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From: General Secretariat of the Council
To: Delegations

Subject: Directive on soil health: Protecting, sustainably managing and restoring EU soils - Agricultural aspects
- *Exchange of views*

With a view to the meeting of the Council (Agriculture and Fisheries) on 18 of September 2023, delegations will find in the Annex a background document on the above-mentioned subject including questions to frame the ministerial debate.

European Commission proposal for a soil monitoring law
(Directive on soil monitoring and resilience)

On 17 November 2021, the European Commission presented, as part of the EU biodiversity strategy for 2030, a **new EU soil strategy**. The strategy, encompassing non-legislative and legislative actions, aims to bring all EU soil ecosystems in good condition by 2050. One flagship initiative announced in the strategy is a new Soil Health Law to address transboundary impacts of soil degradation and achieve policy coherence at EU and national level. In its resolution of 28 April 2021 on soil protection, the European Parliament welcomed this initiative. The Council's environment configuration discussed the strategy during its meeting on 20 December 2021.

On 5 July 2023, the Commission tabled a proposal for a directive on soil monitoring and resilience ('**soil monitoring law**'), as part of a 'food and biodiversity' legislative package. The long-term objective of the proposed directive is to have all soils across the EU in healthy condition by 2050, as outlined in the soil strategy. To achieve this ambitious goal, the proposal provides a common definition of what constitutes a healthy soil, and lays down measures on monitoring and assessment of soil health, sustainable soil management, and remediation of contaminated sites. Under the proposed directive, Member States would be required to regularly monitor soil health and land take within 'soils districts' to be established throughout their territory. Based on the monitoring data collected, they would have to perform soil health assessments at least every 5 years, enabling them to decide on the regeneration measures needed. The proposal also requests Member States to identify, investigate, assess and remediate contaminated sites. Contaminated sites, and potentially contaminated sites, should be recorded in a national register, publicly accessible online. The proposal further includes an obligation to establish these measures in synergy with existing plans, programmes and targets required under other EU legislation. Member States may therefore decide to include the identified practices under national and European support mechanisms, such as the voluntary measures under the Common Agricultural Policy.

On 27 July 2023, the Commission presented its proposal and its impact assessment to the Council Working Party on the Environment which is competent for its examination together with the Committee of Permanent Representatives and the environment configuration of the Council. Further examination of the proposal by the Council Working Party on Environment is scheduled for autumn. In Parliament, the procedure is still in the preparatory phase. The ENVI Committee discussed in general the food and biodiversity package with the Commission on 6 July 2023.

Based on its impact assessment, the European Commission considers that ensuring the sustainable use of soils and their regeneration would help strengthen the resilience of European food and farming. Improving soil health would also be essential for disaster prevention and management. This is ever more important as climate-induced extreme weather events, such as droughts, floods and wildfires, are becoming a frequent reality in Europe. According to the Commission, the proposal will reduce the costs from soil degradation and of the decreased provision of ecosystem services caused by it. This cost, conservatively estimated at around €50 billion per year, is currently borne by the wider society, and especially by farmers and other landowners. Soil erosion causes a yearly agricultural productivity loss of €1.25 billion per year in the EU. The increased uptake of sustainable management practices will maintain or improve soil fertility, productivity and yields, and can reduce costs through the increased availability of ecosystem services and need for less inputs.

The Commission also notes that farmers will be provided with data and knowledge on the state of their soil, so that they can take informed action to improve the health of their soils. The proposal includes several elements through which Member States can help farmers identify the most suitable practices for their specific circumstances. These include the identification of sustainable management practices, access to financial instruments to support the implementation of sustainable soil management, and easy access to advice, training activities and capacity building, among others, through the Horizon Europe's Mission 'A Soil Deal for Europe'. In addition, the voluntary option for farmers to have their soil health certified – through a certification scheme that will be developed in synergy with the carbon removal certification – will also bring benefits and new opportunities, as they can be rewarded by the market for good soil stewardship, and receive financial support or incentives.

Undoubtedly, the proposal is very important for the Union's agricultural sector. It sets out certain principles to be respected by Member States when defining sustainable soil management and regeneration measures with a view to achieve healthy soils in the EU by 2050, but does not define specific management practices to be applied or banned. These practices should instead be adapted at national level by the Member States, taking into consideration the specific local, climatic and socio-economic conditions, the prevailing land uses and soil types, and the existing knowledge on what works best for their territory and farmers.

In view of the above, the Presidency considers it useful to conduct an exchange of views on the proposal at the level of the agricultural configuration of the Council too, after hearing a presentation by Commissioner Sinkevičius. The discussion will be based on the following questionnaire:

- 1. Which challenges do you envisage in establishing the proposed soil health monitoring framework in your country?***
- 2. Could you share with us any experiences in implementing sustainable soil management principles? How can farmers take advantage of the relevant soil information that the implementation of this Directive will generate?***

The results of this political discussion will be transmitted by the Presidency of the Council's Agriculture configuration to the Presidency of the Council's Environment configuration and its preparatory bodies, in order to be considered during the examination of the above proposal.