
Annex IV, 2 paragraph				
346	(2) The strategic plans to be drawn up by Member States under the Common Agricultural Policy in accordance with Regulation (EU) 2021/2115.	(2) The strategic plans to be drawn up by Member States under the Common Agricultural Policy in accordance with Regulation (EU) 2021/2115.	(2) The strategic plans to be drawn up by Member States under the Common Agricultural Policy in accordance with Regulation (EU) 2021/2115.	
Annex IV, 3 paragraph				
347	(3) The Code of Good Agricultural Practice and the action programmes for designated vulnerable zones adopted in accordance with Directive 91/676/EEC.	(3) The Code of Good Agricultural Practice and the action programmes for designated vulnerable zones adopted in accordance with Directive 91/676/EEC.	(3) The Code of Good Agricultural Practice and the action programmes for designated vulnerable zones adopted in accordance with Directive 91/676/EEC.	
Annex IV, 4 paragraph				
348	(4) The conservation measures and prioritized action framework established for Natura 2000 sites in accordance with Directive 92/43/EEC.	(4) The conservation measures and prioritized action framework established for Natura 2000 sites in accordance with Directive 92/43/EEC.	(4) The conservation measures and prioritized action framework established for Natura 2000 sites in accordance with Directive 92/43/EEC.	
Annex IV, 5 paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
349	(5) The measures for achieving good ecological and chemical status of surface water bodies and good chemical and quantitative status of groundwater bodies included in river basin management plans prepared in accordance with Directive 2000/60/EC.	(5) The measures for achieving good ecological and chemical status of surface water bodies and good chemical and quantitative status of groundwater bodies included in river basin management plans prepared in accordance with Directive 2000/60/EC.	(5) The measures for achieving good ecological and chemical status of surface water bodies and good chemical and quantitative status of groundwater bodies included in river basin management plans prepared in accordance with Directive 2000/60/EC.	
Annex IV, 6 paragraph				
350	(6) The flood risk management measures included in the flood risk management plans prepared in accordance with Directive 2007/60/EC.	(6) The flood risk management measures included in the flood risk management plans prepared in accordance with Directive 2007/60/EC.	(6) The flood risk management measures included in the flood risk management plans prepared in accordance with Directive 2007/60/EC.	
Annex IV, 7 paragraph				
351	(7) The drought management plans referred to in the Union Strategy on Adaptation to Climate Change.	(7) The drought management plans referred to in the Union Strategy on Adaptation to Climate Change.	(7) The drought management plans referred to in the Union Strategy on Adaptation to Climate Change.	
Annex IV, 8 paragraph				
352	(8) The national action programmes established in accordance with the United	(8) The national action programmes established in accordance with the United	(8) The national action programmes established in accordance with the United	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Nations Convention to Combat Desertification.	Nations Convention to Combat Desertification.	Nations Convention to Combat Desertification.	
Annex IV, 8 paragraph a				
352a		***(8a) The national biodiversity strategies and action plans established in accordance with Article 6 of the United Nations Convention on Biological Diversity.***		
Annex IV, 9 paragraph				
353	(9) The targets set out under Regulation (EU) 2018/841.	(9) The targets set out under Regulation (EU) 2018/841.	(9) The targets set out under Regulation (EU) 2018/841.	
Annex IV, 10 paragraph				
354	(10) The targets set out under Regulation (EU) 2018/842.	(10) The targets set out under Regulation (EU) 2018/842.	(10) The targets set out under Regulation (EU) 2018/842.	
Annex IV, 11 paragraph				
355	(11) The national air pollution control programmes prepared under Directive (EU) 2016/2284 and the monitoring data about air pollution impacts on ecosystems reported under that Directive.	(11) The national air pollution control programmes prepared under Directive (EU) 2016/2284 and the monitoring data about air pollution impacts on ecosystems reported under that Directive.	(11) The national air pollution control programmes prepared under Directive (EU) 2016/2284 and the monitoring data about air pollution impacts on ecosystems reported under that Directive.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex IV, 12 paragraph				
356	(12) The integrated national energy and climate plan established in accordance with Regulation (EU) 2018/1999.	(12) The integrated national energy and climate plan established in accordance with Regulation (EU) 2018/1999.	(12) The integrated national energy and climate plan established in accordance with Regulation (EU) 2018/1999.	
Annex IV, 13 paragraph				
357	(13) The risk assessments and disaster risk management planning in accordance with Decision No 1313/2013/EU.	(13) The risk assessments and disaster risk management planning in accordance with Decision No 1313/2013/EU.	(13) The risk assessments and disaster risk management planning in accordance with Decision No 1313/2013/EU.	
Annex IV, 14 paragraph				
358	(14) The national actions plans adopted in accordance with Article 8 of Regulation …/…[1]+. _____ 1. + OP : please insert in the text the number of Regulation of the European Parliament and of the Council the sustainable use of plant protection products and amending Regulation (EU) 2021/2115 contained in document COM(2022)305	(14) The national actions plans adopted in accordance with Article ~~*8 of Regulation …/…[1]+*~~ ***4 of Directive 2009/128/EC***. _____ ~~*1. + OP : please insert in the text the number of Regulation of the European Parliament and of the Council the sustainable use of plant protection products and amending Regulation (EU) 2021/2115 contained in document COM(2022)305*~~	(14) The national actions plans adopted in accordance with Article 8 of Regulation …/…[1]+. _____ 1. + OP : please insert in the text the number of Regulation of the European Parliament and of the Council the sustainable use of plant protection products and amending Regulation (EU) 2021/2115 contained in document COM(2022)305	
Annex IV, 15 paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
358a			**(15) The national actions plans adopted in accordance with Article 4 of Directive 2009/128/EC.**	
Annex IV, 16 paragraph				
358b			**(16) The mitigation and risk reduction measures stated in the environmental impact assessments performed according to Directive 2011/92/EU for the plans and projects that might have a negative impact on the soil.**	
Annex V				
359	Annex V	Annex V	Annex V	
Annex V, first paragraph				
360	INDICATIVE LIST OF RISK REDUCTION MEASURES	INDICATIVE LIST OF RISK REDUCTION MEASURES	INDICATIVE LIST OF RISK REDUCTION MEASURES	
Annex V, second paragraph				
361	(1) Remediation techniques for in- or ex-situ remediation:	(1) Remediation techniques for in- or ex-situ remediation:	(1) Remediation techniques for in- or ex-situ remediation:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex V, second paragraph, point (a)				
362	(a) Physical remediation techniques:	(a) Physical remediation techniques:	(a) Physical remediation techniques:	
Annex V, 2 paragraph				
363	(a) Vapor extraction, air sparging;	(a) Vapor extraction, air sparging;	(a) Vapor extraction, air sparging;	
Annex V, b paragraph				
364	(b) Heat treatment, steam injection, thermal desorption, vitrification;	(b) Heat treatment, steam injection, thermal desorption, vitrification;	(b) Heat treatment, steam injection, thermal desorption, vitrification;	
Annex V, c paragraph				
365	(c) Soil washing and flushing;	(c) Soil washing and flushing;	(c) Soil washing and flushing;	
Annex V, CI paragraph				
366	(d) Electrokinetic extraction;	(d) Electrokinetic extraction;	*deleted*	
Annex V, DI paragraph				
367	*(e)* Liquid layer removal;	(e) Liquid layer removal;	(e) Liquid layer removal;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex V, f paragraph				
368	(f) Dig and dump.	(f) Dig and dump.	*deleted*	
Annex V, g paragraph				
369	*(b)* Biological remediation techniques:	(b) Biological remediation techniques:	(b) Biological remediation techniques:	
Annex V, g paragraph(a)				
370	(a) Stimulation of aerobic or anaerobic degradation: bioremediation, biostimulation, bioaugmentation, bioventing, biosparging;	(a) Stimulation of aerobic or anaerobic degradation: bioremediation, biostimulation, bioaugmentation, bioventing, biosparging;	(a) Stimulation of aerobic or anaerobic degradation: bioremediation, biostimulation, bioaugmentation, bioventing, biosparging;	
Annex V, g paragraph(b)				
371	(b) Phytoextraction, phytovolatilization, phytodegradation;	(b) Phytoextraction, phytovolatilization, phytodegradation;	(b) Phytoextraction, phytovolatilization, phytodegradation;	
Annex V, g paragraph(c)				
372	(c) Composting, soil amendments, landfarming, and bioreactor	(c) Composting, soil amendments, landfarming, and bioreactor	(c) Composting, soil amendments, landfarming, and bioreactor	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	systems;	systems;	systems;	
Annex V, g paragraph(d)				
373	(d) Biofiltration, biotreatment wetlands, and biobeds;	(d) Biofiltration, biotreatment wetlands, and biobeds;	(d) Biofiltration, biotreatment wetlands, and biobeds;	
Annex V, g paragraph(e)				
374	(e) Natural attenuation.	(e) Natural attenuation.	(e) **Monitored** natural attenuation.	
Annex V, c paragraph				
375	(c) Chemical remediation techniques:	(c) Chemical remediation techniques:	(c) Chemical remediation techniques:	
Annex V, c paragraph(a)				
376	(a) Chemical oxidation;	(a) Chemical oxidation;	(a) Chemical oxidation;	
Annex V, c paragraph(b)				
377	(b) Chemical reduction and reduction-oxidation (redox) reactions;	(b) Chemical reduction and reduction-oxidation (redox) reactions;	(b) Chemical reduction and reduction-oxidation (redox) reactions;	
Annex V, c paragraph(c)				
378				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(c) Pump and treat of groundwater.	(c) Pump and treat of groundwater.	(c) Pump and treat of groundwater.	
Annex V, c paragraph(d)				
379	(d) Remediation techniques for isolation, containment and monitoring:	(d) Remediation techniques for isolation, containment and monitoring:	(d) Remediation techniques **to reduce the transfer of contaminants (through** ~~for~~ isolation, containment and monitoring**)**:	
Annex V, CI paragraph				
380	(a) Surface capping, reactive barriers, encapsulation;	(a) Surface capping, reactive barriers, encapsulation;	(a) Surface capping, reactive barriers, encapsulation;	
Annex V, b paragraph				
381	(b) Chemical stabilization, solidification and immobilization;	(b) Chemical stabilization, solidification and immobilization;	(b) Chemical stabilization, solidification and immobilization;	
Annex V, c paragraph				
382	(c) Geo-hydrological isolation and containment;	(c) Geo-hydrological isolation and containment;	(c) Geo-hydrological isolation and containment;	
Annex V, CI paragraph				
383	(d) Phyto-stabilisation;	(d) Phyto-stabilisation;	(d) Phyto-stabilisation;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex V, DI paragraph				
384	(e) Control and aftercare through monitoring wells.	(e) Control and aftercare through monitoring wells.	(e) Control and aftercare through monitoring wells.	
Annex V, f paragraph				
385	(2) Risk reduction measures other than remediation:	(2) Risk reduction measures other than remediation:	(2) Risk reduction measures other than remediation **to reduce exposure**:	
Annex V, f paragraph, point (a)				
386	(a) Restriction on the cultivation and consumption of crops and vegetables;	(a) Restriction on the cultivation and consumption of crops and vegetables;	(a) Restriction on the cultivation and consumption of crops and vegetables;	
Annex V, f paragraph, point (b)				
387	(b) Restriction on the consumption of eggs;	(b) Restriction on the consumption of eggs;	(b) Restriction on the consumption of eggs;	
Annex V, f paragraph, point (c)				
388	(c) Restriction on the access of pets or husbandry;	(c) Restriction on the access of pets or husbandry;	(c) Restriction on the access of pets or husbandry;	
Annex V, f paragraph, point (d)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
389	(d) Restriction on the extraction or use of groundwater for drinking, personal hygiene or industrial purposes;	(d) Restriction on the extraction or use of groundwater for drinking, personal hygiene or industrial purposes;	(d) Restriction on the extraction or use of groundwater for drinking, personal hygiene or industrial purposes;	
Annex V, f paragraph, point (e)				
390	(e) Restriction on the demolition, de-sealing, or construction on the site;	(e) Restriction on the demolition, de-sealing, or construction on the site;	(e) Restriction on the demolition, de-sealing, or construction on the site **(e.g. constructive measures for ventilation, tanking, etc.)**;	
Annex V, f paragraph, point (f)				
391	(f) Restriction on the access on or in the neighbourhood of the site (e.g. through fencing);	(f) Restriction on the access on or in the neighbourhood of the site (e.g. through fencing);	(f) Restriction on the access on or in the neighbourhood of the site (e.g. through fencing);	
Annex V, f paragraph, point (g)				
392	(g) Restriction on land use or land use changes;	(g) Restriction on land use or land use changes;	(g) Restriction on land use or land use changes;	
Annex V, f paragraph, point (h)				
393	(h) Restriction on digging, drilling or excavation;	(h) Restriction on digging, drilling or excavation;	(h) Restriction on digging, drilling or excavation;	
Annex V, f paragraph, point (i)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
394	(i) Restriction to avoid contact with soil, dust or indoor air and apply precautions to protect human health (e.g. respirators, gloves, wet cleaning, etc.).	(i) Restriction to avoid contact with soil, dust or indoor air and apply precautions to protect human health (e.g. respirators, gloves, wet cleaning, etc.).	(i) Restriction to avoid contact with soil, dust or indoor air and apply precautions to protect human health (e.g. respirators, gloves, wet cleaning, etc.).	
Annex V, 3 paragraph				
395	(3) Best available techniques referred to in Directive 2010/75/EU.	(3) Best available techniques referred to in Directive 2010/75/EU.	(3) Best available techniques referred to in Directive 2010/75/EU.	
Annex V, 4 paragraph				
396	(4) Measures taken by competent authorities and industrial operators following a major accident, in accordance with Directive 2012/18/EU.	(4) Measures taken by competent authorities and industrial operators following a major accident, in accordance with Directive 2012/18/EU.	(4) Measures taken by competent authorities and industrial operators following a major accident, in accordance with Directive 2012/18/EU.	
Annex VI				
397	Annex VI	Annex VI	Annex VI	
Annex VI, first paragraph				
398	PHASES AND REQUIREMENTS FOR SITE-SPECIFIC RISK ASSESSMENT	PHASES AND REQUIREMENTS FOR SITE-SPECIFIC RISK ASSESSMENT	**INDICATIVE** PHASES AND ~~REQUIREMENTS~~ **PRINCIPLES** FOR SITE-	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			SPECIFIC RISK ASSESSMENT	
Annex VI, point 1.				
399	1. Characterization of the contamination requires identifying the contaminants present at the site and determining their source, concentration, chemical form, and distribution in the soil and groundwater. The presence and concentration of contaminants is determined through soil sampling and investigation.	1. Characterization of the contamination requires identifying the contaminants present at the site and determining their source, concentration, chemical form, and distribution in the soil and groundwater. The presence and concentration of contaminants is determined through soil sampling and investigation.	1. ~~Characterization~~**Characterisation** of the contamination requires identifying the **nature of the** contaminants **(e.g. heavy metals, organic contaminants, etc.)** present at the site and determining their source, concentration, chemical form, and distribution in the soil**, parent material** and groundwater. The presence and concentration of contaminants **in the different media** is determined through ~~soil~~ sampling and investigation **on-site and off-site, if a transfer of contaminants is suspected**. **Contaminants associated with the potentially contaminating activities are sampled in the relevant media on the basis of the environmental context and the physico-chemical properties of the contaminants that influence their behaviour in the environment. Natural and anthropogenic background concentrations should be considered.**	

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Annex VI, point 2.				
400	2. Exposure assessment identifies the path by which soil contaminants may reach receptors. Exposure pathways may include inhalation, ingestion, dermal contact, plant uptake, migration to groundwater or others. This information is combined with the frequency and duration of exposure and receptor characteristics such as age, gender, and health status to estimate the contaminant uptake. The source-pathway-receptor linkages are summarized in a graphic, schematic and simplified representation: the conceptual site model.	2. Exposure assessment identifies the path by which soil contaminants may reach receptors. Exposure pathways may include inhalation, ingestion, dermal contact, plant uptake, migration to groundwater or others. This information is combined with the frequency and duration of exposure and receptor characteristics such as age, gender, and health status to estimate the contaminant uptake. The source-pathway-receptor linkages are summarized in a graphic, schematic and simplified representation: the conceptual site model.	2. Exposure assessment **requires to identify** ~~identifies~~ the path by which soil contaminants may reach receptors. Exposure pathways may include inhalation, ingestion, dermal contact, plant uptake, migration to groundwater or others. ~~This information is~~ **The concentrations of the contaminants in the exposure media are** combined with ~~the~~**exposure parameters (e.g.** frequency and duration of exposure**, soil ingestion rate, etc.)** and receptor characteristics such as age, gender, and health status to estimate the ~~contaminant uptake~~ **daily exposure dose**. The source-pathway-receptor linkages are ~~summarized~~ **summarised** in a graphic, schematic and simplified representation: the conceptual site model. **Exposure can be assessed through direct analysis at the point of exposure or by modelling the transfer of a contaminant to the medium of exposure.**	
Annex VI, point 3.				

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401	3. Toxicity or hazard assessment involves the evaluation of the potential health and environmental effects of the contaminants, based on the dose and duration of exposure. The toxicology or hazard assessment takes into account the inherent toxicity of the contaminants and the susceptibility of different populations, such as animals, micro-organisms, plants, children, pregnant women, elderly, etc. The toxicological information is used to estimate reference doses or concentrations, which are used for the risk characterization.	3. Toxicity or hazard assessment involves the evaluation of the potential health and environmental effects of the contaminants, based on the dose and duration of exposure. The toxicology or hazard assessment takes into account the inherent toxicity of the contaminants and the susceptibility of different populations, such as animals, micro-organisms, plants, children, pregnant women, elderly, etc. The toxicological information is used to estimate reference doses or concentrations, which are used for the risk characterization.	3. Toxicity or hazard assessment involves the evaluation of the potential **human** health and environmental **adverse** effects of the contaminants, based on the dose and duration of exposure. The toxicology or hazard assessment takes into account the inherent toxicity of the contaminants and the susceptibility of different ~~populations, such as animals, micro-organisms, plants, children, pregnant women, elderly, etc~~ **exposed receptors (humans and ecosystems)**. The toxicological information is used to estimate reference doses or concentrations, which are used for the risk ~~characterization~~ **characterisation**.	
Annex VI, point 4.				
402	4. Risk characterization requires integrating the information from the previous steps to estimate the magnitude and probability of adverse effects of the contaminated site for human health and the environment, including from migration of the contamination to other environmental media. The risk characterization helps to	4. Risk characterization requires integrating the information from the previous steps to estimate the magnitude and probability of adverse effects of the contaminated site for human health and the environment, including from migration of the contamination to other environmental media. The risk characterization helps to	4. Risk ~~characterization~~**characterisation** requires integrating the information from the previous steps to estimate the magnitude and probability of adverse effects of the contaminated site for human health and the environment, including from migration of the contamination to other environmental media. The	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	prioritize the need for risk reduction and remediation measures. It can also help to define remediation or management objectives for a site, e.g. to achieve maximum acceptable limits or site-specific risk-based screening values.	prioritize the need for risk reduction and remediation measures. It can also help to define remediation or management objectives for a site, e.g. to achieve maximum acceptable limits or site-specific risk-based screening values.	risk~~-characterization~~ **characterisation** helps to **assess and prioritise** ~~prioritize~~ the need for risk reduction and remediation measures**, and to ensure that the condition of the soil is compatible with the current and planned land use**. It can also help to define remediation or management objectives for a site, e.g. to achieve maximum acceptable limits or site-specific risk-based screening values. **Risk assessment involves a large number of hypotheses and uncertainties. It is therefore essential to evaluate these uncertainties to fully understand the significance of the results obtained and to make well-informed decisions.**	
Annex VI, first paragraph a				
402a			**The assessment of risk for human health or environment should be proportionate to the complexity of the contaminated site.**	
Annex VII				
403	Annex VII	Annex VII	Annex VII	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex VII, first paragraph				
404	CONTENT OF REGISTER OF POTENTIALLY CONTAMINATED SITES AND CONTAMINATED SITES	CONTENT OF REGISTER OF POTENTIALLY CONTAMINATED SITES AND CONTAMINATED SITES	CONTENT OF REGISTER OF POTENTIALLY CONTAMINATED SITES AND CONTAMINATED SITES	
Annex VII, second paragraph				
405	The design and presentation of the data in the register shall enable the public to track progress in the management of potentially contaminated sites and contaminated sites. The register shall contain and present the following information at site level for the known potentially contaminated sites, contaminated sites, contaminated sites requiring further action, and contaminated sites where action was taken or is being taken:	The design and presentation of the data in the register shall enable the public to track progress in the management of potentially contaminated sites and contaminated sites. The register shall contain and present the following information at site level for the known potentially contaminated sites, contaminated sites, contaminated sites requiring further action, and contaminated sites where action was taken or is being taken:	The design and presentation of the data in the register shall enable the public to track progress in the management of potentially contaminated sites and contaminated sites. The register shall contain and present the following information at site level for the known potentially contaminated sites, contaminated sites, contaminated sites requiring further action, and contaminated sites where action was taken or is being taken:	
Annex VII, second paragraph, point (a)				
406	(a) coordinates, address or cadastral parcel(s) of the site in accordance with Directives (EU) 2019/1024 and 2007/2/EC;	(a) coordinates, address or cadastral parcel(s) of the site in accordance with Directives (EU) 2019/1024 and 2007/2/EC;	(a) coordinates, address or cadastral parcel(s) of the site in accordance with Directives (EU) 2019/1024 and 2007/2/EC;	

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Annex VII, second paragraph, point (b)				
407	(b) year of inclusion in the register;	(b) year of inclusion in the register;	(b) year of inclusion in the register;	
Annex VII, second paragraph, point (c)				
408	(c) contaminating or potentially contaminating risk activities that have taken or are taking place on the site;	(c) contaminating or potentially contaminating risk activities that have taken or are taking place on the site;	(c) contaminating or potentially contaminating ~~risk~~ activities that have taken or are taking place on the site;	
Annex VII, second paragraph, point (d)				
409	(d) management status of the site;	(d) management status of the site;	(d) management status of the site;	
Annex VII, second paragraph, point (e)				
410	(e) conclusion on the presence or absence, concentration, type and risk of the contamination (or residual contamination after remediation) where information on those elements is already available from the soil investigations and risk assessment referred to in Articles 14 and 15;	(e) conclusion on the presence or absence, concentration, type and risk of the contamination (or residual contamination after remediation) where information on those elements is already available from the soil investigations and risk assessment referred to in Articles 14 and 15;	(e) conclusion on the presence or absence, ~~concentration,~~ type and risk of the contamination (or residual contamination after remediation) where information on those elements is already available from the soil investigations and risk assessment referred to in Articles 14 and 15;	
Annex VII, second paragraph, point (f)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
411	(f) next actions and management steps required and referred to in Articles 14 and 15, including their timeline.	(f) next actions and management steps required and referred to in Articles 14 and 15, including their timeline.	(f) **Required** next actions and management steps ~~required and~~ referred to in Articles 14 and 15~~,~~ ~~including their timeline~~ .	
Annex VII, third paragraph				
412	The register may also contain the following information at site level for the known potentially contaminated sites, contaminated sites, contaminated sites requiring further action, and contaminated sites where action was taken or is being taken, where available:	The register may also contain the following information at site level for the known potentially contaminated sites, contaminated sites, contaminated sites requiring further action, and contaminated sites where action was taken or is being taken, where available:	The register may also contain the following information at site level for the known potentially contaminated sites, contaminated sites, contaminated sites requiring further action, and contaminated sites where action was taken or is being taken, where available:	
Annex VII, third paragraph, point (a)				
413	(a) information on environmental permits issued for the site, including the start and end year of the activity;	(a) information on environmental permits issued for the site, including the start and end year of the activity;	(a) information on environmental permits issued for the site, including the start and end year of the activity;	
Annex VII, third paragraph, point (b)				
414	(b) current and planned land use;	(b) current and planned land use;	(b) current and planned land use;	
Annex VII, third paragraph, point (c)				
415				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(c) results of soil investigation and remediation reports such as concentrations and contours of the contamination, conceptual site model, risk assessment methodology, techniques used or planned, effectiveness and cost estimates of risk reduction measures.	(c) results of soil investigation and remediation reports such as concentrations and contours of the contamination, conceptual site model, risk assessment methodology, techniques used or planned, effectiveness and cost estimates of risk reduction measures.	(c) results of soil investigation and remediation reports such as concentrations and contours of the contamination, conceptual site model, risk assessment methodology, techniques used or planned, effectiveness and cost estimates of risk reduction measures.	
Annex VII, third paragraph, point (d)				
415a			**(d) timeline of next actions and management steps.**	

TABLES in the ANNEXES to the Proposal for a Directive of the European Parliament and of the Council on Soil Monitoring and Resilience (Soil Monitoring Law)

2023/0232(COD)

(Text with EEA relevance)

ANNEX I

SOIL DESCRIPTORS,CRITERIA FOR HEALTHY SOIL CONDITION, AND LAND TAKE AND SOIL SEALING INDICATORS

COMMISSION PROPOSAL:

For the purposes of this Annex, the following definitions shall apply

(1) 'reverse land take' means the conversion of artificial land into natural or semi-natural land;

(2) 'net land take' means the result of land take minus reverse land take.

Aspect of soil degradation	**Soil descriptor**	**Criteria for healthy soil condition**	**Land areas that shall be excluded from achieving the related criterion**
Part A: soil descriptors with criteria for healthy soil condition established at Union level			
Salinization	Electrical Conductivity (deci-Siemens per meter)	< 4 dS m^{-1} when using saturated soil paste extract (eEC) measurement method, or equivalent criterion if using another measurement method	Naturally saline land areas; Land areas directly affected by sea level rise
Soil erosion	Soil erosion rate (tonnes per hectare per year)	≤ 2 t ha^{-1} y^{-1}	Badlands and other unmanaged natural land areas, except if they represent a significant disaster risk

Loss of soil organic carbon	Soil Organic Carbon (SOC) concentration (g per kg)	- For organic soils: respect targets set for such soils at national level in accordance with Article 4.1, 4.2, 9.4 of Regulation (EU) …/…[+]	No exclusion
		- For mineral soils: SOC/Clay ratio > 1/13; Member States may apply a corrective factor where specific soil types or climatic conditions justify it, taking into account the actual SOC content in permanent grasslands.	Non- managed soils in natural land areas

[+] OP : please insert in the text the number of Regulation on nature restoration contained in document COM(2022) 304

<table>
<tr>
<td>Subsoil compaction</td>
<td>Bulk density in subsoil (upper part of B or E horizon[1]); Member States may replace this descriptor with an equivalent parameter (g per cm^3)</td>
<td>
<table>
<tr><td>Soil texture[2]</td><td>range</td></tr>
<tr><td>sand, loamy sand, sandy loam, loam</td><td><1.80</td></tr>
<tr><td>Sandy clay loam, loam, clay loam, silt, silt loam</td><td><1.75</td></tr>
<tr><td>silt loam, silty clay loam</td><td><1.65</td></tr>
<tr><td>Sandy clay, silty clay, clay loam with 35-45% clay</td><td><1.58</td></tr>
<tr><td>Clay</td><td><1.47</td></tr>
</table>

In case a Member State replaces the soil descriptor “bulk density in subsoil” with an equivalent parameter, it shall adopt a criterion for healthy soil condition for the chosen soil descriptor that is equivalent to the criterion set for “bulk density in subsoil”.
</td>
<td>Non-managed soils in natural land areas</td>
</tr>
<tr>
<td colspan="4">Part B: soil descriptors with criteria for healthy soil condition established at Member States level</td>
</tr>
<tr>
<td>Excess nutrient content in soil</td>
<td>Extractable phosphorus (mg per kg)</td>
<td>< “maximum value”;

The “maximum value” shall be laid down by the Member State within the range 30-50 mg kg^{-1}</td>
<td>No exclusion</td>
</tr>
</table>

1 As defined in the FAO Guidelines for Soil Description, Chapter 5 (https://www.fao.org/3/a0541e/a0541e.pdf)

2 As defined in Arshad, M.A., B. Lowery, and B. Grossman. 1996. Physical tests for monitoring soil quality. p.123- 142. In: J.W. Doran and A.J. Jones (eds.) Methods for assessing soil quality. Soil Sci. Soc. Am. Spec. Publ. 49. SSSA, Madison, WI.

Soil contamination	- concentration of heavy metals in soil: As, Sb, Cd, Co, Cr (total), Cr (VI), Cu, Hg, Pb, Ni, Tl, V, Zn (µg per kg) - concentration of a selection of organic contaminants established by Member States and taking into account existing concentration limits e.g. for water quality and air emissions in Union legislation	Reasonable assurance, obtained from soil point sampling, identification and investigation of contaminated sites and any other relevant information, that no unacceptable risk for human health and the environment from soil contamination exists. Habitats with naturally high concentration of heavy metals that are included in Annex I of Council Directive 92/43/EEC[3] shall remain protected.	No exclusion
Reduction of soil capacity to retain water	Soil water holding capacity of the soil sample (% of volume of water / volume of saturated soil)	The estimated value for the total water holding capacity of a soil district by river basin or subbasin is above the minimal threshold. The minimal threshold shall be set (in tonnes) by the Member State at soil district and river basin or subbasin level at such a value that the impacts of floodings following intense rain events or of periods of low soil moisture due to drought events are mitigated.	No exclusion

[3] Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).

Part C: soil descriptors without criteria	
Aspect of soil degradation	**Soil descriptor**
Excess nutrient content in soil	Nitrogen in soil (mg g^{-1})
Acidification	Soil acidity (pH)
Topsoil compaction	Bulk density in topsoil (A-horizon[4]) (g cm^{-3})
Loss of soil biodiversity	Soil basal respiration ((mm^3 O_2 g^{-1} hr^{-1}) in dry soil Member States may also select other optional soil descriptors for biodiversity such as: - metabarcoding of bacteria, fungi, protists and animals; - abundance and diversity of nematodes; - microbial biomass; - abundance and diversity of earthworms (in cropland); - invasive alien species and plant pests

Part D: land take and soil sealing indicators	
Aspect of soil degradation	**Land take and soil sealing indicators**
Land take and soil sealing	Total artificial land (km² and % of Member State surface) Land take, Reverse land take Net land take (average per year–- in km² and % of Member State surface) Soil sealing (total km² and % of Member State surface) Member States may also measure other related optional indicators such as: - land fragmentation - land recycling rate - land taken for commercial activities, logistic hubs, renewable

[4] As defined in the FAO Guidelines for Soil Description, Chapter 5 (https://www.fao.org/3/a0541e/a0541e.pdf)

	energies, surfaces such as airports, roads, mines - consequences of land take such as quantification of loss of ecosystem services, change in floods intensity

EP MANDATE:

Part A: Tier 1 soil monitoring design ***A Member State qualifies for a Tier 1 soil monitoring design if it meets all the criteria defined in column 2 and includes all soil descriptors.***			
Sampling design			
Reference methodology	***Criteria to meet***	***Exceptions***	***Notes***
The sample survey shall be designed from a complete sample frame containing the best available information on the distribution of soil properties, including but not limited to information resulting from previous national measurements and measurements under the LUCAS programme. ***The sampling scheme shall be a stratified random sampling.*** ***The size of the national sample shall meet the requirement of a maximum percent error (or Coefficient of Variation) of 5% for the estimation of the area having healthy soils.*** ***The Commission sample for the survey set under Article 6(4) shall contribute to a minimum of 20% of the size of national samples.*** ***The allocation and size of the sample shall be determined by applying the Bethel algorithm (Bethel, 1989) accounting for the required maximum estimation error.***	***(a) Stratified random sampling based on land type; stratifiers may include climatic conditions, soil type, land type, and administrative regions according to Article 4*** ***(b) The estimation of the number of samples shall be compliant with the use of the Bethel algorithm accounting for the required maximum estimation error.*** ***(c) Allow for a percentage (up to 20% and no less than 10%) of the sampling sites to be dedicated to targeted sampling related to investigations or risk assessment.***	***In case there is at the Member State level a sampling design that meets the criteria established for Tier 1, the reference methodology can be adapted or other design approaches proposed to the Commission provided that the implemented design provides sufficient coverage of the Member State in line with the reference methodology (including national and LUCAS samples). When adapting the reference methodology, Member States need to still comply with the in-situ design of the EC.***	
Degradation factors			
Degradation factor	***Soil descriptor***	***Exceptions***	***Notes***
Soil erosion	• ***Soil erosion rate (tonnes of loss soil per hectare per year (t ha^{-1} yr^{-1}))***	*-*	
Loss of soil organic carbon	• ***Soil Organic Carbon***	*-*	***To be***

	(SOC) concentration (g of Carbon per kg (g kg^{-1}))		***conducted for top soil (0-10cm, 10-30cm)***
Soil compaction	• ***Bulk density in topsoil (g cm^{-3})***	***-***	***To be conducted for top soil (0-10cm, 10-30cm (optional))***
Excess nutrient content in soil	• ***Available phosphorus (mg kg^{-1})*** • ***Total Nitrogen in soil (mg g^{-1})***	***-***	***To be conducted for top soil (0-10cm, 10-30cm)***
Soil contamination	• ***Concentration of heavy metals in soil: As, Sb, Cd, Co, Cr (total), Cr (VI), Cu, Hg, Pb, Ni, Tl, V, Zn (µg per kg)*** • ***Concentration of a selection of organic contaminants established by Member States and taking into account contaminants covered by Regulation (EU) No 2019/1021 and existing concentration limits e.g. for water quality and air emissions in Union legislation especially priority substances under the Water Framework Directive and related Environmental Quality Standards (Directive 2008/105/EC) and the Groundwater (Directive 2006/118/EC) Directives*** • ***Plant protection product candidates for substitution and substances authorised under emergency regime, and biocides***	***-***	***To be conducted for top soil (0-10cm, 10-30cm (optional))***

	residues • ***Per- and poly-fluorinated alkyl substances (PFAS) total or sum of PFAS total***		
Reduction of water retention	• ***Soil water holding capacity of the soil sample (% of volume of water)*** • ***Volume of saturated soil***	***-***	***To be conducted for top soil (0-10cm, 10-30cm (optional))***
Acidification	• ***Soil acidity (pH H_2O)***	***-***	***To be conducted for top soil (0-10cm, 10-30cm (optional))***
Soil ecological functions			
Ecological function	***Soil descriptor***	***Exceptions***	***Notes***
Soil aggregation	• ***water-stable aggregates (%)***	***-***	***To be conducted for top soil (0-10cm, 10-30cm (optional))***
Soil respiration	• ***Soil microbial basal respiration (µl O_2 h^{-1} g^{-1} soil dry weight)***	***-***	***To be conducted for top soil (0-10cm, 10-30cm (optional))***
Soil biomass	• ***Soil microbial biomass carbon (Cmic µg C g^{-1} soil dry weight)***	***-***	***To be conducted for top soil (0-10cm, 10-30cm (optional))***
Soil biodiversity			
Soil biodiversity feature	***Soil descriptor***	***Exceptions***	***Notes***
Taxonomic diversity	• ***Diversity of soil organisms through (presence counts per taxonomic group) based on metabarcoding targeting the 16S and***	***-***	***To be conducted for top soil (0-10cm, 10-***

	18S rRNA gene regions and using the Internal transcribed spacer region (ITS) in particular for Fungi (additionally, other markers like COI for soil fauna can be considered)		*30cm (optional))*
Population abundance	• *Total abundances of bacteria and archaea (using 16S rRNA gene region copies)* • *Total abundances of fungi (using 18S rRNA gene region copies)* • *Total number and proportion of pathogenic fungi* • *Total nematode abundance per functional group based on morphology (bacterial feeders, fungal feeders, root feeders, omnivores, predators)*	*-*	*To be conducted for top soil (0-10cm, 10-30cm (optional))*
Soil habitat			
Soil habitat feature	*Soil descriptor*	*Exceptions*	
Soil structure	• *Size class proportions (sand, silt, clay)* • *Proportion of coarse materials (>2mm)*	*-*	*To be conducted for top soil (0-10cm, 10-30cm)*

Part B: Tier 2 soil monitoring design ***A Member State qualifies for a Tier 2 soil monitoring design if:*** ***- it cumulatively includes all the soil descriptors for Tier 1 and the criteria defined in column 2 for the sampling design in Part B and includes at least 50% of the soil descriptors in Part B, or,*** ***- cumulatively meets the criteria for soil sampling design of Tier 1 and includes all the soil descriptors in Parts A and B.***			
Sampling design			
Reference methodology	*Criteria to meet*	*Exceptions*	*Notes*
Stratified systematic sampling using a spatial grid to ensure a homogeneous coverage of the	*(a) Ensure the homogeneous coverage of the Member State territory*	*-*	*It is recommended that the design*

Member State territory for all land types. Auxiliary information such as environmental zones or soil types can also be used to further refine the sampling design. ***When available, Member States shall coordinate allocation of sampling points with other existing monitoring programmes such as national vegetation and forest inventories. The same applies to other types of censuses like the agricultural census to allow for a better data collection regarding management practices and an optimization of costs.*** ***The allocation and size of the sample shall be determined by scientifically established methods for the applied sampling design, such as those referenced to in Bethel (1989) for stratified random sampling.***	***for all land types (e.g., by implementing a systematic stratifier (e.g., a continuous grid) as part of the sampling design.*** ***(b) Stratified random sampling based on land type; stratifiers may include climatic conditions, soil type, land type, and administrative regions according to Art. 4*** ***(c) The estimation of the overall minimum number of samples shall follow the procedure in Tier 1.*** ***(d) Allow for 20% of the sampling sites to be dedicated to targeted sampling related to investigations or risk assessment.***		***and implementation of the soil monitoring system includes multiple stakeholders and, when needed, international border agreements, to ensure that cost effective measures are considered and that available expertise is taken in consideration.***
Degradation factors			
Degradation factor	***Soil descriptor***	***Exceptions***	***Notes***
Salinisation	• ***Electrical Conductivity (Siemens per meter (S m^{-1}))***	***-***	***To be conducted for top soil (0-10cm, 10-30cm (optional))***
Land take	• ***Soil sealing (as percentage of land sealed by any type of man-made infrastructures per 100m2)***	***-***	***As reference, the sampling site should be considered the centroid of this assessment***
Soil contamination	• ***Pharmaceutical and veterinary products***	***-***	
Soil compaction	• ***Bulk density in subsoil; Member States may replace this descriptor with an equivalent parameter (g per cm^3)***	***Non-managed soils in natural land areas***	***To be conducted for sub soil (30-50, 50-100cm)***
Soil ecological functions			

Ecological function	*Soil descriptor*	*Exceptions*	
Nutrient cycling	• *nitrogen mineralisation,* • *nitrogen availability*	*-*	*To be conducted for top soil (0-10cm, 10-30cm (optional))*
Soil aggregation	• *water stable fraction-coarse matter*	*-*	*To be conducted for top soil (0-10cm, 10-30cm (optional))*
Enzymatic activity	• *Enzymatic activity potential for acid phosphatase (EC 3.13.2)* • *Enzymatic activity potential for N-acetylglucosaminidase (EC 3.2.1.50)* • *Enzymatic activity potential for xylosidase (EC 3.2.1.37)* • *Enzymatic activity potential for cellobiohydrolase (EC 3.2.1.91)* • *Enzymatic activity potential for β-glucosidase (EC 3.2.1.21)*	*-*	*To be conducted for top soil (0-10cm, 10-30cm (optional))*
Soil biomass	• *Microbial biomass as indicated by marker fatty acids (biomass per microbial functional group; ng FAME g^{-1} soil dry weight)*	*-*	*To be conducted for top soil (0-10cm, 10-30cm (optional))*
Soil biodiversity			
Soil biodiversity feature	*Soil descriptor*	*Exceptions*	*Notes*
Taxonomic diversity	• *Diversity (richness) of soil animals per group based on morphological methods and may also include image identification (Nematodes (for nematodes, classification should be done at least to family level) and*	*-*	*To be conducted for top soil (0-10cm, 10-30cm (optional))*

	Earthworms (for earthworms, classification should be done down to species level)) • ***Metagenome-based soil biodiversity taxonomic counts per taxonomic group***		
Population abundance	• ***Total abundances of fungi (using the Internal transcribed spacer region (ITS))***	***-***	***To be conducted for top soil (0-10cm, 10-30cm (optional))***
Soil habitat			
Soil habitat feature	***Soil descriptor***	***Exceptions***	***Notes***

Part C: Tier 3 soil monitoring design ***A Member State qualifies for a Tier 3 soil monitoring design if it meets Tier 2 conditions and includes at least 50% of the soil descriptors in Part C.***			
Degradation factors			
Degradation factor	***Soil descriptor***	***Exceptions***	***Notes***
Soil contamination	• ***Concentration of microplastics and nanoplastics***	***-***	***To be conducted for top soil (0-10cm, 10-30cm (optional))***
Soil ecological functions			
Ecological function	***Soil descriptor***	***Exceptions***	***Notes***
Soil biomass	• ***Soil animal biomass (per taxonomic group (Nematodes and Earthworms); mg fresh (for Nematodes)/dry (for Earthworms) weight per g of dry soil)*** • ***Root biomass (mg dry weight per g soil dry weight)***	***-***	***To be conducted for top soil (0-10cm, 10-30cm (optional))***
Community traits of roots	• ***Total nitrogen present in roots*** • ***Root length density*** • ***Mean root diameter*** • ***Variation in root diameter*** • ***Root dry matter content***	***-***	***To be conducted for top soil (0-10cm, 10-30cm (optional))***

Soil biodiversity			
Soil biodiversity feature	***Soil descriptor***	***Exceptions***	***Notes***
Taxonomic diversity	• ***Diversity (richness) of soil animals per group (Collembola and mites)*** • ***Presence of invasive alien species*** • ***Diversity of viruses using metagenomic approaches***	***-***	***To be conducted for top soil (0-10cm, 10-30cm (optional))***
Population abundance	• ***Total abundance of soil animals per taxa (for Nematodes and Earthworms)***	***-***	***To be conducted for top soil (0-10cm, 10-30cm (optional))***
Soil habitat			
Soil habitat feature	***Soil descriptor***	***Exceptions***	***Notes***

Part D: land take and soil sealing indicators	
Aspect of soil degradation	**Land take and soil sealing indicators**
Land take and soil sealing	Total artificial land (km² and % of Member State surface) Land take, Reverse land take Net land take (average per year–- in km² and % of Member State surface) Soil sealing (total km² and % of Member State surface) Member States may also measure other related optional indicators such as: - land fragmentation - land recycling rate - land taken for commercial activities, logistic hubs, renewable energies, surfaces such as airports, roads, mines - consequences of land take such as quantification of loss of ecosystem services, change in floods intensity

COUNCIL MANDATE:

For the purposes of this Annex, the following definitions shall apply

(1) **'natural land' means an area of land in which the natural process is dominant and human intervention is minimal or non-existent, with the primary ecological functions and species composition not substantially modified** […]**;**

(2) 'net […] **sealing**' means the result of […]**soil sealing** minus[…] **de-sealing;**

(3) 'Settlement area' as defined in the 2006 IPCC Guidelines for National Greenhouse Gas Inventories;

(3a) 'Organic soils' and 'mineral soils' as defined in the 2006 IPCC Guidelines for National Greenhouse Gas Inventories.

Aspect of soil degradation	**Soil descriptor[5]**	**Criteria for healthy soil condition – non-binding sustainable target values[6]**	**Land areas that shall be excluded from meeting the related criterion**
Part A: soil descriptors with criteria for healthy soil condition established at Union level			
Salini**s**ation[7]	Electrical Conductivity (deci-Siemens per meter)	< 4 dS m^{-1} when using saturated soil paste extract (eEC) measurement method, or equivalent criterion if using another measurement method	Naturally saline land areas**, areas with regular flooding from marine submersion and areas subject to sea spray** […]

5 The minimum criteria for the methodology for in-situ sampling of soil descriptors are provided in Part A.2 of Annex II and further detailed in application of Article 23a

6 The methodology on setting sustainable target values and operational trigger values for soil descriptors of Part A, B and, when possible, Part C of Annex I are further detailed in application of Article 23a.

7 The measurement of electrical conductivity can be excluded in areas not at risk of salinisation. The methodology for assessing areas not at risk of salinisation are further detailed in application of Article 23a.

[…]	[…]	[…]	[…]
Loss of soil organic carbon	Soil Organic Carbon (SOC) concentration (g per kg)	- For organic soils: respect targets set for such soils at national level in accordance with Article 4.1, 4.2, 9.4 of Regulation (EU) .../...[+]	No exclusion
		- For mineral soils: SOC/Clay ratio > 1/13 **(that is SOC content to the content of the clay fraction (fraction with a diameter of less than 0.002 mm))**; Member States […] **are expected to** apply corrective factor**s to the ratio** where specific soil types or climatic conditions justify it, taking into account the **link to structural stability.** […]	Non- managed soils in natural land areas
Subsoil compaction			Non-managed soils in natural land areas **and areas with naturally compacted soils**

[+] OP : please insert in the text the number of Regulation on nature restoration contained in document COM(2022) 304

<table>
<tr>
<td>[…]</td>
<td>Bulk density in subsoil […] (g per cm^3)</td>
<td>
<table>
<tr><td>Soil texture[8]</td><td>range</td></tr>
<tr><td>sand, loamy sand, sandy loam, loam</td><td><1.80</td></tr>
<tr><td>Sandy clay loam, loam, clay loam, silt, silt loam</td><td><1.75</td></tr>
<tr><td>silt loam, silty clay loam</td><td><1.65</td></tr>
<tr><td>Sandy clay, silty clay, clay loam with 35-45% clay</td><td><1.58</td></tr>
<tr><td>Clay</td><td><1.47</td></tr>
</table>
Member States may apply different texture classes or values corresponding to the levels seen as a problem for plant rooting system development.

[…]
</td>
<td></td>
</tr>
</table>

[8] As defined in […] **IUSS Working Group WRB. 2022. World Reference Base for Soil Resources. International soil classification system for naming soils and creating legends for soil maps. 4th edition. International Union of Soil Sciences (IUSS), Vienna, Austria**

	Optional: **Saturated hydraulic conductivity – Ksat (cm/day)** **Air capacity (%)**	**≥ 10 cm/day[9]** **Member States may adapt this value according to their local soil conditions.** **≥ 5%[74]** **Member States may adapt this value according to their local soil conditions.**	

Part B: soil descriptors with criteria for healthy soil condition established at Member States level			
Excess nutrient content in soil	Extractable phosphorus (mg per kg)	< "maximum value"; […] **Member States shall define their own "maximum value", to a level that would not entail damage to the environment and human health.**	[…] **Non-managed soils in natural land areas**

9 **Lebert, M., Böken, H., Glante, F. 2007. Soil compaction—indicators for the assessment of harmful changes to the soil in the context of the German Federal Soil Protection Act. Journal of Environmental Management 82(3): 388-397.**

Soil erosion	**Soil erosion rate** **(tonnes per hectare per year)**	**< "maximum value";** **Member States shall define their own "maximum value", to a level that would not entail damage to the environment and human health.**	**Badlands and natural land areas, except if they represent a significant disaster risk**
Soil contamination	- concentration of heavy metals in soil: As, Sb, Cd, Co, Cr (total), […], Cu, Hg, Pb, Ni, Tl, V, Zn (**m**g per kg) - concentration of a selection of organic contaminants established by Member States and taking into account existing concentration limits e.g. for water quality and air emissions in Union legislation	Reasonable assurance, obtained from soil point sampling, identification and investigation of contaminated sites and any other relevant information, that no unacceptable risk for human health and the environment from soil contamination exists. **Natural and anthropogenic background levels should be taken into account in the risk assessment.** **If natural background is the only reason leading to unacceptable risks, then such soil should be deemed as compliant with healthy soil criteria provided it is managed in such a way that there is no unacceptable risk for human health.** Habitats with naturally high concentration of heavy metals that are included in Annex I of Council Directive 92/43/EEC[10] shall remain protected.	No exclusion

[10] Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).

Reduction of soil **water retention** […] **and infiltration** […]	**Water retention:** - Soil water holding capacity of the soil sample (**% of water / total soil (volume or mass)** […]) **Water infiltration:** - **Saturated hydraulic conductivity – Ksat (cm/day)** - **Air capacity (%)**	The estimated value for the total water holding capacity**, the saturated hydraulic conductivity and the air capacity** of a soil […] **unit is above the minimal threshold and may also be assessed** by river basin or subbasin**, taking into account water processes occurring at that scale.** […]. The minimal threshold shall be set (in tonnes) by the Member State at **the relevant scale** […] at such a value that the impacts of floodings following intense rain events or of periods of low soil moisture due to drought events are mitigated.	No exclusion
Loss of soil organic carbon	**Soil organic carbon stocks (tC ha^{-1})** **Optional:** **Soil organic carbon content (g per kg)**	**Contribute to national targets for net greenhouse gas removals in the LULUCF sector as referred to in Article 4(3) of Regulation (EU) 841/2018** **> "minimum value";** **The "minimum value" shall be laid down by the Member State by soil texture**	**No exclusion**

Part C: soil descriptors without criteria	
Aspect of soil degradation	**Soil descriptor**
Excess nutrient content in soil	**Total n**itrogen in soil (mg g^{-1}) **Soil organic carbon to nitrogen ratio**
Acidification	Soil acidity (pH) **Member States may also select the optional descriptor:** **- base saturation (i.e. (Ca + Mg + K)/effective CEC)**
Topsoil compaction	Bulk density in topsoil (A-horizon[11]) (g cm^{-3}) **Optional** **Saturated hydraulic conductivity (cm/day)** **Air capacity (%)**
Loss of soil biodiversity	[…] Member States […] **shall** […] select **at least one** […] soil descriptor for biodiversity such as **but not limited to**: - metabarcoding of bacteria, fungi, protists and animals; **- Phospholipid fatty acid analysis (PFLA)** - abundance and diversity of nematodes; […] - abundance and diversity of earthworms (in cropland); **- abundance and diversity of springtails;** **- abundance and diversity of native ants;** **- bacterial diversity based on DNA;** **- soil biological quality based on arthropods (QBS-ar)** **- presence of** invasive alien species and plant pests

[11] As defined in the FAO Guidelines for Soil Description, Chapter 5 (https://www.fao.org/3/a0541e/a0541e.pdf)

Optional: **Loss of soil biological activity**	**Member States may select soil descriptors for biological activity such as but not limited to:** - **soil basal respiration ((mm^3 O_2 g^{-1} hr^{-1}) in dry soil** - **microbial biomass;** - **Soil respiration;** - **Enzyme activity.**

Part D: […] ***soil sealing and soil destruction indicators***	
Aspect of soil degradation	**Soil sealing and soil destruction indicators**
[…] **S**oil sealing **and soil destruction**	Total […] **sealed soils and destroyed soils** (km² and % of Member State surface) **Soil sealing and soil destruction, de-sealing, net-sealing (average per year–- in km² and % of Member State surface)** […] **Total settlement area (km² and % of Member State surface)** **Land use change towards and from settlement area** (average per year–- in km² and % of Member State surface) […] Member States may also measure other related optional indicators such as: **- soil artificialisation** - land fragmentation - land recycling rate - land taken for commercial activities, logistic hubs, renewable energies, surfaces such as airports, roads, mines - consequences of […] **soil sealing and soil destruction** such as quantification of loss of ecosystem services, change in floods intensity

ANNEX II

METHODOLOGIES

COMMISSION PROPOSAL:

Part A: Methodology for determining sampling points

Activity	**Minimum criteria for methodology**
Determination of soil sampling points (sample survey)	The sample survey shall be designed from a complete sample frame containing the best available information on the soil properties distribution, including but not limited to information resulting from previous national measurements and measurements under the LUCAS programme. The sampling scheme shall be a stratified random sampling optimized on the soil health descriptors. The size of the national sample shall meet the requirement of a maximum percent error (or Coefficient of Variation) of 5% for the estimation of the area having healthy soils. The Commission sample for the survey set under Art 6(4) may contribute to a maximum of 20 % of the size of national samples. The allocation and size of the sample shall be determined by applying the Bethel algorithm (Bethel, 1989)[12] accounting for the required maximum estimation error.

[12] Bethel, J. 1989. "Sample Allocation in Multivariate Surveys." Survey Methodology 15: 47–57.

Part B: Methodology for determining or estimating the values of soil descriptors

When a reference methodology is set, either the reference methodology is used or another methodology, provided that it is available in the scientific literature or publicly available and a validated transfer function is available.

Soil descriptor	**Reference methodology**	**Minimum methodological criteria**	**Validated transfer function required (if using a methodology different from the reference methodology[13])?**
Soil texture (clay, silt and sand content – needed for the determination of other descriptors and related ranges)	Preferred method: ISO 11277:1998 Determination of particle size distribution in mineral soil material – Method by sieving and sedimentation Alternative method: ISO13320:2009 Particle size analysis – Laser diffraction methods		YES
Electrical Conductivity	Option 1: saturated soil paste extract (eEC) measurement method (FAO SOP: GLOSOLAN-SOP-08[14]) Option 2: ISO 11265:1994 Determination of The Specific Electrical Conductivity;		YES
Soil erosion rate		Soil erosion rate estimation shall take into account all actions taken to mitigate or compensate the erosion risk, including post-fire mitigation measures.	N/A

[13] The methodologies different from the reference methodology shall either be available in the scientific literature or publicly available.

[14] https://www.fao.org/3/cb3355en/cb3355en.pdf

		Soil erosion rate estimation shall include all relevant erosion processes such as erosion by water, wind, harvest and tillage. Soil erosion by water shall be assessed by considering the following factors: - soil characteristics (e.g. erodibility, soil crusting, soil roughness), - climate (e.g. rainfall erosivity – intensity and duration, considering relevant climate change projections for a given area), - topography (e.g. slope steepness and length), - vegetation cover, crop type, land use and management practices to control or reduce erosion, - management practices (e.g. cover crops, reduced tillage, mulching, etc.), - burned areas. Soil erosion by wind shall be assessed by considering the following factors: - soil characteristics (e.g. erodibility), - climate (e.g. soil moisture, wind speed, evaporation), - vegetation (e.g. crop type), - management practices to control or reduce erosion (e.g. wind breaks).	
Soil Organic Carbon (SOC)	ISO 10694:1995 Determination of organic and total carbon after dry combustion		YES
Bulk density in subsoil (B	ISO 11272:2017 for determination of dry bulk		YES

horizon[15]) or equivalent[16] parameter chosen by Member States	density In case an equivalent parameter is chosen, the methodology shall be either a European or International standard when available; if such standard is not available, the methodology chosen shall either be available in the scientific literature or publicly available.		
Extractable phosphorus	ISO 11263:1994 for spectrometric determination of phosphorus soluble in sodium hydrogen carbonate solution (P-Olsen)		YES
- Concentration of heavy metals in soil: As, Sb, Cd, Co, Cr (total), Cr (VI), Cu, Hg, Pb, Ni, Tl, V, Zn - Concentration of a selection of organic contaminants defined by Member States and taking into account existing EU legislation (e.g. on water quality or pesticides)	Potential environmental available content of heavy metals in soils based on ISO 17586:2016 using dilute nitric acid.	Use European or International standards when available; if such standard is not available, the methodology chosen shall either be available in the scientific literature or publicly available	YES N/A
Soil water holding	Methodology to determine the value for one sample	Minimum criteria for estimating the total soil water	YES (for point

15 As defined in the FAO Guidelines for Soil Description, Chapter 5 (https://www.fao.org/3/a0541e/a0541e.pdf)

16 Equivalent according to the EEA report: Soil monitoring in Europe – Indicators and thresholds for soil health assessments — European Environment Agency (europa.eu)

capacity	point: Option 1: LABORATORY: ISO 11274:2019 for determination of the water-retention characteristic. Option 2: ESTIMATION: apply methodology described in the scientific article "New generation of hydraulic pedotransfer functions for Europe"[17] based on texture (or particle size distribution) and soil organic carbon.	holding capacity of a soil district on a river basin or sub-basin scale: - for the area of land not taken estimate the total value of soil water holding capacity - for the area of land taken, consider setting the water holding capacity of impervious areas to zero, attributing proportionately intermediate values to semi-impervious and other artificial areas.	value)
Nitrogen in soil	ISO 11261:1995 for determination of total soil nitrogen using a modified Kjeldahl method		YES
Soil acidity	ISO 10390:2005 for determination of pH in H2O and CaCl2 extract (pH-H2O and pH-CaCl2)		YES
Bulk density in "topsoil" (A-horizon[18])	ISO 11272:2017 for determination of dry bulk density		YES
Soil basal respiration Member States may also select optional soil biodiversity descriptors such	Follow indications described in the scientific article "Microbial biomass and activities in soil as affected by frozen and cold storage"[20]		YES

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18 As defined in the FAO Guidelines for Soil Description, Chapter 5 (https://www.fao.org/3/a0541e/a0541e.pdf)

as: -Metabarcoding[19] of bacteria, fungi, protists and animals; - Abundance and diversity of nematodes; - Microbial biomass; - Abundance and diversity of earthworms (in cropland)		Use European or international standards when available; if such standard is not available, the methodology chosen shall either be available in the scientific literature or publicly available.	For other soil biodiversity descriptors: N/A

Part C: minimum methodological criteria for determining the values of land take and soil sealing indicators

- For land take, reverse land take and net land take, the methodologies used should comply with the definitions set in Article 3 and Annex I.

- Soil sealing shall be expressed as a percentage of sealed area per total area.

- The methodologies chosen shall either be available in the scientific literature or publicly available.

[20] https://www.sciencedirect.com/science/article/abs/pii/S0038071797001259

[19] Sequencing of DNA barcodes for measuring taxonomical and functional diversity of archaea, bacteria, fungi and other eukaryotes as was done for LUCAS Soil Biodiversity based on https://doi.org/10.1111/ejss.13299

EP MANDATE:

Part A: General methods so sample soil biodiversity and soil ecological functions

Activity	*Reference criteria for methodology*
Soil ecological monitoring	*The aim shall be to use a simple soil sampling protocol that can standardise soil ecological sampling across Member States and that is applicable to all Tier 1 and Tier 2 ecological soil descriptors (soil ecological functions, soil biodiversity and soil habitat descriptors) with the exception of soil fauna descriptors.* *Following the sampling protocol adopted for SoilBON, considering a homogeneous square area of 30x30 meters, establish nine subsamples matching the corners of the squares, its centre, and the intermediate points. Using a metal soil corer or similar, extract the soil with a volume of 5 cm diameter and 10 cm depth. Soil depth can be increased to 30 cm, but the first (up to 10 cm) and second layer should be separated.*
Soil fauna monitoring	*For earthworms: hand sorting using protocols according to the sampling protocol laid out in Briones et al. 2020.* *For nematodes: following the criteria established in the standard SoilBON sampling protocol.* *For Collembola and mites: following the protocols established in Potapov et al. 2022.*
Other point-based soil descriptors	*Member States shall use the LUCAS Soil methodology as a reference for soil sampling.*

Part B: Methodology for determining or estimating the values of soil descriptors

When a reference methodology is set, either the reference methodology is used or another methodology, provided that it is available in the scientific literature or publicly available and a validated transfer function is available.

Soil descriptor	***Reference methodology***	***Minimum methodological criteria***	***Validated transfer function required (if using a methodology different from the reference methodology)***
Soil texture (clay, silt and sand content – needed for the	***Preferred method: ISO 11277:1998 Determination of particle size distribution in***		***YES***

determination of other descriptors and related ranges)	***mineral soil material – Method by sieving and sedimentation*** ***Alternative method: ISO13320:2009 Particle size analysis – Laser diffraction methods***		
Electrical Conductivity	***Option 1: saturated soil paste extract (eEC) measurement method (FAO SOP: GLOSOLAN-SOP-08[6])*** ***Option 2: ISO 11265:1994 Determination of The Specific Electrical Conductivity;***		***YES***
Soil erosion rate		***Soil erosion rate estimation shall take into account all actions taken to mitigate or compensate the erosion risk, including post-fire mitigation measures.*** ***Soil erosion rate estimation shall include all relevant erosion processes such as erosion by water, wind, harvest and tillage.*** ***Soil erosion by water shall be assessed by considering the following factors:*** - ***soil characteristics (e.g. erodibility, soil crusting, soil roughness),*** - ***climate (e.g. rainfall erosivity – intensity and duration, considering relevant climate change projections for a given area),*** - ***topography (e.g. slope steepness and length),*** - ***vegetation cover, crop and forest type, land use and management practices to control or reduce erosion,*** - ***management practices (e.g. cover crops, reduced tillage, mulching, etc.),*** - ***burned areas.***	***N/A***

		Soil erosion by wind shall be assessed by considering the following factors: - ***soil characteristics (e.g. erodibility),*** - ***climate (e.g. soil moisture, wind speed, evaporation),*** - ***vegetation (e.g. crop type),*** - ***management practices to control or reduce erosion (e.g. wind breaks),*** - ***burned areas***	
Soil Organic Carbon (SOC)	***ISO 10694:1995 Determination of organic and total carbon after dry combustion***		***YES***
Bulk density in subsoil or equivalent[7] parameter chosen by Member States	***ISO 11272:2017 for determination of dry bulk density*** ***In case an equivalent parameter is chosen, the methodology shall be either a European or International standard when available; if such standard is not available, the methodology chosen shall either be available in the scientific literature or publicly available.***		***YES***
Extractable phosphorus	***ISO 11263:1994 for spectrometric determination of phosphorus soluble in sodium hydrogen carbonate solution (P-Olsen)***		***YES***
- Concentration of heavy metals in soil: As, Sb, Cd, Co, Cr (total), Cr (VI), Cu, Hg, Pb, Ni, Tl, V, Zn ***- Concentration of a selection of organic contaminants defined by Member***	***Potential environmental available content of heavy metals in soils based on ISO 17586:2016 using dilute nitric acid.***	***Use European or International standards when available; if such standard is not available, the methodology chosen shall either be available in the***	***YES*** ***N/A***

States and taking into account existing EU legislation (e.g. on water quality or pesticides) ***- Pesticide and biocides residues, veterinary products*** ***- PFAS***		***scientific literature or publicly available***	
Soil water-holding capacity	***Methodology to determine the value for one sample point:*** ***Option 1: LABORATORY: ISO 11274:2019 for determination of the water-retention characteristic.*** ***Option 2: ESTIMATION: apply methodology described in the scientific article "New generation of hydraulic pedotransfer functions for Europe" based on texture (or particle size distribution) and soil organic carbon.***	***Minimum criteria for estimating the total soil water-holding capacity of a soil district on a river basin or sub-basin scale:*** - ***for the area of land not taken estimate the total value of soil water holding capacity*** - ***for the area of land taken, consider setting the water-holding capacity of impervious areas to zero, attributing proportionately intermediate values to semi-impervious and other artificial areas.***	***YES***
Nitrogen in soil	***ISO 11261:1995 for determination of total soil nitrogen using a modified Kjeldahl method***		***YES***
Soil acidity	***ISO 10390:2005 for determination of pH in H2O and CaCl2 extract (pH-H2O and pH-CaCl2)***		***YES***
Bulk density in "topsoil"	***ISO 11272:2017 for determination of dry bulk density***		***YES***
Nutrient cycling	***For nitrogen mineralization, air-dried soil samples are re-wetted to reach 80% of their water holding capacity and incubated in the laboratory for 14 days at 30ºC. The potential net N***		***YES***

	mineralization rate is estimated as the difference between initial and final inorganic N. The availability of soil nutrients is calculated using root simulators, available N and P is determined by using a colorimetric determination based on the reaction with ammonium molybdate.		
Soil aggregation	***These soil descriptors are reported as water-stable soil aggregates assessed by determining the resistance of soil aggregates against water as a disintegrating force, by applying an approach modified from Kemper and Rosenau (1986). The resulting index represents the percentage of water-stable aggregates with a diameter smaller than 4 mm. Additionally, debris (i.e., coarse matter) will be separated from the water-stable fraction to correctly determine the water-stable aggregates (WSA) fraction of the sample: %WSA=(water stable fraction-coarse matter)/(4 g-coarse matter).***		***YES***
Enzymatic activity	***Follow the indications described in Zeiss et al., 2022***		***YES***
Soil respiration	***Follow indications described in the scientific article "Microbial biomass and activities in soil as affected by frozen and cold storage"[8]***		***YES***
Litter decomposition		***Use European or international standards when available; if such standard is not available, the methodology chosen shall either be available in the***	***N/A***

		scientific literature or publicly available.	
Soil biomass	***Follow the indications described in Guerra et al., 2021, Briones et al. 2020, and Potapov et al. 2022***		***YES***
Community traits of roots	***Follow the indications described in Guerra et al., 2021***		***YES***
Taxonomic diversity	***Follow the indications described in Guerra et al., 2021***		***YES***
Population abundance	***Follow the indications described in Guerra et al., 2021***		***YES***
Intraspecific genetic diversity	***Follow the indications described in Guerra et al., 2021***		***YES***
Soil structure	***Granulometric analysis is performed on sieved soil (Ø < 2 mm), after the destruction of the organic matter with H2O2. The dispersion is carried out with a solution of hexametaphosphate/sodium carbonate and stirred for 16 hours. The granulometric fractions considered are those recommended by the International Union of Soil Science (Atterberg Scale), which are coarse sand (2 > Ø > 0.2 mm), fine sand (0.2 > Ø > 0.02 mm), silt (0.02 > Ø > 0.002 mm) and clay (Ø < 0.002 mm). The coarse sand fraction is determined by sieving, the silt and clay fractions are determined by sedimentation and pipetting using a Robinson pipette and the fine sand by sedimentation and decantation. Sedimentation times are calculated using the Stokes Law.***		***YES***

[6] ***https://www.fao.org/3/cb3355en/cb3355en.pdf***
[7] ***Equivalent according to the EEA report: Soil monitoring in Europe – Indicators and thresholds for soil health assessments — European Environment Agency (europa.eu)***
[8] ***https://www.sciencedirect.com/science/article/abs/pii/S0038071797001259***

Part C: minimum methodological criteria for determining the values of land take and soil sealing indicators

- For land take, reverse land take and net land take, the methodologies used should comply with the definitions set in Article 3 and Annex I.

- Soil sealing shall be expressed as a percentage of sealed area per total area.

- The methodologies chosen shall either be available in the scientific literature or publicly available.

COUNCIL MANDATE:

Part A: Methodology for determining sampling points **and for the sample survey**

Activity	**Minimum criteria for methodology**
1. Determination of soil sampling points (sample survey) **for soil health assessment**	The sample survey shall be designed from a complete sample frame containing the best available information on the soil properties distribution, including but not limited to information resulting from […] **relevant** […] measurements **pursuant to Article 8 paragraphs 2 and 2a** […]. The sampling scheme shall be a stratified random sampling optimised on the **best available information on the variability of** soil health descriptors **and the stratification shall be based on the soil units established in accordance with Article 4(2)**. **Sampling points related to measurements referred to in Article 8 paragraph 2a may be taken into account partly or completely in the sampling scheme, regardless of their associated design.** The **number and location** of the […] **sampling points** shall […] **represent the variability of the chosen soil descriptors within the soil units with** a maximum percent error (or Coefficient of Variation) of 5% […]. […] The allocation and size of the sample shall be determined by applying **appropriate procedures (e.g.** the Bethel algorithm **-** Bethel, 1989[21]**) able to** account for the required maximum estimation error. **The sample survey designed by the Member States for each monitoring cycle may change or remain the same.** **The determination of soil sampling points is further detailed in application of Article 23a.**
2. Field sample survey	**Exact sampling locations should be sampled unless duly justified circumstances prevent sampling the locations, such as soil saturated with water or a high level of rock content.** **When soil composite samples are taken, they shall be**

[21] Bethel, J. 1989. "Sample Allocation in Multivariate Surveys." Survey Methodology 15: 47–57.

	a mixture of at least 5 subsamples. **When sampling soil in non-forested areas, residues and organic debris should be removed from the surface.** **When sampling soil in forested areas, the forest floor, if relevant subdivided in litter and organic layer, should be sampled separately and their thickness and weight should be recorded.** **When taking samples or subsamples for the composite sample, they should be taken to a depth of at least 30 cm of soil. Information such as soil type and if possible genetic soil horizons should be recorded. Subsamples should be mixed together in order to get a homogeneous composite sample. Sampling can be done by fixed depth or by horizon, but data shall be reported by fixed depth.** **Bulk density samples should be undisturbed samples taken at the relevant depth, including below 30 cm for subsoil. Samples related to soil compaction (saturated hydraulic conductivity and air capacity) may be the same undisturbed samples than the ones taken for bulk density. Where high content of coarse fragments in soil prevents sample taking, sampling may be excluded in that location for measuring bulk density.** **The field sample survey is further detailed in application of Article 23a, including on how to handle specific situations such as shallow soils and different sampling depths.**

Part B: Methodology for determining or estimating the values of soil descriptors

When a reference methodology is set, either the reference methodology **or an equivalent methodology** is used or another methodology, provided that it is available in the scientific literature or publicly available and a validated transfer function is available.

If a CEN methodology is available, it is preferred over the reference methodology. In this case the initial reference methodology is considered as an equivalent methodology.

Soil descriptor	**Reference methodology**	**Minimum methodological criteria**	**Validated transfer function required (if using a methodology**

			different from the reference methodology)?
Soil texture (clay, silt and sand content – needed for the determination of other descriptors and related ranges)	[…] ISO 11277 […] Determination of particle size distribution in mineral soil material – Method by sieving and sedimentation […]		YES
Electrical Conductivity	**Option 1: ISO 11265 Determination of The Specific Electrical Conductivity;** Option […] **2**: saturated soil paste extract (eEC) measurement method (FAO SOP: GLOSOLAN-SOP-08[22]) […]		YES
Soil erosion rate		Soil erosion rate estimation shall take into account all actions taken to mitigate or compensate the erosion risk, including post-fire mitigation measures. Soil erosion rate estimation shall include all relevant erosion processes such as erosion by water, wind, harvest and tillage. Soil erosion by water shall be assessed by considering the following factors: - soil characteristics (e.g. erodibility, soil crusting, soil roughness**,** **stoniness**),	N**ot applicable** […]

[22] https://www.fao.org/3/cb3355en/cb3355en.pdf

		- climate (e.g. rainfall erosivity – intensity and duration […]), - topography (e.g. slope steepness and length), - vegetation cover, crop type, land use and management practices to control or reduce erosion, - management practices (e.g. cover crops, reduced tillage, mulching, etc.), - burned areas. Soil erosion by wind shall be assessed by considering the following factors: - soil characteristics (e.g. erodibility), - climate (e.g. soil moisture, wind speed, evaporation), - vegetation (e.g. crop type), - management practices to control or reduce erosion (e.g. wind breaks). **Soil erosion by management practices such as tillage or export of biomass shall be quantitatively assessed based on a methodology either available in the scientific literature or publicly available.**	
Soil Organic Carbon (SOC)	ISO 10694 […] Determination of organic and total carbon after dry combustion**, ensuring all carbon is incinerated.** **Carbon in carbonates should be determined**		YES

	using ISO 10693 and organic carbon should be expressed as difference.		
Soil Organic Carbon Stocks (SOC stocks)	**Methodology as set out in Annex V of Regulation 2018/1999 in accordance to the 2006 IPCC Guidelines for National Greenhouse Gas Inventories**		**YES**
Bulk density in subsoil […]	ISO 11272 […] for determination of dry bulk density In case an equivalent parameter is chosen, the methodology shall be either a European or International standard when available; if such standard is not available, the methodology chosen shall either be available in the scientific literature or publicly available.	**Methodology can be refined depending on the proportion of coarse fragments**	YES
Extractable phosphorus	**Preferred:** ISO 11263 […] for spectrometric determination of phosphorus soluble in sodium hydrogen carbonate solution (P-Olsen) **Other methods can be used as an alternative.**		YES
- Concentration of heavy metals in soil: As, Sb, Cd, Co, Cr (total), […] Cu, Hg, Pb, Ni, Tl, V, Zn - Concentration of a selection of organic	[…] **ISO 54321: Aqua Regia** **Optional: bioavailable fractions of contaminants, such as ISO 17586 using dilute nitric acid.**	Use European or International standards when	YES

contaminants defined by Member States and taking into account existing **Union** […] legislation (e.g. on water quality or pesticides)		available; if such standard is not available, the methodology chosen shall either be available in the scientific literature or publicly available	N**ot applicable if European or International standards are not available** […]
Soil water holding capacity**, air capacity and saturated hydraulic conductivity**	Methodology to determine the value for one sample point: **1) Soil water holding capacity and air capacity:** Option 1: LABORATORY: ISO 11274 […] for determination of the water-retention characteristic. Option 2: ESTIMATION: apply […] particle size distribution**, bulk density,** […] soil organic carbon **concentration**. **2) Saturated hydraulic conductivity:** **Option 1: LABORATORY: ISO 17313: Determination of hydraulic conductivity of saturated porous materials** **Option 2: ESTIMATION: apply pedotransfer functions requiring soil-specific input data such as particle size distribution, bulk density, soil organic carbon concentration.**	Minimum criteria for estimating the total soil water holding capacity**, the air capacity and the saturated hydraulic conductivity** of a soil **unit** […] **or** on a river basin or sub-basin scale: - for the area of **soils not sealed or destroyed,** […] estimate the total value of soil water holding capacity**, air capacity and saturated hydraulic conductivity** - for the area of […] **sealed and destroyed soils**, consider setting the water holding capacity**, air capacity and saturated hydraulic conductivity** of impervious areas to zero, attributing proportionately intermediate values to semi-impervious and other artificial areas.	YES (for point value)

Nitrogen in soil	**Option 1** ISO 11261 […] for determination of total soil nitrogen using a modified Kjeldahl method **Option 2** **ISO 13878: Determination of total nitrogen by dry combustion**		YES
Soil acidity	ISO 10390 […] for determination of pH in H2O**, KCl** and CaCl2 extract […]		YES
Base saturation and exchangeable concentrations of sodium, potassium, calcium, and magnesium	**ISO 11260: Determination of effective cation exchange capacity and base saturation level using BaCl2**		**YES**
Bulk density in "topsoil" (A-horizon[23])	ISO 11272 […] for determination of dry bulk density	**Methodology can be refined depending on the proportion of coarse fragments**	YES
[…] **Descriptors linked to soil biodiversity and biological activity** […]	[…]	Use European or international standards when available; if such standard is	[…] For other soil biodiversity descriptors: N**ot**

[23] As defined in the FAO Guidelines for Soil Description, Chapter 5 (https://www.fao.org/3/a0541e/a0541e.pdf)

		not available, the methodology chosen shall either be available in the scientific literature or publicly available.	**applicable** […]

Part C: minimum methodological criteria for determining the values […] **of the soil sealing and soil destruction indicators**

[…]

- For the soil sealing and soil destruction indicators, the methodologies used shall comply with the definitions set out in Article 3 and Annex I. Such methodologies shall make use at least of the Copernicus products or, preferably, best available data including remote sensing images, which shall be supplemented with relevant national inventories.

- For the settlement area indicator, Member states may use data collected under Regulation (EU) 2018/841, provided that such data are reported at district level.

[…]

- The methodologies chosen shall either be available in the scientific literature or publicly available.