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PUBLIC

NOTE

From:	General Secretariat of the Council
To:	Delegations
No. Cion doc.:	11566/23 + ADD 1 - COM(2023) 416 final + Annexes
Subject:	Proposal for a Directive of the European Parliament and of the Council on Soil Monitoring and Resilience (Soil Monitoring Law) - Preparation for the trilogue

I. INTRODUCTION

1. On 5 July 2023, the Commission transmitted to the European Parliament and the Council the proposal for a Directive on Soil Monitoring and Resilience (Soil Monitoring Law). The Commission presented its proposal and the accompanying impact assessment to the Working Party on Environment (WPE) on 27 July (videoconference) and on 6 October 2023.

2. The proposal aims to put the EU on a pathway to healthy soils by 2050. It makes soil health monitoring obligatory, initiates the gradual implementation of sustainable soil management and addresses situations of unacceptable health and environment risks due to soil contamination. It is part of a larger legislative package on "Ensuring resilient and sustainable use of EU's natural resources". The proposal is in line with the 2021 EU Soil Strategy, an important component of the European Green Deal and of the EU Biodiversity Strategy for 2030 for tackling the climate and biodiversity crises.

3. In the European Parliament, the file was referred to the Committee on the Environment, Public Health and Food Safety (ENVI), which appointed Martin Hojsik (Renew, Slovakia) as rapporteur. The European Parliament (EP) adopted its position on 10 April 2024. The new EP voted in favor of opening negotiations with the Council, with Mr. Hojsik remaining a rapporteur, on 21 October 2024.

4. The European Economic and Social Committee delivered its opinion on 25 October 2023, and the Committee of the Regions on 19 June 2024.

5. The proposal was discussed at Agriculture and Fisheries Council on 18 September 2023 and an exchange of views was held at the Environment Council on 18 December 2023. At working party level, the proposal was discussed during the Spanish and Belgian Presidencies in a number of meetings of the Working Party on the Environment. The Council (Environment) approved its General Approach (GA) on 17 June 2024.

II. STATE OF PLAY OF THE NEGOTIATIONS

6. The interinstitutional negotiations started in Strasbourg on 22 October 2024. Since then, the proposal has been discussed in nine technical meetings between the representatives of the European Parliament, the Council and the Commission.

7. The Presidency informed the delegations on the state of play of the negotiations at the meeting of the Working Party on the Environment (attachés) on 29 November 2024, and a number of compromise proposals were discussed by the Working Party on 4 December 2024. Based on the WPE discussion and bilateral talks with Member States, the Presidency prepared a revised mandate for the second trilogue, scheduled on 12 December 2024.

8. In view of the trilogue, the Presidency has prepared an updated 4-column table, which can be found in the Annex to this note. The last right column indicates the Presidency's suggested positions and flexibilities on the rows still under discussions with the EP (marked in yellow). The rows marked in green indicate the text provisionally agreed at technical level.

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III. PRESIDENCY SUGGESTIONS IN VIEW OF THE TRILOGUE

9. During the technical discussions the EP has indicated a number of possible concessions towards the Council. In particular, the EP could accept the text of General Approach (GA) on the administrative soil monitoring framework (with soil units), the GA's concept on the harmonized but flexible sampling design and on the monitoring and soil health assessment based on sustainable target values and trigger values design (instead of 5 ecological status classes and 3 tiers). The EP also showed flexibility on the Council's approach on contaminated sites. In exchange the EP seeks the Council's flexibility on some of the EP's proposals. Therefore, in view of the trilogue, the Presidency proposes a revised mandate as set out below:

a) A compromise package related to the soil monitoring framework and assessment of soil health (Articles 4-9, Annexes I and II, rows 104-170)

The EP's objective is to ensure interoperability and comparability of the monitoring and soil health assessment systems, to be ensured by double sampling and the Commission verification of the thresholds set by Member States. Maintaining LUCAS Soil Observatory ("LUCAS") and including additional descriptors (biodiversity and some contaminants) as well as obligatory soil sample archives are also the EP's priorities. Based on the discussions with MS, the Presidency understands the solutions proposed by the EP would be difficult and costly to implement, some without a clear added value. The Presidency therefore proposes an approach as close as possible to the Council's mandate, making sure that any additional obligations and tasks linked to the monitoring and assessment do not result in additional administrative and financial burden for Member States and that the national monitoring frameworks are not affected. In order to move towards the EP's position, the Presidency suggests the following compromise package:

- recognition of LUCAS in Article 6(6a) (row 130c);
- the structure of Annex I as in GA;

- a small percentage of double sampling (max 10%) done by LUCAS for those MS who are assisted by the Commission;
- a stronger indicative watchlist which would include a selection of pesticides and PFAS and could be taken into account by MS when setting the values for the soil contamination descriptor (new Art 7a, row 139a)
- strengthened communication between MSs and the Commission on their threshold and trigger values as regards soil descriptors in Annex I;
- a review clause mandating the Commission to assess the scientific feasibility of inclusion of the descriptors for biodiversity and some contaminants (PFAS, pesticides) in the directive, to be monitored by LUCAS or other relevant monitoring mechanisms;
- soil sample archives for a small % (max 10%) of samples done by LUCAS, to be stored by the Commission's Joint Research Centre;
- introduction of 3 classes based on the trigger and target values of the GA for individual descriptors.

b) *A compromise package related to sustainable soil management principles and land take (Article 10, 10a, Article 11 and recitals 30ca and 30e, Articles 7(4a) and 9(4) Article 3(1), Annex III, rows 172-192b, 40c, 40e, 138a, 167a, 78, 328-342)*

The EP objective regarding this package is to ensure that Member States do not impose additional obligations on landowners and land managers without appropriate funding and that the directive does not negatively portray the mining sector or makes permitting procedures for certain projects more cumbersome. Aware of the sensitivity of this issue for both institutions and taking into account MS feedback, the Presidency proposes to stay firm on maintaining General Approach on land take (Article 11) and move towards the EP on sustainable soil management (Article 10). In particular, the Presidency suggests softening the language in Article 10 and replace "sustainable soil management" with "improvement of soil resilience", with a new definition. The toolbox, with elements from Annex III, could also be considered. The Presidency also suggests softening the language regarding measures linked to trigger values in Articles 7 and 9.

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To address the concerns of the EP on Article 11 without modification of the main text the Presidency proposes to provide additional clarifications and assurances in the relevant recitals (30ca and 30e). In addition, the Presidency suggests replacing "soil destruction" by another, more neutral term, such as "soil removal".

c) *A compromise package on contaminated sites (Article 3(10), Articles 12-16, rows 87, 193-228)*

The EP showed flexibility on most of the Council's proposals, but requested in exchange a broader public participation in the process related to contaminated sites and setting of the maximum tolerable values by the Commission. The EP also agreed to drop a broader scope of definition of contaminated sites in exchange of a strengthened watchlist in Article 7 (see the package in point a)). To move towards the EP the Presidency proposes to have a broader public participation in Article 12 (row 202) and a requirement for Member States to inform the Commission on their approach on contaminated sites under Article 18 on reporting.

IV. CONCLUSION

10. The Permanent Representatives Committee is invited to examine the Presidency proposals for a Council position as set out in the last right column of the attached text and to give the Presidency a mandate to continue negotiations with the European Parliament based on that text at the next trilogue scheduled on 12 December 2024.

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

2023/0232(COD)

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
Formula						
1	2023/0232 (COD)	2023/0232 (COD)	2023/0232 (COD)	2023/0232 (COD) Text Origin: Commission Proposal		
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) Text Origin: Commission Proposal		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 EUROPEAN PARLIAMENT AND	THE EUROPEAN PARLIAMENT AND	THE EUROPEAN PARLIAMENT AND		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	THE COUNCIL OF THE EUROPEAN UNION,	THE COUNCIL OF THE EUROPEAN UNION,	THE COUNCIL OF THE EUROPEAN UNION,	THE COUNCIL OF THE EUROPEAN UNION, Text Origin: Commission Proposal		
Citation 1						
G 4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof, Text Origin: Commission Proposal		G
Citation 2						
G 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,	Having regard to the proposal from the European Commission, Text Origin: Commission Proposal		G
Citation 3						
G 6	After transmission of the draft legislative act to the national	After transmission of the draft legislative act to the national	After transmission of the draft legislative act to the national	After transmission of the draft legislative act to the national		G

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	parliaments,	parliaments,	parliaments,	parliaments, Text Origin: Commission Proposal		
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. .	Having regard to the opinion of the European Economic and Social Committee[1], _____ 1. OJ C , , p. . Text Origin: Commission Proposal		
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. .	Having regard to the opinion of the Committee of the Regions[1], _____ 1. OJ C , , p. . Text Origin: Commission Proposal		
Citation 6						
9	Acting in accordance with the ordinary	Acting in accordance with the ordinary	Acting in accordance with the ordinary	Acting in accordance with the ordinary		

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	legislative procedure,	legislative procedure,	legislative procedure,	legislative procedure, Text Origin: Commission Proposal		
Formula						
10	Whereas:	Whereas:	Whereas:	Whereas: Text Origin: Commission Proposal		
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	(2) Healthy soils are in good chemical, biological and physical condition so that they can provide ecosystem services	(2) Healthy soils are in good chemical, biological and physical condition so that they can provide ecosystem services			

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	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 continue to deteriorate.	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 that*** 60 to 70 % of the soils in the Union are deteriorated and continue to deteriorate.	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~~ **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,**			

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			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			

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			a balance between these two types of soil 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,**			

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			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 makes sound economic sense and can significantly increase the price and value of the land in the Union.	(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*~~***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***	(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 makes sound economic sense and can significantly increase the price and value of the land in the Union.			

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		top soil, while the degradation process and complete loss of soil can happen rapidly.				
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	(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	(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	(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		

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	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 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)	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 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)	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 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)	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 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)		

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	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.	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.	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.	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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				Text Origin: Commission Proposal		
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	(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	(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	(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		

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	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	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	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	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 Text Origin: Commission Proposal		
Recital 6						
G 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 Parties on the "Kunming-Montreal Global Biodiversity Framework" (GBF)[2]	(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 Parties on the "Kunming-Montreal Global Biodiversity Framework" (GBF)[2]	(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 Parties on the "Kunming-Montreal Global Biodiversity Framework" (GBF)[2]	(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 Parties on the "Kunming-Montreal Global Biodiversity Framework" (GBF)[2]		G

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	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.	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.	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.	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. Text Origin: Commission Proposal		
Recital 7						
17	(7) The Union and its Member States, as Parties to the UN Convention to	(7) The Union and its Member States, as Parties to the UN Convention to	(7) The Union and its Member States, as Parties to the UN Convention to	(7) The Union and its Member States, as Parties to the UN Convention to		

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	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. _____ 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.	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. _____ 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.	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. _____ 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.	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. _____ 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. Text Origin:		

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				Commission Proposal		
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.	(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. Text Origin: Commission Proposal		
Recital 9						
19	(9) The EU Biodiversity Strategy for 2030 states that it is essential to step up	(9) The EU Biodiversity Strategy for 2030 states that it is essential to step up	(9) The EU Biodiversity Strategy for 2030 states that it is essential to step up	(9) The EU Biodiversity Strategy for 2030 states that it is essential to step up		

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	efforts to protect soil fertility, reduce soil erosion and increase soil organic matter by 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.	efforts to protect soil fertility, reduce soil erosion and increase soil organic matter by 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.	efforts to protect soil fertility, reduce soil erosion and increase soil organic matter by 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.	efforts to protect soil fertility, reduce soil erosion and increase soil organic matter by 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. Text Origin: Commission Proposal		
Recital 10						
G 20	(10) The EU Soil Strategy for 2030 sets the long-term vision that by 2050, all EU soil ecosystems are in	(10) The EU Soil Strategy for 2030 sets the long-term vision that by 2050, all EU soil ecosystems are in	(10) The EU Soil Strategy for 2030 sets the long-term vision that by 2050, all EU soil ecosystems are in	(10) The EU Soil Strategy for 2030 sets the long-term vision that by 2050, all EU soil ecosystems are in		G

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	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.	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.	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.	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. Text Origin: Commission Proposal		
Recital 11						
21	(11) Funding is vital to enable a transition to healthy soils. The Multiannual Financial Framework presents several funding opportunities	(11) Funding is vital to enable a transition to healthy soils. The Multiannual Financial Framework presents several funding opportunities	(11) Funding is vital to enable a transition to healthy soils. The Multiannual Financial Framework presents several funding opportunities			

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	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	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	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			

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	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 and InvestEU.	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 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***	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 and InvestEU.			

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		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.				
Recital 12						
22	(12) The Soil Strategy for 2030 announced that the Commission would table a legislative	(12) The Soil Strategy for 2030 announced that the Commission would table a legislative	(12) The Soil Strategy for 2030 announced that the Commission would table a legislative			

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	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 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	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 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	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 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			

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	sustainable use of soil, addressing all major soil threats. _____ 1. European Parliament resolution of 28 April 2021 on soil protection (2021/2548(RSP)).	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)).	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							

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G 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.	(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. Text Origin: Commission Proposal		G
Recital 14						
G 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	(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	(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	(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		G

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	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 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	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 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	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 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	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 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		

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	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.	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.	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.	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.		

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				Text Origin: Commission Proposal		
Recital 15						
25	(15) The Commission's Communication on adaptation to climate change[1] underlined that 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,	(15) The Commission's Communication on adaptation to climate change[1] underlined that 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,	(15) The Commission's Communication on adaptation to climate change[1] underlined that 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,	(15) The Commission's Communication on adaptation to climate change[1] underlined that 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,		

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	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.	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.	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.	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. Text Origin: Commission Proposal		
Recital 16						
G 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.	(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. Text Origin: Commission Proposal		G

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Recital 17							
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.	(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. Text Origin: Commission Proposal			
Recital 18							

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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 health and to ensure food security and safety.	(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.			
Recital 19						
29	(19) Soils host more than 25% of all biodiversity and are the second largest carbon pool of the	(19) Soils host more than 25% of all biodiversity and are the second largest carbon pool of the	(19) Soils host more than 25% of all biodiversity and are the second largest carbon pool of the			

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	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).	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).	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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		intimately connected and interact through mutualistic relationships (e.g. mycorrhizal fungi that connect plant roots).				
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***	**(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**			

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		contributing to climate change mitigation.	**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 Europe. The concern for droughts and water scarcity is rapidly increasing across the Union. In	(20) Floods, wildfires and extreme weather events are natural disaster risks of the highest concern across Europe. The concern for droughts and water scarcity is rapidly increasing across the Union. In	(20) Floods, wildfires and extreme weather events are natural disaster risks of the highest concern across Europe. The concern for droughts and water scarcity is rapidly increasing across the Union. In	(20) Floods, wildfires and extreme weather events are natural disaster risks of the highest concern across Europe. The concern for droughts and water scarcity is rapidly increasing across the Union. In		

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	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	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	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	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		

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	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 in the Union between 1980 and 2021.	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 in the Union between 1980 and 2021.	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 in the Union between 1980 and 2021.	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 in the Union between 1980 and 2021. Text Origin: Commission Proposal		
Recital 21						
G 31	(21) Soil health contributes directly to human health and well-being. Healthy soils provide safe and nutritious food, and have the ability to	(21) Soil health contributes directly to human health and well-being. Healthy soils provide safe and nutritious food, and have the ability to	(21) Soil health contributes directly to human health and well-being. Healthy soils provide safe and nutritious food, and have the ability to	(21) Soil health contributes directly to human health and well-being. Healthy soils provide safe and nutritious food, and have the ability to		G

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	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.	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.	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.	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. Text Origin: Commission Proposal		
Recital 21a						
31a		***(21a)*** ***Per- and***				

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		polyfluoroalkyl substances (PFAS) have been frequently observed to contaminate groundwater, surface water as well as soil. They can 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	(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	(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			

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	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.	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.***	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						
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	(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	(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			

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	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	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-***	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~~			

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	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 thereof, and will propose a review of the directive if necessary to accelerate progress towards 2050.	***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 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	**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 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.			

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		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***.				
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	(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***	(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**	Text Origin: Commission Proposal		

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	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	***pedoclimatic conditions and soil variety on their whole territory***. Soil districts should constitute the basic 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	**degree of homogeneity of those characteristics, for the monitoring and assessment of 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~~			

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	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).	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 COM(2022) 672 final and insert the number, date,~~	~~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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		~~*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]. ~~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).~~			
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**			

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			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 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			

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			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			

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			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. _____ **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**			

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			(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***				

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		registered as 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***	(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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		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.				
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**			

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			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						
G 36	(26) In order to have a common definition of healthy soil condition, there is a	(26) In order to have a common definition of healthy soil condition, there is a	(26) In order to have a common definition of healthy soil condition, there is a	(26) In order to have a common definition of healthy soil condition, there is a		G

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	need to define a minimum common set of measurable criteria, which, if not respected leads to a critical loss in 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.	need to define a minimum common set of measurable criteria, which, if not respected leads to a critical loss in 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.	need to define a minimum common set of measurable criteria, which, if not respected leads to a critical loss in 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.	need to define a minimum common set of measurable criteria, which, if not respected leads to a critical loss in 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. Text Origin: Commission Proposal		
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	(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***	(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			

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	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 future.	***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 descriptors based on specific national or*~~	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 future.			

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		~~*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*~~				

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		~~*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 draft threshold values. The Commission should approve the threshold values, provided that its observations have been adequately taken into account.***					
Recital 27a							

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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,**			

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			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 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			

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			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			

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			sustainable target and operational trigger values.			
Recital 27a						
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.***				

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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 functions, while the remaining 80% of the sampling points are determined by the Member State, also for continuous monitoring and following the criteria***				

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		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				

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		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.				
Recital 28						
G	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	*deleted*	*deleted*	*deleted*		G

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	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. _____					

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	1. Directive (EU) 2018/2001 of the 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.			

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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 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**			

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			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	(30) Soil is a limited resource subject to an ever-growing competition for different uses. Land take is a process often	(30) Soil is a limited resource subject to an ever-growing competition for different uses. Land take is a process ~~often~~			

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	driven by economic development needs, that transforms natural and semi-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,	driven by economic development needs, that transforms natural and semi-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,	~~driven by economic development needs, that transforms~~**which causes a 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~~			

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	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.	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.	~~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~~			

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			~~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**			

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			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 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**			

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			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**			

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			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 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-**			

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			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			

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			perennial vegetation such as turf grass and garden plants, trees in rural settlements, homestead gardens and urban areas. In particular, this aspect of land 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			

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			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			

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			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 Regulation …/…[1]+ on the restauration of urban ecosystems, which reflects the need for Member States to maintain			

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			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**			

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			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 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			

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			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			

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			soils were selected to be monitored together with their 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**			

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			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			**(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**			

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			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.			

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Recital 30e second subparagraph						
40f			**These can cover a wide array of practices such as minimising soil sealing, de-sealing and renaturating previously sealed 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**			

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			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.			
Recital 31						
41	(31) The assessment of soil health based on the monitoring	(31) The assessment of soil health based on the monitoring	(31) The assessment of soil health based on the monitoring			

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	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	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	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.**			

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	that the objective has been achieved.	that the objective has been achieved. ***It is important that the soil monitoring methodology and framework include harmonised sampling criteria, including sampling depth.***	**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 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			

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			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**			

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			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 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***				

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		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 extracts and raw data				

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		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	(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	(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			

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	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 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.	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 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***	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 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			

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		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	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).**			

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		compliance with applicable national or Union legislation.				
Recital 33						
43	(33) The Commission is developing remote sensing services in the context of Copernicus as a 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	(33) The Commission is developing remote sensing services in the context of Copernicus as a 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	(33) The Commission is developing remote sensing services in the context of Copernicus as a 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**			

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	should support exploring and developing soil remote sensing products, to assist the Member States in monitoring the relevant soil descriptors.	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.***	**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						

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44	(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	(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	(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			

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	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.	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 relevant soil data collected by Member States or any other party (and in particular data resulting from projects under	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 Parliament and of the Council of 13 December 2023 on harmonised rules on fair access to and use**			

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		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.	**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			

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			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.			
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***	(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			

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		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.***	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**			

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			management system of ICP Forests, could be used.			
Recital 35a						
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**			

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			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.			

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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**			

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			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 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			

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			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	(37) To maintain or enhance soil health, soils need to be managed sustainably. Sustainable soil management will	(37) To maintain or enhance soil health, soils need to be managed sustainably. Sustainable soil management will			

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	enable the long-term provision of soil services, including improved air and water quality and food security. It is therefore appropriate to lay down sustainable soil management principles to guide soil management practices.	enable the long-term provision of soil services, including improved air and water quality and food security. It is therefore appropriate to lay down ***non-binding*** sustainable soil management principles to guide soil management practices.	enable the long-term provision of soil services, including improved air and water quality and food security. It is 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	(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	(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			

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	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 production to reflect these in the value of	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 other biomass producers that follow those principles in	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 production to reflect these in the value of			

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	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.	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.	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.				
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G 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 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	(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 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	(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 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	(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 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		G

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	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).	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).	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).	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). Text Origin: Commission Proposal		
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***				

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		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, 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	(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	(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			

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	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.	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.	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 measures, Member States should be required to take into account the outcome of the soil health assessment and to adapt those	(41) Regeneration brings degraded soils back to healthy condition. 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	(41) **Soil** regeneration ~~brings~~**and soil renaturation bring** degraded soils back to healthy condition. When defining soil regeneration measures, Member States should be required to take into account the outcome of the soil health			

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	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.	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.	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**			

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			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						
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	(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	(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			

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	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	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	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			

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	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	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 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	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			

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	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	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],	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			

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	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) …/… 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	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 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	management planning 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]**.			

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	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 restoration contained in document COM(2022) 304 and insert the number, date, title and OJ reference of that Regulation in the footnote	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	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 responsible for sustainable soil management and regeneration practices			

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	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,	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).	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			

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	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 (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,	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 (OJ L 156, 19.6.2018, p. 1). 8. Regulation (EU) 2018/842 of the European	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			

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	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).	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).	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			

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	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.	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 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.	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 contained in document COM(2022)305			

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			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	(43) Contaminated sites are the legacy of decades of industrial	(43) Contaminated sites are **often** the legacy of decades of			

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	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 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.	activity in the EU and may lead to 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	**activities such as** industrial **or military** 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**			

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		suspected based on new evidence.	**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 fact not contaminated. In that case, the site should no longer be labelled by the Member State as potentially~~			

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			~~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**			

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			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 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			

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			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**			

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			identify and investigate potentially contaminated sites 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	(44) To identify potentially	(44) To identify potentially			

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	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.	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.	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 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**			

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			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	(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***	(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			

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	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 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	***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 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	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 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**			

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	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.	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.	**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			

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			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.			
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	(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	(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			

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	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 children). The cost-benefit analysis of undertaking remediation should be	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 vulnerable populations such as pregnant women, persons with disabilities, elderly	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 that migrated to the groundwater** (e.g. exposure of vulnerable populations such as pregnant women,			

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	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	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,	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-~~			

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	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 Directive when those measures effectively reduce risks posed by contaminated sites.	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 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	~~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 Directive when those measures~~			

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		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.	~~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**			

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			undertaking investigation, site-specific risk assessment or remediation should be positive. For instance, for small-scale 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			

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			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 that adequate risk reduction measures including remediation are**			

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			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,			

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			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 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			

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			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**			

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			stringent approach for contamination caused after a certain pivot date. In case of contaminated sites for which no accountable party can be 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**			

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			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 measures that have been carried out on**			

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			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	(47) Measures taken pursuant to this Directive should also	(47) Measures taken pursuant to this Directive should also	(47) Measures taken pursuant to this Directive should also			

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	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. _____ 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.	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. _____ 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.	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. _____ 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.	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. _____ 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. Text Origin: Commission Proposal		
Recital 48						
58	(48) Transparency is an essential	(48) Transparency is an essential	(48) Transparency is an essential			

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	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	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	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**			

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	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.	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.	**website with weblinks**. 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 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**			

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			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 such substances of emerging concern should be established. In that regard, an approach that allows monitoring and***				

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		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.				

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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. 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***				

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		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	(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	(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	(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		

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	concerned should have access to justice in order to contribute to the protection of the 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).	concerned should have access to justice in order to contribute to the protection of the 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).	concerned should have access to justice in order to contribute to the protection of the 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).	concerned should have access to justice in order to contribute to the protection of the 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). Text Origin: Commission Proposal		
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**			

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			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. _____ **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**			

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			(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	(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	(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			

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	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 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	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, 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	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 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			

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	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	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	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**			

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	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 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).	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 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).	**national or Union law to protect 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.			

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			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 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			

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			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**			

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			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 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	(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	(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			

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	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,	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*~~	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,			

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	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	~~*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	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			

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	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).	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).	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						
G 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	(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	(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	(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		G

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	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).	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).	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).	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). Text Origin: Commission Proposal		
Recital 52a						
62a			**(52a) In order to provide support to**			

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			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, 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			

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			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**			

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			traffic light systems for the communication to the public of the results of the assessments of 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;			

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			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 more specific requirements	(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 more specific requirements~~	(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 to set more			

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	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	~~*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	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			

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	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.	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.	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 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	(54) Coordinated measures by all Member States are necessary to achieve the vision to have all soils healthy by 2050 and to secure the 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	(54) Coordinated measures by all Member States are necessary to achieve the vision to have all soils healthy by 2050 and to secure the 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~~			

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	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.	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.	**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						
G 65	(55) In accordance with the Joint Political Declaration of 28 September 2011 of	(55) In accordance with the Joint Political Declaration of 28 September 2011 of	(55) In accordance with the Joint Political Declaration of 28 September 2011 of	(55) In accordance with the Joint Political Declaration of 28 September 2011 of		G

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	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 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.	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 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.	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 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.	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 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. Text Origin: Commission Proposal		

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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***				

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		goals laid down 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						
G	66	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	G

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				Text Origin: Commission Proposal		
Chapter I						
67	Chapter I General provisions	Chapter I General provisions	Chapter I General provisions	Chapter I General provisions Text Origin: Commission Proposal		
Article 1						
68	Article 1 Objective and Subject matter	Article 1 Objective and Subject matter	Article 1 Objective and Subject matter	Article 1 Objective and Subject matter Text Origin: Commission Proposal		
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	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	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**		EP checks degradation instead of deterioration and reformulation of cost-benefit analysis 3.12: Part of EP AM on c-b analysis (redrafted) to be included in para 2, deletion of ref to 2050 goal at the end as covered earlier in this	1. The objective of the Directive is to put in place a- 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

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	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.	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***	**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.		para 1. ITM - 14.11.24 ITM 3.12.2024	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***, and prevent their degradation***~~,~~ 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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		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.				The last part of the EP AM not acceptable, some language about technical and economic feasibility could be envisaged as a compromise, if necessary.
Article 1(1a)						
Y	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);***			1. ITM - 14.11.24	EP AM could be accepted in exchange of concession in other parts of the text

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		(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:	2. This Directive lays down ***a framework and*** measures on: Text Origin: Council Mandate	EP to check internally the acceptance of editorial change by Council ITM 28.11.2024 1. ITM - 14.11.24	2. This Directive ~~*lays down measures on:*~~***provides a framework for soil monitoring, improving resilience of soils and management of contaminated sites.***
Article 1(2), point (a)						
71	(a) monitoring and assessment of soil health;	(a) monitoring***, maintaining, improving, rehabilitating and***	(a) monitoring and assessment of soil health;		EP to check internally 1. ITM - 14.11.24	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments		PRES comments/suggestions
		assessing ~~*and assessment of*~~ soil health***, based on its ecological status***;					
Article 1(2), point (b)							
72	(b) sustainable soil management;	(b) sustainable soil management;	(b) sustainable soil management;	(b) sustainable soil management; Text Origin: Commission Proposal			
Article 1(2), point (c)							
73	(c) contaminated sites.	(c) contaminated sites.	(c) **management of** contaminated sites.	(c) ***management of*** contaminated sites. Text Origin: Council Mandate	EP to check internally the acceptance of editorial change by Council ITM 28.11.2024 1. ITM - 14.11.24		
Article 2							
74	Article 2 Scope	Article 2 Scope	Article 2 Scope	Article 2 Scope Text Origin: Commission Proposal			
Article 2, first paragraph							

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		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions	
G	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.	This Directive applies to all soils in the territory of Member States. Text Origin: Commission Proposal			G
	Article 3							
G	76	Article 3 Definitions	Article 3 Definitions	Article 3 Definitions	Article 3 Definitions Text Origin: Commission Proposal			G
	Article 3, first paragraph							
G	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:	For the purposes of this Directive, the following definitions shall apply: Text Origin: Commission Proposal			G
	Article 3, first paragraph, point (1)							
Y	78	(1) ‘soil’ means the top layer of the Earth’s crust situated between the bedrock and the land surface, which is composed of	(1) ‘soil’ means the top layer of the Earth’s crust situated between the bedrock and the land surface, which is composed of	(1) ‘soil’ means the top layer of the Earth’s crust situated between the bedrock **or parent material** and the land surface,		COM to find formulation to accommodate EP position (until Friday 22.11).	Possible changes in recitals to recognize the importance of critical raw materials and/or to remove the negative	Y

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	mineral particles, organic matter, water, air and living organisms;	mineral particles, organic matter, water, air and living organisms***, excluding raw material deposits***;	which is composed of mineral particles, organic matter, water, air and living organisms;		EP to check internally on parent material. 1. ITM - 14.11.24	portrayal of the mining sector; EP acceptance of GA addition depends on the outcome of discussion on mining sector. As a compromise possible use of more neutral term than soil destruction, such as "soil removal" (def in row 94) EP AM not acceptable
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:***			1. ITM - 14.11.24	Compromise proposal: introduction of 3 classes based on the trigger and target values of the GA for individual descriptors EP AM not acceptable

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		(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 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***				

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		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 organisms;***			3.12: Linked to 5 classes and some descritptors in Annex; keep for the moment until decision is taken on whether to keep the classes and what 's the overall compromise 1. ITM - 14.11.24 ITM 3.12.2024	Poss to incorporate it under art 23a (j) or mention in a recital

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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;	(2) 'ecosystem' means a dynamic complex of plant, animal, and micro-organism communities and their non-living environment interacting as a functional unit; Text Origin: Commission Proposal			
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;	(3) 'ecosystem services' means ***direct or*** indirect contributions of ecosystems to the economic, social, cultural, ***environmental*** and other benefits that people derive from those ecosystems;	(3) EP to check whether Council position can be accepted. 1. ITM - 14.11.24		(3) 'ecosystem services' means ***direct or*** indirect contributions of ecosystems to the economic, social, cultural, ***environmental*** and other benefits that people derive from those ecosystems;
Article 3, first paragraph, point (3a)							

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
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;***			1. ITM - 14.11.24	EP AM could be accepted
Article 3, first paragraph, point (4)						
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;		EP to check internally on flexibility 1. ITM - 14.11.24	EP could accept to drop 'functional' and could accept deletion of the last part of its AM if their AM in r 118 kept. Poss compromise: recital addressing rows 118, 170, 256, 257 clarifying that sampling should respect the national law on access to private property, landowners should be informed in line with nat law, sampling should not entail

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
						financial burden on landowners. EP AM not acceptable
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;			Poss consider as a compromise a more neutral term, such as 'improvement of soil resilience'
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;	(6) 'soil management practices' mean practices that impact the physical, chemical or biological ~~*qualities*~~ ***properties*** of a soil;	ITM 28.11.2024	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
				Text Origin: Council Mandate		
Article 3, first paragraph, point (7)						
84	(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;	(7) 'managed soils' means soils where soil management practices are carried out; Text Origin: Commission Proposal		
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;	(8) 'soil district' means the part of the territory of a Member State, as delimited by that Member State in accordance with this Directive; Text Origin: Council Mandate	ITM 28.11.2024 1. ITM - 14.11.24	
Article 3, first paragraph, point (8a)						
85a			**(8a) 'soil unit' means a spatially discrete area within a soil district resulting from the intersection of**	***(8a) 'soil unit' means a spatially discrete area within a soil district resulting from the intersection of spatial data used***	Council to come back with visualization 1. ITM - 14.11.24	EP could accept GA in exchange of concessions on other parts

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
			spatial data used as criteria for statistical homogeneity within that soil district;	***as criteria for statistical homogeneity within that soil district;*** Text Origin: Council Mandate		
Article 3, first paragraph, point (9)						
G 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;	(9) 'soil health assessment' means the evaluation of the health of the soil based on the measurement or estimation of soil descriptors; Text Origin: Commission Proposal		G
Article 3, first paragraph, point (9a)						
G 86a			**(9a) 'soil descriptor' means a parameter describing a physical, chemical, or biological characteristic of soil health;**	***(9a) 'soil descriptor' means a parameter describing a physical, chemical, or biological characteristic of soil health;*** Text Origin: Council Mandate		86a 5GA) & 88 (EP) identical G

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
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;**		see rec 44 row 54 3.12: EP open to accept GA depending on the outcome of discussion on chapter IV, especially citizens' involvement in the process Council to check 'based on relevant evidence' ITM 18.11.2024 Council to check EP to get back ITM 3.12.2024	Maintain GA
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***	(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;		3.12: EP could accept a recital clarifying that polymers are substances and deletion of 'material' from EP AM; concentration v. level - CSL to check what would is the difference in practice ITM 18.11.2024 EP to get back ITM 3.12.2024	Clarify in a recital that microplastics are covered under term 'substance' The rest of EP text could be accepted for concession on something else; EP accepts to drop the deletion of point-source anthropogenic activities in exchange of adding

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
		health or the environment;			Council to check	PFAS and pesticides to watchlist On bedrock and parent material: GA
Article 3, first paragraph, point (11)						
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*	*deleted*		*see 86a*
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**;	(12) 'land' means the surface of the Earth that is not ***regularly*** covered by water ***bodies***; Text Origin: Council Mandate	EP to check internally the acceptance of editorial change by Council 1. ITM - 14.11.24 ITM 28.11.2024	
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;	(13) 'land cover' means the physical and biological cover of the earth's surface; Text Origin: Commission Proposal		

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
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**;			Definitions linked to land take to be aligned after decision on art 11 to be aligned Maintain GA
Article 3, first paragraph, point (15)						
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,**			to be aligned Maintain GA

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
			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**;			to be aligned Maintain GA
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~~			As a compromise linked to r 78 a more neutral term such as soil removal could be considered

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
			~~land~~**temporary or long-term removal of soils**;			Maintain GA to be aligned EP AM not acceptable
Article 3, first paragraph, point (17a)						
94a			**(17a) 'destroyed soil' means an area of soil that underwent soil destruction;**			to be aligned Maintain GA
Article 3, first paragraph, point (17b)						
94b			**(17b) 'de-sealing' means the conversion of sealed soil into unsealed soil;**			to be aligned Maintain GA
Article 3, first paragraph, point (17c)						
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;***				to be aligned
Article 3, first paragraph, point (17d)						
94d		***(17b) 'de-sealing of***				

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
		soil' means the re-conversion of land that no longer performs its natural soil functions, such as infiltration, percolation and hydrological functionality, into functional soil;				to be aligned
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;	(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; Text Origin: Commission Proposal		

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments		PRES comments/suggestions
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.		3.12: EP could accept deletion of citizens and animal health ITM 3.12.2024		Can accept adding managers, but not citizens and animal health
Article 3, first paragraph, point (19a)							
96a		***(19a) 'public' means one or more natural or legal persons and, in accordance with***			ITM 3.12.2024 Council to check		To be aligned after agreement on art 12

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
		national law or practice, associations, organisations or groups comprising such persons;				to be aligned
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;		3.12: see comment in row 87 regarding level v concentration & material legal services to check which term more appropriate (level or concentration); Council open to accept 'dierctly or indirectly' ITM 18.11.2024 Legal services to check ITM 3.12.2024	Adding 'material' and 'animal health' not acceptable; an accept 'directly or indirectly' Could accept concentration instead of level as a compromise
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**;			to be aligned Maintain GA

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments		PRES comments/suggestions
Article 3, first paragraph, point (22)							
99	(22) 'regeneration' means an intentional activity aimed at reversing soil from degraded to healthy condition;	(22) 'regeneration' means an intentional activity aimed at reversing soil from degraded to healthy condition;	(22) '**soil** regeneration' means an intentional activity aimed at reversing soil from degraded to 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;**				to be aligned
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**;		EP accepts to add 'likelihood'; EP to check addition of bedrock or parent material ITM 18.11.2024 EP to get back		EP accepts to add 'likelihood'; GA text on bedrock or parent material to be aligned; addition of animal health not acceptable
Article 3, first paragraph, point (24)							

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
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 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**;		Council to check ITM 18.11.2024	Maintain GA
Article 3, first paragraph, point (25)						
102	(25) 'geographically explicit' means information	(25) 'geographically explicit' means information	*deleted*		*depends on outcome of discussion on art 19*	*deletion linked to r 255*

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	referenced and stored in a manner that permits it to be mapped and localised with specific precision and accuracy.	referenced and stored in a manner that permits it to be mapped and localised with specific precision and accuracy.			*(see row 255)* *ITM 3.12.2024*	
Article 3, first paragraph, point (26)						
G *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;**	(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, with the aim of improving soil health;*** Text Origin: Council Mandate	ITM 18.11.2024	(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, with the aim of improving soil health;*** G
Article 3, first paragraph, point (27)						
Y 103a			**(27) 'risk reduction measures' mean measures that aim to**		(26a) Council to consider	***(26a) 'risk reduction measures' mean measures that aim to*** Y

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
			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.		further clarifying the definition so it's clear both modifying the pathway-receptor linkage and soil remediation are covered ITM 3.12.2024 ITM 18.11.2024 ITM 19.11.2024	***reduce the risks of contaminated sites to human health and the environment either by modifying the source pathway-receptor linkage without changing the characteristics of the contamination itself or by soil remediation.*** Maintain GA
Article 4						
104	Article 4 Soil districts	Article 4 Soil districts	Article 4 Soil districts **and soil units**	Article 4 Soil districts ***and soil units*** Text Origin: Council Mandate	ITM 28.11.2024 1. ITM - 14.11.24	EP conditional acceptance of the GA's approach in Art 4 and 5 on administrative monitoring framework
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***	1. Member States shall establish ~~soil districts~~**, for administrative purposes,** throughout their territory**, one or more soil districts under the**	1. Member States shall establish ~~*soil districts*~~***, for administrative purposes,*** throughout their territory***, one or more soil districts under the***	ITM 28.11.2024 1. ITM - 14.11.24	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
		administrative units throughout their ***own*** territory ***and in cross-border territories together with neighbouring Member States***.	**responsibility of one or more competent authorities as designated pursuant to Article 5**.	***responsibility of one or more competent authorities as designated pursuant to Article 5***. Text Origin: Council Mandate		
Article 4(1), second subparagraph						
G 106	The number of soil districts for each Member State shall as a minimum correspond to the number of NUTS 1 territorial units established under Regulation (EC) No 1059/2003.	*deleted*	*deleted*	*deleted*		G
Article 4(2)						
G *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	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	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**	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***	EP open to accept CSL mandate on arts 4 and 5 if CSL shows flexibility on other parts of the text 1. ITM - 14.11.24	G

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	regarding the following parameters:	~~seek~~***prioritise*** homogeneity within each soil district regarding the following parameters:	**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~~:	***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*~~: Text Origin: Council Mandate		
Article 4(2), point (a)						
G 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/~~	(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/*~~	1. ITM - 14.11.24	G

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
				Text Origin: Council Mandate		
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**	(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* Text Origin: Council Mandate	1. ITM - 14.11.24	
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	(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	(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**	(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***	1. ITM - 14.11.24	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments		PRES comments/suggestions
	Report 2281 ISSN 1566-7197.	Report 2281 ISSN 1566-7197.	**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 framework, and amending Regulation (EU) No 525/2013 and Decision No 529/2013/EU**	***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 framework, and amending Regulation (EU) No 525/2013 and Decision No 529/2013/EU*** Text Origin: Council Mandate			
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*	*deleted*	*Council to check internally* *1. ITM - 14.11.24*		
Article 4(2), point (da)							

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
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;***			EP accepted deletion after agreeing on row 117a (19.11.2024) 1. ITM - 14.11.24	
Article 4(2), point (dc)						
111c		***(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**	***2a. Member States may use more detailed or updated equivalent data when***		

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments		PRES comments/suggestions
			at the European, national or subnational level to establish their soil units.	***available at the European, national or subnational level to establish their soil units.*** Text Origin: Council Mandate			
Article 4(2), third subparagraph							
G	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.**	***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.*** Text Origin: Council Mandate		G	
Article 4(2a)							

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
Y	111f		***2a. Member States shall, where appropriate, ensure that soil districts of neighbouring Member 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.***			111f & g to be considered together with other parts of the text on cooperation ITM 28.11.2024	***2a. Member states shall aim for facilitating, where appropriate, that neighboring 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.***
	Article 4(2b)					
Y	111g		***2b. The Commission shall support Member States in ensuring that their soil districts cooperate on a cross-***			To be incorporated under Art 23a

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
		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 Competent authorities Text Origin: Commission Proposal		
Article 5, first paragraph						
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***	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. Text Origin: Council Mandate	1. ITM - 14.11.24	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
		responsibilities, including in the case of cross-border soil districts.				
Article 5, second paragraph						
G 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*	*deleted*	*1. ITM - 14.11.24*	G
Article 5, second paragraph a						
Y *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***			to be moved to art 19 1. ITM - 14.11.24	To be incorporated in Art 19 Y

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
		competent authorities on its website.				
Chapter II						
G 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	Chapter II Monitoring and assessment of soil health Text Origin: Commission Proposal		G
Article 6						
Y 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			to be aligned Maintain GA Y
Article 6(1)						
Y 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	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	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**		3.12: EP to check relevance of ref to WFD 3.12: EP open to accept the GA text, pending decision on land take/soil sealing & soil destruction EP to get back ITM	EP AM not acceptable to be aligned Maintain GA Y

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	of soil health is carried out in accordance with this Article and Annexes I and II.	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***.	**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.		19.11.2024 ITM 3.12.2024	
Article 6(1) second subparagraph						
G 117a			**If necessary, Member States may adapt their monitoring framework for their outermost regions in order to take into account their specific characteristics.**	***If necessary, Member States may adapt their monitoring framework for their outermost regions in order to take into account their specific characteristics.*** Text Origin: Council Mandate	EP accepts, 111b to be deleted ITM 19.11.2024	G
Article 6(2)						
Y 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.	2. Member States shall monitor soil health **in each soil unit within a soil**		CSL to consider the last sentence of the EP AM, however redrafted to	see row 81 Y

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
		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.	**district and soil sealing and soil destruction**~~and land take~~ in each soil district.		clarify that the financial burden relates to monitoring and assessment CSL to check with MS and propose a new draft EP to check internally if possible to move the last sentence to the recital ITM 19.11.2024 EP to get back ITM 3.12.2024 Council to check	
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:	3. The monitoring framework shall be based on the following: Text Origin: Commission Proposal		
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	(a) the soil descriptors and ~~*soil health*~~ criteria ***for healthy soil condition*** referred to in Article	EP to check if editorial change ok EP to get back ITM	GA should be acceptable for the EP

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
			in Article 7;	7; Text Origin: Council Mandate	19.11.2024	
Article 6(3), point (b)						
Y	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)**;		EP open to consider mentioning depth in Annex EP to get back ITM 19.11.2024	Acceptable for the EP to move the sampling depth to Annex
Article 6(3), point (c)						
Y	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)**;		to be discussed after agreement is reached on sampling ITM 19.11.2024 to be aligned	to be aligned Maintain GA
Article 6(3), point (d)						
G	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	(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	Council to consider editorial change Council to check ITM	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
		Article, if any;		Article, if any; Text Origin: EP Mandate	28.11.2024 ITM 19.11.2024	
Article 6(3), point (e)						
Y 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).		to be aligned after agreement on land take ITM 19.11.2024	to be aligned Maintain GA Y
Article 6(4)						
G 125	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	*deleted*	*deleted*	*deleted*		G

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	paragraph, it shall ensure that the Commission can carry out such in-situ soil sampling.					
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***			4a. EP to provide the timeline for monitoring and assessment EP to get back ITM 19.11.2024	Small % of double sampling by LUCAS in MS who use COM's assistance

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
		assistance with up to 50% of the sampling during the 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		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, in cooperation 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	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***, in cooperation 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

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
			States in monitoring the relevant soil descriptors.		support the Member States in monitoring the relevant soil descriptors. 3.12: EP could accept GA text with 'together' replaced by 'in cooperation'; soil sealing and soil destruction in brackets pending agreement on land take ITM 19.11.2024 to be aligned ITM 3.12.2024	support the Member States in monitoring the relevant soil descriptors.
Article 6(6)						
Y 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 resulting from:	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 223/2009 of the***	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 **aggregated at**		EP to check if more general reference as in r 130a in CSL mandate would be sufficient or specific ref to statistical regulation necessary 3.12: delete ref in EP AM to GDPR and include recital that personal data is not dealt with under this directive (Council LS to draft)	GA should be acceptable for the EP; see 130a Maintain GA

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
		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).***	**the soil unit level or a more detailed level,** resulting from:		EP can accept GA addition EP to get back ITM 19.11.2024 ITM 3.12.2024	
Article 6(6), point (a)						
128	(a) the soil measurements referred to in Article	(a) the soil measurements referred to in Article	(a) the soil measurements referred to in Article	(a) the soil measurements referred to in Article	to be aligned ITM 19.11.2024	to be aligned

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	8(2);	8(2);	8(2) **and (2a)**;	8(2) ***and (2a)***; Text Origin: Council Mandate		
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*		*ITM 19.11.2024 to be aligned*	*to be aligned*
Article 6(6), point (c)						
130	*(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.	(c) the relevant soil remote sensing data and products referred to in paragraph 5 of this Article. Text Origin: Commission Proposal		
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.**		3.12: CSL text acceptable if recital added as indicated in row 127; 'treatment' shld be changed to 'processing and as processing covers access "as well as their	GA text + recital clarifying that the directive doesn't deal with personal data "This Directive does not provide for the processing of personal data as defined in

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
					access" should be deleted EP to get back ITM 19.11.2024 ITM 3.12.2024 Legal services to check	Article 4(1) of Regulation (EU) 2016/679" Maintain GA
Article 6(6b)						
130b			**6a. 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**		ITM 19.11.2024	Maintain GA

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
			this Directive.			
Article 6(6c)						
Y 130c		***6a. The soil monitoring 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.***			to be aligned ITM 19.11.2024	EP AM could be accepted as part of a compromise Y
Article 6(7)						
G 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	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	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	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		G

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	to paragraph 8.	to paragraph 8.	to paragraph 8.	to paragraph 8. Text Origin: Commission Proposal		
Article 6(7a)						
Y	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.**		see recital 25a, 50 EP to get back ITM 19.11.2024	Maintain GA	Y
Article 6(7b)						
Y	131b		***7a. The digital soil health data portal shall include the Sustainable Soil Management Toolbox referred to in Article 10a.***			to be discussed together with art 10a ITM 19.11.2024	***7b.*** to be discussed together with art 10 and 10a	Y
Article 6(8)						
Y	132	8. The Commission shall adopt implementing	8. The Commission shall adopt implementing	8. The Commission shall adopt implementing		ITM 19.11.2024	EP to drop AM in exchange of recital 36	Y

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	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.	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.	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.			(r 46) clarifying that personal data is not involved. see compromise in row 130a
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,***			COM open to AM, if it is opened linked to art 23a (rows 283a-283u), EP open to put it in a separate article ITM 19.11.2024 to be aligned ITM 26.11.2024	to be included under Art 23a to be aligned

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
		multilateral harmonisation of regulations, methods and archives, and thereby close existing data gaps and workflow 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***			Council open to consider soil sample archives under the condition that this is relevant for validation not for assessment of new descriptors, for a specified time period, preference for optional system ITM 19.11.2024	Rows 132b-d: soil sample archives for a small % of samples done by LUCAS, to be stored by the Commission's JRC
Article 6a(1)						
132c		***1. The***				

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
		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.			ITM 19.11.2024	
Article 6a(2)						
132d		***2. By ... [OP: please insert the date = 12 months from the date of entry into force of this Directive], the Commission shall***			ITM 19.11.2024	to be aligned

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
		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		ITM 21.11.2024 to be aligned	to be aligned
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**.		1. When monitoring and assessing soil health, Member States shall apply the soil descriptors listed in Annex I, [Parts A, B and C]. 3.12: EP accepts GA text with bracketed text pending agreement on the monitoring ITM 21.11.2024 ITM 3.12.2024	Maintain GA

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
Article 7(1), second subparagraph						
135	When monitoring land take, Member States shall apply the land take and soil sealing indicators referred to in Annex I.	When monitoring land take, Member States shall apply the land take and soil sealing indicators referred to in Annex I.	When monitoring ~~land take~~ **soil sealing and soil destruction**, Member States shall apply the ~~land take and~~ soil sealing **and soil destruction** indicators ~~referred to~~ **listed** in Annex I**, Part D**.		When monitoring [soil sealing and soil destruction], Member States shall apply the [soil sealing and soil destruction] indicators listed in Annex I, Part D. 3.12: EP can accept GA approach to keep land take and soil sealing as a separate category and not under general health assessment; soil sealing & destruction bracketed pending agreement on land take EP to check internally (want to consider inclusion of it's no land take descriptor (encouragement to de-seal sealed soil) in part D (COM: GA covers it in Annex I Part D + row 167a - EP to check if their concerned addressed by it)	to be aligned

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments		PRES comments/suggestions
					ITM 21.11.2024 to be aligned ITM 3.12.2024		
Article 7(2)							
Y 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:**		ITM 21.11.2024		Maintain GA
Article 7(2a)							
Y 136a			**(a) non-binding sustainable target values listed in Annex I, Parts A and B; and**		ITM 21.11.2024		Maintain GA
Article 7(2b)							

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	136b		**(b) operational trigger values.**		ITM 21.11.2024	Maintain GA
	Article 7(3)					
	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.**		ITM 21.11.2024	see row 139a Maintain GA
	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.		ITM 21.11.2024	to be aligned Maintain GA

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments		PRES comments/suggestions
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.**		ITM 21.11.2024		Linked to discussion on art 10 to be aligned Maintain GA
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.**		ITM 21.11.2024		Maintain GA
Article 7(5)							

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
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’)~~ .		ITM 21.11.2024 to be aligned	to be aligned
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**		ITM 21.11.2024	***Art 7a to be added after row 139a:*** ***· The Commission shall establish a watch list for soil contaminants for which targeted Union-wide soil monitoring data are to be gathered.*** ***· The soil contaminants to be***

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
			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.			***included in the watch list shall be selected on the basis of their potential to cause a significant risk for human health or the environment taking into account their toxicity and exposure across the EU. A selection of pesticides and PFAS [microplastics] shall be included in the first watch list.*** ***· Member States may take into account the watch list when setting the organic contaminants for the soil descriptor related to soil contamination referred to in Part B or C of Annex I.*** ***· The Commission shall measure the soil contaminants from the watch list in the LUCAS soil survey, if***

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
						such need is expressed by the Member State in accordance with Article [xx]. The selection of the sampling points shall not be random but targeted by taking into account the use patterns and possible occurrence of the soil contaminant. ***· The Commission shall establish the first watch list by [20xx, in time for the first soil monitoring] and shall update it based on the results of the soil monitoring and assessment and in light of scientific and technical progress.*** Inclusion of PFAS and pesticides in the watchlist in exchanged for EP's acceptance of GA def of contaminated

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
						sites
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.			to be aligned
Article 8						
141	Article 8 Measurements and methodologies	Article 8 Measurements and methodologies	Article 8 Measurements and methodologies	Article 8 Measurements and methodologies Text Origin: Commission Proposal		
Article 8(1)						
142	1. Member States shall determine sampling points by applying the methodology set out	1. Member States shall determine sampling points by applying the methodology set out	1. Member States shall determine sampling points by applying the methodology set out		ITM 21.11.2024	EP AM not acceptable

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	in part A of Annex II.	in ~~*part A of*~~ Annex ~~*II*~~ ***I according to the selected tier for soil monitoring design, taking into account risk assessments based on existing monitoring systems***.	in Part A**.1** of Annex II.			
Article 8(1), second subparagraph						
Y	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.**		ITM 21.11.2024	Maintain GA
Article 8(1a) first subparagraph						
Y	142b		**1a. After determination of the sampling points and**		ITM 21.11.2024	Maintain GA

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
			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			**The Commission shall assess the needs and set the appropriate level of support in coordination with the Member States concerned.**		ITM 21.11.2024	Maintain GA
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**		ITM 21.11.2024	Maintain GA

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
			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 samples at the sampling points		ITM 21.11.2024	to be aligned

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
			referred to in paragraph 1 and collect, process and analyse data **as relevant** in order to determine the following:			
Article 8(2), point (a)						
Y	144	(a) the values of the soil descriptors as set in Annex I;	(a) the values of the soil descriptors ~~as set~~ **listed** in Annex I;		ITM 21.11.2024	to be aligned EP AM not acceptable
Article 8(2), point (b)						
G	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; Text Origin: Commission Proposal		
Article 8(2), point (c)						
Y	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*	*ITM 21.11.2024*	*Maintain GA*

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
Article 8(2), first subparagraph						
146a			**Member States are exempted from taking soil samples from sealed and destroyed soils.**		ITM 21.11.2024	Maintain GA
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.**		ITM 21.11.2024 COM to come back	If necessary provide additional safeguards to prevent misuse of the exemption Maintain GA
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**		ITM 21.11.2024	The EP could accept GA as part of the package on monitoring and assessment

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
			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 consist of, where relevant, the measurements made by:**	***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 consist of, where relevant, the measurements made by:*** Text Origin: Council Mandate	3.12: rows 146d-g: EP open to accept as part of the package on monitoring ITM 21.11.2024 ITM 3.12.2024	146d-g: Maintain GA with a clarification that the measurements in point (iii) can only be complementary (part of the package on monitoring and assessment)
Article 8(2a), first subparagraph, point (i)						
146e			**(i) Member States in accordance with existing national or sub-**	***(a) Member States in accordance with existing national or sub-national soil***	ITM 21.11.2024	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
			national soil monitoring networks and surveys;	***monitoring networks and surveys;*** Text Origin: Council Mandate		
Article 8(2a), first subparagraph, point (ii)						
G	146f		**(ii) Member States under Union legislation and international law;**	***(b) Member States under Union legislation and international law;*** Text Origin: Council Mandate	ITM 21.11.2024	G
Article 8(2a), first subparagraph, point (iii)						
G	146g		**(iii) private actors, research organisations and other parties, where available.**	***(c) private actors, research organisations and other parties, where available.*** Text Origin: Council Mandate	ITM 21.11.2024	G
Article 8(2a), second subparagraph						
Y	146h		**For the first cycle of soil measurements to be performed in accordance with paragraph 4, the period referred in the first**		ITM 21.11.2024	Maintain GA Y

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
			subparagraph of this paragraph starts on ... (OP: please insert date = one year before date of entry into force of the Directive).			
Article 8(2b)						
Y	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.**		ITM 21.11.2024	linked to r 146 Maintain GA
Article 8(3), first subparagraph						
G	147	3. Member States shall apply the following:	3. Member States shall apply the following:	3. Member States shall apply the following: Text Origin: Commission Proposal		
Article 8(3), first subparagraph, point (a)						
Y	148	(a) the methodologies for determining or	(a) the methodologies for determining or		ITM 21.11.2024	rows 148-151: the GA should be acceptable

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	estimating the values of the soil descriptors set out in part B of Annex II;	estimating the values of the soil descriptors set out in ~~*part B of*~~ Annex II;	estimating the values of the soil descriptors set out in Part B of Annex II;			for the EP
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;		ITM 21.11.2024	
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.	(c) any requirements laid down by the Commission in accordance with paragraph 6. Text Origin: Commission Proposal		
Article 8(3), second subparagraph						
151	Member States may apply other methodologies than	Member States may apply other methodologies than	Member States may apply other methodologies than	Member States may apply other methodologies than	EP: delete 'estimated'	EP open to drop its AM as it's the same as

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	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.	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.	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.	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. Text Origin: Commission Proposal	ITM 21.11.2024 EP to get back	transfer function
Article 8(3a), first subparagraph						
G 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**	***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***	ITM 21.11.2024	Rows 151a-f: the GA should be acceptable for the EP G

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
			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.	***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.*** Text Origin: Council Mandate		
Article 8(3a), second subparagraph						
G	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.**	***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.*** Text Origin: Council Mandate	ITM 21.11.2024	G
Article 8(3a), third subparagraph						
G	151c		**Member States shall**	***Member States shall***		G

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
			ensure that laboratories, or parties contracted by laboratories, performing the soil measurements demonstrate their competences in analysing relevant measurands by:	***ensure that laboratories, or parties contracted by laboratories, performing the soil measurements demonstrate their competences in analysing relevant measurands by:*** Text Origin: Council Mandate	ITM 21.11.2024	
Article 8(3a), third subparagraph, point (a)						
G	151d		**(a) participation in proficiency testing programmes covering the methods of analysis at levels of concentrations that are representative of soil monitoring programmes, if available;**	***(a) participation in proficiency testing programmes covering the methods of analysis at levels of concentrations that are representative of soil monitoring programmes, if available;*** Text Origin: Council Mandate	ITM 21.11.2024	
Article 8(3a), third subparagraph, point (b)						
Y	151e		**(b) analysis of reference materials that are**	***(b) analysis of reference materials that are***	green pending agreement on level v	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
			representative of collected samples which contain appropriate levels of concentrations, if available.	***representative of collected samples which contain appropriate levels of [concentrations], if available.*** Text Origin: Council Mandate	concentration ITM 21.11.2024	
Article 8(3a), fourth subparagraph						
G	151f		**Where the Commission carries out soil measurements in accordance with this Article, this paragraph shall apply to Commission.**	***Where the Commission carries out soil measurements in accordance with this Article, this paragraph shall apply to Commission.*** Text Origin: Council Mandate	ITM 21.11.2024	G
Article 8(4)						
Y	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	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	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***	ITM 21.11.2024	Maintain GA Y

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	Directive).	Directive).	***insert the date* = 5 *years after date of entry into force of the 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**.		ITM 21.11.2024	Maintain GA
Article 8(5), first subparagraph a						
153a			**By way of derogation from the first subparagraph, Member States may decide, before a new sampling campaign,**		Under condition of the existence of a guidance doc for MS EP could potentially compromise (too vague - significant?); make it	***By way of derogation from the first subparagraph, Member States may decide, before the second and***

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
			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. Member States shall without undue delay notify the Commission of any such decision.		more narrow. COM: 'Significant' link to precision of the measures? COM will come back with a redraft asap. COM to come back	***subsequent sampling campaigns, 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, supported by a statistically significant amount of field data in terms of geographical and temporal coverage, that the value of such soil descriptor has not evolved significantly with respect to the uncertainty of the measurement since the last cycle. Member States shall***

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
						without undue delay notify the Commission of any such decision. A derogation cannot be granted for the same measurement over two consecutive sampling campaigns.
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**.		CSL to check whether 2 years could be a compromise ITM 21.11.2024 Council to check	Maintain GA
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	6. The Commission is empowered to adopt delegated acts in accordance with Article 20 to amend Annex II in order to adapt the reference	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		ITM 21.11.2024	Maintain GA

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	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).	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)~~.	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 Assessment of the soil health	Article 9 Assessment of the soil health	Article 9 Assessment of the soil health	Article 9 Assessment of the soil health Text Origin: Commission Proposal		
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	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	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		CSL can be flexible on EP AM ("while taking into account...") ITM 21.11.2024 ITM 18.11.2024	Part of the EP AM ("while taking into account...") could be accepted in exchange of concession on other issues

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	descriptors referred to in Parts A and B of Annex I.	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***.	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*		*ITM 21.11.2024*	*Maintain GA*
Article 9(1), third subparagraph						
159	Member States shall ensure that soil health assessments are performed at least every 5 years and that the first soil health assessment is performed by … (OP:	Member States shall ensure that ~~*soil health*~~ assessments ***of soil ecological status*** are performed at least every ~~*5*~~***6*** years and that the first ~~*soil health*~~ assessment is	Member States shall ensure that ~~soil health~~ assessments **of soil health** are performed ~~at least~~ every ~~5~~ **6** years and that the first soil health assessment is performed by …		Member States shall ensure that assessments of [soil ecological status] are performed at least every 6 years and that the first assessment is performed by … (OP:	Maintain GA

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	please insert the date = 5 years after date of entry into force of the Directive).	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***.	***(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)~~.		please insert the date = 5 years after date of entry into force of the Directive). 28.11: EP OK to delete last part of AM as covered by CSL text in r 165a 27.11: CSL: Prefers a may or where appropriate - keep CSL text in row 165a? ITM 21.11.2024	
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~~		ITM 21.11.2024	Maintain GA

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
			~~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*	*deleted*		
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*	*deleted*		
Article 9(2), second subparagraph						
163	By way of derogation from the first subparagraph the	*deleted*	*deleted*	*deleted*		

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	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.					
Article 9(2), third subparagraph						
G *164*	Soil is unhealthy where at least one of the criteria referred to in subparagraph 1 is not met ('unhealthy soil').	*deleted*	*deleted*	*deleted*		
Article 9(3), first subparagraph						
Y *165*	*3.* Member States shall analyse the values for the soil descriptors listed in part C of Annex I and assess whether there is a critical loss of ecosystem services, taking into account the relevant data and available scientific knowledge.	3. Member States shall analyse the values for the soil descriptors listed 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***	3. Member States shall analyse the values for the soil descriptors listed 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		ITM 21.11.2024	Poss compromise on the biodiversity descriptors and selected contaminants (PFAS, pesticides): a review clause mandating the Commission to assess the scientific feasibility of inclusion of the descriptors for biodiversity and some contaminants (PFAS,

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
		ecosystem services, taking into account the relevant data and available scientific knowledge.	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.**			pesticides) in the directive, to be monitored by LUCAS or other relevant monitoring mechanisms
Article 9(3), first subparagraph a						
G 165a			**3a. Member States may identify improvements for each soil descriptor listed in parts A, B and C of Annex I.**		28.11: EP ok to this text and delete last part of EP AM in r 159 ITM 21.11.2024	G
Article 9(3), second subparagraph						
Y 166	Member States shall analyse the values of land take and soil sealing indicators listed in part D of Annex I and assess	Member States shall analyse the values of land take and soil sealing indicators listed in part D of Annex I and assess	*deleted*		*ITM 21.11.2024*	*Maintain GA* Y

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	their impact on the loss of ecosystem services and on the objectives and targets established under Regulation (EU) 2018/841.	their impact on the loss of ecosystem services and on the objectives and targets established under Regulation (EU) 2018/841.				
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**		3.12: This row part of the compromise package on art 10 and monitoring EP: issue with assessment at aggregated level & measures are required ITM 21.11.2024 ITM 3.12.2024	Linked with Art 10 discussion Maintain GA

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
			required to improve the soil health and inform the public**, on an aggregated level,** in accordance with Article 19.			
Article 9(4a), first 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 to improve soil health through de-sealing and renaturation. The potential of areas of sealed and destroyed soil shall be assessed**		3.12: EP to consider together with CLS mandate in row 135; EP issue with the terms used (renaturation) COM to get back with information about existing references on 'renaturation' ITM 21.11.2024 ITM 3.12.2024 EP to get back COM to come back	Linked to art 11 Maintain GA

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
			based on technical feasibility, cost-efficiency and achievable level of soil health improvement.			
Article 9(4b)						
Y 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.***			ITM 21.11.2024	compr proposal: rows 167b-e:: strengthened communication between MSs and the Commission on their threshold and trigger values as regards soil descriptors in Annex I EP AM not acceptable Y

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments		PRES comments/suggestions
Article 9(4c)							
	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 and type of land area, together with the scientific justification and evidence on which they based their choices.***			ITM 21.11.2024		
Article 9(4d)							
	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***			ITM 21.11.2024		

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
		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(4e)						
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 threshold values no later than 31 December 2029.***			ITM 21.11.2024	
Article 9(4f)						
167f		***4f. When applying***				

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
		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.			ITM 21.11.2024	EP accepts to drop this AM EP AM not acceptable
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*	*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	*deleted*	*deleted*	*deleted*		

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	examination procedure referred to in Article 21.					
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)**.		3.12: CSL to check if free of charge for landowners/managers could be accepted by MS; EP could consider dropping the last part of its AM if CSL agrees to obligatory COM archives wit samples from all MS; on CSL mandate [10(2)] EP: Compromise - Keep free of charge and bring back upon their request. ITM 21.11.2024 ITM 3.12.2024 Council to check	see poss compromise in row 81 Maintain GA EP AM not acceptable
Chapter III						
171	Chapter III	Chapter III	Chapter III	Chapter III		

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	Sustainable soil management	Sustainable soil management	Sustainable soil management	Sustainable soil management Text Origin: Commission Proposal		
Article 10						
G 172	Article 10 Sustainable soil management	Article 10 Sustainable soil management	Article 10 Sustainable soil management	Article 10 Sustainable soil management Text Origin: Commission Proposal	COM to redraft ITM 26.11.2024	
Article 10(1), first subparagraph						
Y 173	1. From (OP: please insert the date = 4 years after date of entry into force of the Directive), Member States shall take at least the following measures, taking into account the type, use and condition of soil:	*deleted*	1. From ***(OP: please insert the date = 5 years after date of entry 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**		ITM 26.11.2024	EP AM not acceptable Maintain GA

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
			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;		ITM 26.11.2024	EP AM not acceptable Maintain GA
Article 10(1), first subparagraph, point (b)						
175	(b) defining soil management practices and other practices affecting negatively	*deleted*	*(b)* defining soil management practices and other practices affecting negatively		ITM 26.11.2024	EP AM not acceptable Maintain GA

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	the soil health to be avoided by soil managers.		the soil health 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'.		ITM 26.11.2024	EP AM not acceptable Maintain GA
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	*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		ITM 26.11.2024	EP AM not acceptable Maintain GA

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments		PRES comments/suggestions
	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.		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							
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.		ITM 26.11.2024		EP AM not acceptable Maintain GA
Article 10(2), first subparagraph							

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
Y	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.		ITM 26.11.2024	EP AM not acceptable Maintain GA
	Article 10(2), second subparagraph					
G	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: Text Origin: Commission Proposal		
	Article 10(2), second subparagraph, point (a)					
G	181	(a) promoting awareness on the medium- and long-term multiple benefits of sustainable soil management and the need to manage soils	(a) promoting awareness on the medium- and long-term multiple benefits of sustainable soil management and the need to manage soils	(a) promoting awareness on the medium- and long-term multiple benefits of sustainable soil management and the need to manage soils		

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	in a sustainable manner;	in a sustainable manner;	in a sustainable manner;	in a sustainable manner; Text Origin: Commission Proposal		
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;		ITM 26.11.2024	EP AM could be accepted if concession on sth else, keep 'holistic'
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***	(c) making available a regularly updated mapping of available funding instruments and activities to support the implementation of sustainable soil management.		ITM 26.11.2024	Compromise on rows 183 and 206 (citizens input). - new recital on citizen science: „Based on recent trends and research carried out in the EU* citizen science is an emerging important strand of information, in several cases useful in supporting the tasks of national authorities in

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
		and citizen science.				the area of environmental protection where information provided by civil or the scientific communities can be helful in carrying out these tasks . It is considered useful to further strengthen citizen science under this Directive with the objective to ensure that information flow is not only a one way street, from the authorities, but also originates from the private sector, especially if the data provided is of high quality, comparable and supports the implementation of the objectives under this Directive." *Exploring Citizen Science over Time: Sensing, Technology and the Law by Suman, Alblas, Joint Research

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
						Centre, 21027 Ispra, ItalyLaw Group, Wageningen University, 6706KN Wageningen, The Netherlands (Sustainability 2023, 15(5), 4496; https://doi.org/10.3390/su15054496)
Article 10(3)						
Y 184	3. Member States shall regularly assess the effectiveness of the measures taken in accordance with this Article and, where relevant, review and revise those measures, taking into account the soil health monitoring and assessment referred to in Articles 6 to 9.	*deleted*	*3.* Member States shall regularly assess the effectiveness of the measures taken in accordance with this Article and, where relevant, review and revise those measures, taking into account the soil health monitoring and assessment referred to in Articles 6 to 9.		ITM 26.11.2024	Maintain GA
Article 10(4)						
G 185	4. The Commission is empowered to adopt delegated acts in accordance with Article 20 to amend	*deleted*	*deleted*	*deleted*		

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	Annex III in order to adapt the sustainable soil management principles to take into account scientific and technical progress.					
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.***			ITM 26.11.2024	EP AM to be addressed under art 23a
Article 10a (new)						
185b		***Article 10a Article 10a Sustainable Soil Management Toolbox***			CSL: not against, should however not replace Art. 10 ITM 26.11.2024	EP AM not acceptable
Article 10a, first paragraph						
185c		***1. In order to***				

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
		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.			ITM 26.11.2024	EP AM not acceptable
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***			ITM 26.11.2024	EP AM not acceptable

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
		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 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***			ITM 26.11.2024	EP AM not acceptable

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
		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		ITM 26.11.2024	Maintain GA
Article 11, first paragraph						
187	Member States shall ensure that the following principles are respected in case of land take:	***In case of land take,*** Member 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***:	**Without impinging on the 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**		ITM 26.11.2024	Maintain GA

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
			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:		ITM 26.11.2024	Maintain GA
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**		ITM 26.11.2024	Maintain GA

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
			reuse and repurposing of sealed soils, such as existing buildings, and			
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		ITM 26.11.2024	Maintain GA
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***	(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**;		ITM 26.11.2024	Maintain GA

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
		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 adjacent soil district in a neighbouring Member State or a cross-border soil district***.	(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**.		ITM 26.11.2024	Maintain GA
Article 11, first paragraph, point (ba)						
192a		***(ba) adopting measures to ensure fair compensation of landowners in case of land take;***			ITM 26.11.2024	Maintain GA

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments		PRES comments/suggestions
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.***			ITM 26.11.2024		Maintain GA
Chapter IV							
193	Chapter IV Contaminated sites	Chapter IV Contaminated sites	Chapter IV **Management of** contaminated sites	Chapter IV ***Management of*** contaminated sites Text Origin: Council Mandate	ITM 28.11.2024		
Article 12							
194	Article 12 Risk-based approach	Article 12 Risk-based approach	Article 12 Risk-based **and stepwise** approach	Article 12 Risk-based ***and stepwise*** approach Text Origin: Council Mandate	ITM 28.11.2024		
Article 12(1)							
195	1. Member States shall manage the risks for human health and	1. Member States shall manage ***and reduce*** the risks for	1. Member States shall **ensure that** ~~manage~~ the risks for		EP to discuss if the Council approach in		rows 195 & 195a: EP could accept GA if in

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	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.	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.	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 **42**.		rows 195 & 195a is acceptable OK to add in Council text, if accepted, in last sentence 'current and planned' land use ITM 18.11.2024: EP to get back	last sentence 'current and planned' land use
Article 12(1) subparagraph						
195a			**Member States shall establish a hierarchy of responsibility to determine the responsible party or**		EP to consider if Council approach on the historically contaminated sites where polluter can't be identified is acceptable	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
			parties for the site-specific implementation of points (b) and (c) of paragraph 2.		(see also recital 46d row 56d and 52b row 62b ITM 18.11.2024	
Article 12(2)						
196	2. By … (OP: please insert the date =4 years after the date of entry into force of the Directive) Member States shall establish a risk-based approach for the following:	2. By … (OP: please insert the date =4 years after the date of entry into force of the Directive) Member States shall establish a risk-based approach for the following:	2. By … (OP: please insert the 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:	2. By … (OP: please insert the 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: Text Origin: Council Mandate	EP to consider whether the Council approach (stepwise approach), equivalent to the 'prioritisation' in the EP mandate could be accepted ITM 28.11.2024 ITM 18.11.2024	
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;	(a) the identification of potentially contaminated sites in accordance with Article 13; Text Origin: Commission Proposal		
Article 12(2), point (b)						

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
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;	(b) the investigation of potentially contaminated sites in accordance with Article 14; Text Origin: Commission Proposal		
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.	(c) the ***site-specific risk assessment and*** management of contaminated sites in accordance with Article 15. Text Origin: Council Mandate	ITM 28.11.2024 ITM 18.11.2024	
Article 12(3)						
200	3. The requirement laid down in paragraph 2 is without prejudice to more stringent requirements arising from Union or national legislation.	3. The requirement laid down in paragraph 2 is without prejudice to more stringent requirements arising from Union or national legislation.	3. The requirement laid down in paragraph 2 is without prejudice to more stringent requirements arising from Union or national legislation.	3. The requirement laid down in paragraph 2 is without prejudice to more stringent requirements arising from Union or national legislation. Text Origin:		

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
				Commission Proposal		
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:		ITM 18.11.2024	4. The public concerned shall be given early and effective opportunities: ***(a) to provide comments which shall be taken into account on the establishment and concrete application of the risk-based and stepwise approach as defined in this Article;*** ***(b) to provide information relevant for the activities referred to in point (a) such as human biomonitoring or environmental monitoring data from research projects;*** compromise proposal on rows 201-204d

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments		PRES comments/suggestions
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;		COM to draft a compromise for rows 202-204 ITM 18.11.2024		
Article 12(4), point (b)							
203	(b) to provide information relevant for the identification of potentially contaminated sites in	(b) to provide information ***and evidence*** relevant for the ~~*identification of potentially*~~	(b) to provide information relevant for the identification of potentially contaminated sites in		COM to draft a compromise ITM 18.11.2024		

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	accordance with Article 13, the investigation of potentially contaminated sites in accordance with Article 14 and the management of contaminated sites in accordance with Article 15;	~~*contaminated sites in accordance with Article 13, the investigation of 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***;	accordance with Article 13 **and**, the investigation of potentially contaminated sites in accordance with Article 14 ~~and the management of contaminated sites in accordance with Article 15~~;			
Article 12(4), point (c)						
Y	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.		ITM 18.11.2024	Y

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments		PRES comments/suggestions
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.***			ITM 18.11.2024		
Article 12(4b)							
204b		***4b. Member States shall take due 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.***			ITM 18.11.2024		
Article 12(4c)							

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
Y	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.***			EP to reflect if their concern is covered by Council mandate row 195a (Art 12(1) 2nd subparagraph ITM 18.11.2024	Y
Article 12(4d)						
Y	204d		***4d. Member States***			Y

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
		shall promptly inform the public of any decision 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.			ITM 18.11.2024	
Article 13						
G 205	Article 13 Identification of potentially contaminated sites	Article 13 Identification of potentially contaminated sites	Article 13 Identification of potentially contaminated sites	Article 13 Identification of potentially contaminated sites Text Origin: Commission Proposal		G
Article 13(1)						
Y 206	1. Member States shall systematically and actively identify all sites where a soil contamination is suspected based on evidence collected	1. Member States shall systematically and actively identify all sites where a soil contamination is suspected based on evidence collected	1. Member States shall systematically ~~and actively~~ identify ~~all sites where a soil contamination is suspected based on evidence collected~~		ITM 18.11.2024	see compromise in r 183 Y

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	through all available means ('potentially contaminated sites').	through all ~~*available*~~***appropriate*** means***, including citizens' input and set procedures*** ('potentially contaminated sites').	~~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 following criteria:	2. When identifying the potentially contaminated sites Member States shall take into account the following criteria:	2. **For the purpose of the identification of potentially contaminated sites, Member 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		EP ok to move the text from row 115 to 207 EP to check if ok to add 'where relevant' Council to check if some of the EP additions in the list could be accepted LS to clarify if the list is closed or indicative ITM 18.11.2024 Legal services to check	GA acceptable for the EP

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
			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;	(a) operation of an active or inactive potentially contaminating ~~*risk*~~ activity; Text Origin: Council Mandate	ITM 28.11.2024 ITM 18.11.2024	
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;	(b) operation of an activity referred to in Annex I to Directive 2010/75/EU; Text Origin: Commission Proposal		
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]; _____ 1. Directive 2012/18/EU of	(c) operation of an establishment referred to in Directive 2012/18/EU of the European Parliament and of the Council[1]; _____ 1. Directive 2012/18/EU of	(c) operation of an establishment referred to in Directive 2012/18/EU of the European Parliament and of the Council[1]; _____ 1. Directive 2012/18/EU of	(c) operation of an establishment referred to in Directive 2012/18/EU of the European Parliament and of the Council[1]; _____ 1. Directive 2012/18/EU of		

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	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).	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).	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).	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). Text Origin: Commission Proposal		
Article 13(2), first subparagraph, point (d)						
G 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)	(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) Text Origin: Council Mandate	EP to check if ref to ELD which includes reference to areas with drinking water abstraction could be kept and EP AM in r 213a deleted ITM 18.11.2024 ITM 28.11.2024 EP to get back	G

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments		PRES comments/suggestions
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;	(e) occurrence of a potentially contaminating accident, calamity, disaster, incident or spill;	(e) occurrence of a potentially contaminating accident, calamity, disaster, incident or spill; Text Origin: Commission Proposal			
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 information resulting from the soil health monitoring carried out in accordance with Articles 6, 7 and 8.**		Proposal to merge e and f to be considered by the EP and Council ITM 18.11.2024		(f) ~~*any other*~~ ***(e) occurrence of a potentially contaminating*** event, ***accident, calamity, disaster, incident or spill*** liable to cause soil contamination; Compromise on point (e) and (f) (merged under (e)), point (f) deleted
Article 13(2), first subparagraph, point (fa)							
213a		***(fa) any areas used for the abstraction of drinking water;***		*deleted*	*consider together with r 211*		

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
					ITM 28.11.2024 ITM 18.11.2024	
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*		ITM 18.11.2024	*see row 213*
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;***			EP to redraft ITM 18.11.2024 Legal services to check	EP proposal: alternative wording, underlining the need to have 1) evidence of the link between soil contamination and disease, 2) based on representative sample (i.e. population of people, not a single person) "elevated/increased occurrence of a disease that is presumed to be linked to exposure to contamination via the soil, based on evidence"
Article 13(2), first subparagraph, point (gb)						

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	214b		***(gb) any information provided by the public or Member State authorities.***		ITM 18.11.2024	
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*		*EP could agree to move the text to row 207 as in Council mandate* *ITM 18.11.2024*	*EP could agree to move the text to row 207 as in Council mandate*
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	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	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		EP open to discuss the Council text if Council open to consider EP AMs on other issues ITM 18.11.2024	compr proposal: 10y for all known sites

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	duly recorded in the register referred to in Article 16 by that date.	duly recorded in the register referred to in Article 16 by that date.	~~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						
G 217	Article 14 Investigation of potentially contaminated sites	Article 14 Investigation of potentially contaminated sites	Article 14 Investigation of potentially contaminated sites	Article 14 Investigation of potentially contaminated sites Text Origin: Commission Proposal		G
Article 14(1)						
Y 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**		ITM 18.11.2024	GA could be accepted by the EP, pending agreement on row 216 Y

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
			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.~~		EP to consider Council approach Council open to consider EP AM if the EP open to consider Council AMs on other issues ITM 18.11.2024	
Article 14(2), first subparagraph a (new)						
219a		***Potentially***				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
		contaminated sites located in areas used for the abstraction of water for human consumption shall be prioritised for soil investigation.			Council open to discuss EP AM in light of EP position on other issues, possible to include it in a recital COM pointed out that this highlights only one issue - EP to discuss internally a possible redraft ITM 18.11.2024 EP to get back	Council open to discuss EP AM in light of EP position on other issues, possible to include it in a recital
Article 14(2), second subparagraph						
G	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**.	ITM 28.11.2024 EP to get back ITM 18.11.2024	G
				Text Origin: Council Mandate		

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments		PRES comments/suggestions
Article 14(3)							
G	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~~ **within the time frame referred to in** 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. Text Origin: Council Mandate	Linked to r 219 (alignment) EP to get back ITM 28.11.2024 ITM 18.11.2024		G
Article 15							
G	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 Text Origin: Council Mandate	ITM 18.11.2024 ITM 28.11.2024		Art 15: maintain GA G
Article 15(1)							
Y	223	1. Member States shall lay down the specific methodology for determining the site-specific risks of contaminated sites.	1. Member States shall lay down the specific methodology for determining the site-specific risks of contaminated sites.	1. Member States shall lay down the specific methodology for ~~determining~~ **assessing** the site-specific risks of	ITM 18.11.2024		Y

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	Such methodology shall be based on the phases and requirements for site-specific risk assessment listed in Annex VI.	Such methodology shall be based on the phases and requirements for site-specific risk assessment listed in Annex VI.	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.		EP open to drop opinion of health professionals and animal health CSL will consider in overall package on ch IV ITM 18.11.2024 ITM 3.12.2024	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
Article 15(3)						
225	3. For each contaminated site identified pursuant to Article 14 or by any other means, the responsible competent authority shall carry out a site-specific assessment for the current and planned land uses to determine whether the contaminated site poses unacceptable risks for human health or the environment.	3. For each contaminated site identified pursuant to Article 14 or by any other means, the responsible competent authority shall carry out a site-specific assessment for the current and planned land uses to determine whether the contaminated site poses unacceptable risks for human ***and animal*** health or the environment.	3. For each contaminated site ~~identified~~ **established** pursuant to Article 14 or by any other means, ~~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**		ITM 18.11.2024	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
			needed, site specific risk assessment does not have to be carried out.			
Article 15(3a)						
G 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.***		*deleted*	*ITM 28.11.2024*	G
Article 15(4)						
Y *226*	*4.* On the basis of the outcome of the assessment referred to in paragraph 3, the responsible competent authority shall take the appropriate measures to bring the risks to an acceptable level for human health and the environment	4. On the basis of the outcome of 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	4. On the basis of the outcome of 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		ITM 18.11.2024	EP could accept GA if "within an appropriate timescale",is replace by "without undue delay" Y

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	('risk reduction measures').	and the environment ('risk reduction measures').	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***	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**.		EP to reconsider nature of Annex V ITM 18.11.2024 EP to get back	5. ***Poss compromise: Option 1:*** 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 ***while aiming for soil decontamination including the prevention of further contamination,*** take into consideration the costs, benefits, effectiveness, durability, and

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
		prevention and soil decontamination.				technical feasibility of available risk reduction measures ***in the long term***. ***Option 2: EP text without 'always'*** also in row 103: add aim: address the risk with the aim of improving soil health
Article 15(5), second subparagraph						
227a		***Risk reduction measures affecting surrounding water bodies used for abstraction of water intended for human consumption shall comply with the acceptable risk standards set out in Directive (EU) 2020/2184.***			ITM 18.11.2024	
Article 15(5a(new))						
227b		***5a. The Commission is empowered to adopt delegated acts in***			To be considered as part of the package on ch IV	Compr proposal: MSs shall inform the COM on the outcome of the

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
		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.			ITM 18.11.2024 ITM 3.12.2024	establishment of the risk based approach and stepwise approach and on the unacceptable risk levels/values defined by the MS under Art. 18 and in line with Art 25 (2). EP AM not acceptable
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		ITM 18.11.2024	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments		PRES comments/suggestions
			technical progress.				
Article 16							
G 229	Article 16 Register	Article 16 Register	Article 16 Register	Article 16 Register Text Origin: Commission Proposal			G
Article 16(1)							
Y 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**.		ITM 26.11.2024		Y
Article 16(2)							

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
Y	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**.		28.11.: EP to check at political level if exemption acceptable 3.12: to be discussed as part of overall package on ch IV ITM 26.11.2024 EP to get back ITM 3.12.2024	Maintain GA
	Article 16(3)						
G	232	3. The register shall be managed by the responsible competent authority and shall be regularly kept under review and up to date.	3. The register shall be managed by the responsible competent authority and shall be regularly kept under review and up to date.	3. **Member States shall manage or supervise** the register ~~shall be managed by the responsible competent authority and shall be~~ **and ensure that it is** regularly ~~kept under review~~ **reviewed** and up ~~to date~~ **dated**.	3. ***Member States shall manage or supervise*** the register ~~*shall be managed by the responsible competent authority and shall be*~~ ***and ensure that it is*** regularly ~~*kept under review*~~ ***reviewed*** and up ~~*to date*~~ ***dated***. Text Origin: Council Mandate	ITM 26.11.2024	
	Article 16(4), first subparagraph						
Y	233	4. Member States shall make public the register and	4. Member States shall make public, ***accessible in a user-***	4. Member States shall make public the register and		3.12: CSL to check 'free of charge'	Consider deletion of ref to art 19 here, but keep

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	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).	***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).	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).		ITM 26.11.2024 ITM 3.12.2024 Council to check	ref to the register in art 19; accept EP AM in exchange of GA in r 231
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.	The register shall be made available in ***the form of*** an online georeferenced spatial database.	ITM 28.11.2024 ITM 26.11.2024	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
				Text Origin: Council Mandate		
Article 16(5)						
Y 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*		*ITM 26.11.2024*	*Maintain GA*
Chapter V						
G *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	Chapter V Financing, information to the public and reporting by Member States Text Origin: Commission Proposal		
Article 17						

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
237	Article 17 Union financing	Article 17 Union ***and Member States'*** financing	Article 17 Union financing		EP to check internally (whole Article). COM to examine the EP amendments from the point of view of not prejudging the next MFF. 1. ITM - 14.11.24	rows 237-238f Consider compromises that include some parts of the EP AMs under the condition that they don't prejudge future MFF or impinge on MS competence on finance
Article 17, first paragraph						
238	Given the priority inherently attached to the establishment of soil monitoring and sustainable management and regeneration of soils, the implementation of this Directive shall be supported by existing Union financial programmes in accordance with their applicable rules and conditions.	Given the priority inherently attached to the establishment of soil monitoring and sustainable management and regeneration of 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***	Given the priority inherently attached to the establishment of soil monitoring ~~and~~, sustainable management and regeneration of 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.		1. ITM - 14.11.24	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
		level for 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.***			1. ITM - 14.11.24	***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 and possible future technical development, including LUCAS soil.***
Article 17(1), first paragraph b						
238b		***Additional financial***				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
		resources shall be put in place for the post-2027 period in order to promote the sustainable management of soils, their permanent regeneration and monitoring activities.			1. ITM - 14.11.24	EP AM not acceptable
Article 17(1a(new))						
Y	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.***			1. ITM - 14.11.24	Y
Article 17(1b(new))						
Y	238d	***1b The Commission shall monitor the capacity***			1. ITM - 14.11.24	Propose to move the Y

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments		PRES comments/suggestions
		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.					text to Art 23a row 283t
Article 17(1c(new))							
Y 238e		***1c Member States and the Commission, in collaboration with 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.***			1. ITM - 14.11.24		Y
Article 17(1d(new))							

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
Y	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.***		1. ITM - 14.11.24	Consider including something in Art 23a EP AM not acceptable
	Article 18					
G	239	Article 18 Reporting by Member States	Article 18 Reporting by Member States	Article 18 Reporting by Member States Text Origin: Commission Proposal		
	Article 18(1), first subparagraph					
Y	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:		1. ITM - 14.11.24	Maintain GA
	Article 18(1), first subparagraph, point (a)					
G	241	(a) the data and results of the soil	(a) the data and results of the soil	(a) the data and results of the soil		

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	health monitoring and assessment carried out in accordance with Articles 6 to 9;	health monitoring and assessment carried out in accordance with Articles 6 to 9;	health monitoring and assessment carried out in accordance with Articles 6 to 9;	health monitoring and assessment carried out in accordance with Articles 6 to 9; Text Origin: Commission Proposal		
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;		(b) 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;] CSL/EP: Keep and drop AMs in rows 159 & 165a?	EP could drop the AM (ref to tiers bracketed)

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
					ITM 21.11.2024 1. ITM - 14.11.24	
Article 18(1), first subparagraph, point (c)						
G 243	(c) a summary of the progress on:	(c) a summary of the progress on:	(c) a summary of the progress on:	(c) a summary of the progress on: Text Origin: Commission Proposal		G
Article 18(1), first subparagraph, point (c)(i)						
G 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;	(i) implementing sustainable soil management principles in accordance with Article 10; Text Origin: Commission Proposal		G
Article 18(1), first subparagraph, point (c)(ii)						
Y 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**		1. ITM - 14.11.24	add a point after (i) on strengthened communication bw MS and COM: MSs shall inform the COM on the outcome of the establishment of Y

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
			of potentially contaminated sites and contaminated sites, in accordance with Articles 12 to 16;			the risk based approach and stepwise approach and on the unacceptable risk levels/values defined by the MS
Article 18(1), first subparagraph, point (d)						
Y	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*		*1. ITM - 14.11.24*	*Maintain GA*	Y
Article 18(1), second subparagraph						
Y	*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).		1. ITM - 14.11.24	Maintain GA	Y
Article 18(2)						
Y	248	2. Member States shall ensure that the Commission and the EEA have permanent access to the information and data referred to in paragraph 1.	2. Member States shall ensure that the Commission and the EEA have permanent access to the information and data referred to in paragraph 1.	2. Member States ~~shall ensure that~~ **and** the Commission ~~and~~ **, with the support of** the EEA ~~have permanent access to~~ **shall ensure effective exchange of** the information and data		1. ITM - 14.11.24	Maintain GA	Y

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
			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**		1. ITM - 14.11.24	Maintain GA

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
			and information.			
Article 18(3)						
G 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:	3. Member States shall provide the Commission with online access to the following: Text Origin: Commission Proposal		
Article 18(3), point (a)						
Y 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);		1. ITM - 14.11.24	Maintain GA
Article 18(3), point (b)						
Y 251	(b) an up-to-date list of the competent authorities referred to in Article 5 by …	(b) an up-to-date list of the competent authorities referred to in Article 5 by …	(b) an up-to-date list of the competent authorities referred to in Article 5 by …		1. ITM - 14.11.24	Maintain GA

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	(OP: please insert the date = 2 years and 3 months after date of entry into force of the Directive);	(OP: please insert the date = ~~2 years and 3~~ 12 months after date of entry into force of the Directive);	(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)						
Y	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).		1. ITM - 14.11.24	Maintain GA
Article 18(3), point (ca)						
Y	252a		***(ca) the measurements of the soil descriptors at the level of the sampling point.***			1. ITM - 14.11.24	EP could drop this AM
Article 18(4)						
G	253	4. The Commission is empowered to adopt implementing acts establishing the	4. The Commission is empowered to adopt implementing acts establishing the	4. The Commission is empowered to adopt implementing acts establishing the	4. The Commission is empowered to adopt implementing acts establishing the		

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	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.	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.	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.	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. Text Origin: Commission Proposal		
Article 19						
254	Article 19 Information to the public	Article 19 Information to the public	Article 19 Information to the public	Article 19 Information to the public Text Origin: Commission Proposal		
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	1. Member States shall make ~~*public*~~ the data generated by the monitoring carried out under Article 8 and the	1. Member States shall make **accessible to the** public the ~~data~~ **results** generated by the monitoring carried out under Article 8	COM: delete ref to art 19 in art 16 (r233), but keep ref in art 19 to other articles	28.11: CSL to check if 'shall make public ' is acceptable (r 255, 256) 1. ITM - 14.11.24 ITM	Maintain GA

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments		PRES comments/suggestions
	out under Article 9 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).	~~assessment~~**assessments** carried out under Article 9 ***and Article 10(3)*** 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).	and the ~~assessment~~**assessments** carried out under Article 9 **in the form of aggregated data, and the register 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).~~		28.11.2024 Council to check		
Article 19(2)							

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
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 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. 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]. _____ 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	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 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~~		28.11: EP needs reassurance that access to land to take samples is in cooperation with owners - condition to drop 'express permission' in r 256 & 257 - EP to draft a recital COM suggestion: add 'without prejudice to national regimes on access to private property' (text from explanatory memo of COM proposal, section on fundamental rights) EP ok to drop 'relevant' 1. ITM - 14.11.24 ITM 28.11.2024 EP to get back	EP AMs in 256 and 257 : see compr in row 81

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	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).	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).	~~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	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***	*deleted*		*1. ITM - 14.11.24 ITM 18.11.2024*	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	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).	***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 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)						
G *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.	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. Text Origin:		G

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
				Commission Proposal		
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.**		1. ITM - 14.11.24 ITM 28.11.2024	Maintain GA
Article 19(4a(new))						
258b		***4a. Member States shall adopt measures to ensure that soil related information***			28.11: EP to draft a recital	EP AM not acceptable

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
		collected through the implementation of this Directive is made available to the potential buyer or potential tenant of the relevant land plot.			3.12: COM: this very concerning, can act as practical disincentive for the owners to allow sampling on their land; issue of discrimination as samples are taken from a specific plot but not the others in the soil unit, so only some plots affected; can result in refusal by landowners to access their land for sampling CSL to chack if inclusion of some limited language on potential buyer could be inclulded in row 17 EP to check internally and draft a text 1. ITM - 14.11.24 ITM 28.11.2024 EP to get back ITM 3.12.2024 Council to check	
Chapter VI						
259	Chapter VI Delegation and	Chapter VI Delegation and	Chapter VI Delegation and	Chapter VI Delegation and		

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	Committee procedure	Committee procedure	Committee procedure	Committee procedure Text Origin: Commission Proposal		
Article 20						
260	Article 20 Exercise of the delegation	Article 20 Exercise of the delegation	Article 20 Exercise of the delegation	Article 20 Exercise of the delegation Text Origin: Commission Proposal		
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.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article. Text Origin: Commission Proposal		
Article 20(2)						
262	2. The power to adopt delegated acts referred to in Articles 8, 10, 15 and 16 shall be conferred on the Commission for an	2. The power to adopt delegated acts referred to in Articles 8, ~~10, 15 and 16~~***9 and 15*** shall be conferred on the Commission	2. The power to adopt delegated acts referred to in Articles ~~8, 10, 15 and 16~~ **8(6) and 15(6)** shall be conferred on the			to be aligned

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	indeterminate period of time from the date of entry into force of this Directive.	for an indeterminate period of time from the date of entry into force of this Directive~~.~~	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.			to be aligned

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments		PRES comments/suggestions
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 Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	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 Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	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 Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	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 Interinstitutional Agreement of 13 April 2016 on Better Law-Making. Text Origin: Commission Proposal			
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.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council. Text Origin: Commission Proposal			
Article 20(6)							

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
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.			to be aligned
Article 21						
267	Article 21	Article 21	Article 21	Article 21		

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	Committee	Committee	Committee	Committee Text Origin: Commission Proposal		
Article 21(1)						
G 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.	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011. Text Origin: Commission Proposal		G
Article 21(2)						
G 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.	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. Text Origin: Commission Proposal		G
Chapter VII						

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
G 270	Chapter VII Final provisions	Chapter VII Final provisions	Chapter VII Final provisions	Chapter VII Final provisions Text Origin: Commission Proposal		
Article 22						
G 271	Article 22 Access to justice	Article 22 Access to justice	Article 22 Access to justice	Article 22 Access to justice Text Origin: Commission Proposal		
Article 22, first paragraph						
Y 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	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	**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		EP to discuss internally if the Council formulation ir rows 272-272b is acceptable (mandates don't differ in substance) ITM 3.12.2024 ITM 18.11.2024 Council to check EP to get back	To align Art 22 to AQD as a compromise

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments		PRES comments/suggestions
	procedural legality of the assessment of soil health, the measures taken pursuant to this Directive and any failures to act of the competent authorities.	procedural legality of the assessment of soil health, the measures taken pursuant to this Directive and any failures to act of the competent authorities.	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							
Y 272a			**a) they have a sufficient interest;**		ITM 3.12.2024 ITM 18.11.2024 Council to check EP to get back		Y
Article 22, first paragraph b							
Y 272b			**b) they maintain the impairment of a right, where administrative procedural law of a Member State requires this as a precondition.**		ITM 3.12.2024 ITM 18.11.2024 Council to check EP to get back		Y
Article 22, second paragraph							

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
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***	*deleted*		*3.12: EP wants to keep the first sentence* *ITM 18.11.2024 ITM 3.12.2024 Council to check*	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
		Directive ~~*be deemed to have rights capable of being impaired and their interest shall be deemed sufficient*~~.				
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 phase of the decision-making procedures under this Directive.**		EP ok to have the text on standing in a separate paragraph ITM 3.12.2024 EP to get back ITM 18.11.2024 Council to check	
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	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	**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**		Council to consider the terms used (remedies v redress mechanisms) ITM 18.11.2024 ITM 3.12.2024 Council to check	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	relief where necessary.	relief where necessary.	**mechanisms** ~~remedies~~, including injunctive relief ~~where necessary~~ **as appropriate**.			
Article 22, fourth paragraph						
Y	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*		*3.12: EP wants to keep the text* *ITM 18.11.2024 ITM 3.12.2024 Council to check*	
Article 23						
G	*276*	Article 23 Penalties	*deleted*	*deleted*	*deleted*		
Article 23(1)						
G	*277*	*1.* Without prejudice to the obligations of Member States under Directive 2008/99/EC of the European Parliament and of the Council, Member	*deleted*	*deleted*	*deleted*		

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	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.					
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	*deleted*	*deleted*	*deleted*		

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments		PRES comments/suggestions
	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 the Member State concerned, taking account, inter alia, the specificities of small and medium-sized enterprises (SMEs).						
Article 23(3)							
G *279*	*3.* Member States shall ensure that the penalties established pursuant to this Article give due regard to the following, as applicable:	*deleted*	*deleted*	*deleted*			G
Article 23(3), point (a)							

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
280	*(a)* the nature, gravity, and extent of the violation;	*deleted*	*deleted*	*deleted*		
Article 23(3), point (b)						
281	*(b)* the intentional or negligent character of the violation;	*deleted*	*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 the environment.	*deleted*	*deleted*	*deleted*		
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	*deleted*	*deleted*	*deleted*		

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	amendments affecting them.					
Article 23a						
283a			**Article 23a** **Support by the Commission**		ITM 26.11.2024	EP could accept art 23a if their AM relating to COM assistance are incorporated
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:**		ITM 26.11.2024	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments		PRES comments/suggestions
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 ;**		ITM 26.11.2024		
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;**		ITM 26.11.2024		
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**		ITM 26.11.2024		

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
			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)						
Y	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;**		ITM 26.11.2024	Y
Article 23a(1), first subparagraph, point (e)						
Y	283g		**(e) carry out in-situ sampling of soil descriptors pursuant to Article 8(2) and Part A.2 of Annex II;**		ITM 26.11.2024	Y
Article 23a(1), first subparagraph, point (f)						
Y	283h		**(f) determine the values of the soil**		ITM 26.11.2024	Y

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
			sealing and soil destruction indicators pursuant to Article 8(2b) and Part C of Annex II;			
Article 23a(1), first subparagraph, point (g)						
Y	283i		**(g) determine or estimate the values of the soil descriptors pursuant to Article 8(3) and Part B of Annex II;**		ITM 26.11.2024	Y
Article 23a(1), first subparagraph, point (h)						
Y	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;**		ITM 26.11.2024	Y
Article 23a(1), first subparagraph, point (i)						
Y	283k		**(i) identify the**		ITM 26.11.2024	Y

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
			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.**		ITM 26.11.2024	
Article 23a(1), second subparagraph						
283m			**The documents and scientific tools referred to in the first subparagraph shall be provided for, as regards:**		ITM 26.11.2024	
Article 23a(1), second subparagraph, point (i)						
283n			**(i) point a),**		ITM 26.11.2024	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
			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;**		ITM 26.11.2024	
Article 23a(1), second subparagraph, point (iii)						
283p			**(iii) point i), within 2 years after the entry into force of this Directive;**		ITM 26.11.2024	
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;**		ITM 26.11.2024	
Article 23a(1), second subparagraph, point (v)						
283r			**(v) point h), within 4 years after the entry into force of this Directive.**		ITM 26.11.2024	
Article 23a(1), third subparagraph						
283s			**Those documents**			

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
			and scientific tools may take the form of guidelines.		ITM 26.11.2024	
Article 23a(1), 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.**		ITM 26.11.2024	Propose to include text from row 238d in this row: "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 23a(2), second subparagraph						
283u			**The Commission**			

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
			shall publish the results of the exchange of information, experience and best practices on these and other relevant topics, and where relevant, provide recommendations or guidelines to Member States.		ITM 26.11.2024	
Article 24						
284	Article 24 Evaluation and review	Article 24 Evaluation and review	Article 24 Evaluation and review	Article 24 Evaluation and review Text Origin: Commission Proposal		
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	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	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			

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	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:	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:	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:			
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;	(a) the experience gained through the implementation of this Directive; Text Origin: Commission Proposal		
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;	(b) the data and information referred to in Article 18;		

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
				Text Origin: Commission Proposal		
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 the following items:	(e) an analysis of the possible need to adapt to scientific and technical progress the provisions of this Directive in particular regarding the following items:	(e) an analysis of the possible need to adapt to scientific and technical progress the provisions of this Directive in particular regarding the following items:	(e) an analysis of the possible need to adapt to scientific and technical progress the provisions of this Directive in particular regarding the following items:		

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
				Text Origin: Commission Proposal		
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;	(i) the definition of healthy soils; Text Origin: Commission Proposal		
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.			

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
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)						
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.			

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments		PRES comments/suggestions
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.***					
Article 24(2b(new))							
294b		***2b. By ... [OP: please insert the date = 6 years from the date of entry into force of the***					

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
		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)						
Y	294c	***Article 24a European Union Soil Observatory (EUSO) Forum***			EP could build on CSL's Art. 23a ITM 26.11.2024	EP could accept including Art 24a under art 23a
Article 24a(1)						
Y	294d	***1. The Commission shall, through the EUSO Forum, facilitate the cooperation at***			ITM 26.11.2024	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments		PRES comments/suggestions
		regular intervals between stakeholders, including Member 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							

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
295	Article 25 Transposition	Article 25 Transposition	Article 25 Transposition	Article 25 Transposition Text Origin: Commission Proposal		
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 the text of those provisions.	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 the text of those provisions.	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~~**3** years after date of entry into force of the Directive]. They shall forthwith communicate to the Commission 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	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the		

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments		PRES comments/suggestions
	occasion of their official publication. Member States shall determine how such reference is to be made.	occasion of their official publication. Member States shall determine how such reference is to be made.	occasion of their official publication. Member States shall determine how such reference is to be made.	occasion of their official publication. Member States shall determine how such reference is to be made. Text Origin: Commission Proposal			
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.	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. Text Origin: Commission Proposal			
Article 26							
299	Article 26 Entry into force	Article 26 Entry into force	Article 26 Entry into force	Article 26 Entry into force Text Origin: Commission Proposal			
Article 26, first paragraph							

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
300	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. Text Origin: Commission Proposal		
Article 27						
301	Article 27 Addressees	Article 27 Addressees	Article 27 Addressees	Article 27 Addressees Text Origin: Commission Proposal		
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.	This Directive is addressed to the Member States. Text Origin: Commission Proposal		
Formula						
303	Done at Brussels,	Done at Brussels,	Done at Brussels,	Done at Brussels, Text Origin: Commission Proposal		

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments		PRES comments/suggestions
Formula							
304	For the European Parliament	For the European Parliament	For the European Parliament	For the European Parliament Text Origin: Commission Proposal			
Formula							
305	The President	The President	The President	The President Text Origin: Commission Proposal			
Formula							
306	For the Council	For the Council	For the Council	For the Council Text Origin: Commission Proposal			
Formula							
307	The President	The President	The President	The President Text Origin: Commission Proposal			
Annex I							
308	Annex I	Annex I	Annex I	Annex I Text Origin: Commission Proposal			

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
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			Maintain GA
Annex I, second paragraph						
G 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	For the purposes of this Annex, the following definitions shall apply Text Origin: Commission Proposal		G
Annex I, third paragraph						
311	(1) 'reverse land take' means the conversion of artificial land into natural or semi-	(1) 'reverse land take' means the conversion of artificial land into natural or semi-	(1) '~~reverse land take~~ **natural land**' means ~~the conversion of artificial land into~~ **an area of land in**			Maintain GA

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	natural land;	natural land;	**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;**			Maintain GA
Annex I, 2 paragraph						
312a			**(3) 'Settlement area' as defined in the 2006 IPCC Guidelines for National Greenhouse Gas Inventories;**			Maintain GA
Annex I, 2 paragraph 3a						
312b			**(3a) 'Organic soils'**			Maintain GA

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
			and 'mineral soils' as defined in the 2006 IPCC Guidelines for National Greenhouse Gas Inventories.			
Annex I, Table 1						
313	Table 1				21.11: CLS: Open to agree to some Biodiversity related descriptors from Tier 1 (optional and obligatory). EP: Compromise narrowing the descriptors in exchange for the sampling archive. CSL: To be checked with MS Delegate certain assessments to LUCAS? COM: Depends on Budget and number of sampling points. (E.g.: 200€ PFAS 1 point). PFAS and Pesticides to be monitored by COM through LUCAS. To be	Annex I - part of an overall package on monitoring and assessment Poss compromise on the biodiversity descriptors and selected contaminants (PFAS, pesticides): see row 165 Maintain GA

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
					specified. Contaminated sites? 28.11: Council to draft a compromise proposal on soil bdv descriptors EP to check the scope for watchlist (PFAS, pesticides, biocides) ITM 28.11.2024 ITM 21.11.2024 Council to get back EP to get back	
Annex II						
314	Annex II	Annex II	Annex II	Annex II Text Origin: Commission Proposal		Maintain GA
Annex II, first paragraph						
315	METHODOLOGIES	METHODOLOGIES	METHODOLOGIES	METHODOLOGIES Text Origin: Commission Proposal		
Annex II, Part I						
316	Part I Part A	Part I Part A	Part I Part A	Part I Part A Text Origin:		

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
				Commission Proposal		
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**			Maintain GA
Annex II, Table 2						
318	Table 2				28.11: EP open to accept elements of CSL methodology if CSL gives concessions on other issues	Annex I - part of an overall package on monitoring and assessment Maintain GA
Annex II, Part II						
319	Part IIPart B	Part IIPart B	Part IIPart B	Part IIPart B Text Origin: Commission Proposal		
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	Methodology for determining or estimating the values of soil descriptors Text Origin: Commission Proposal		

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments		PRES comments/suggestions
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.				Poss. clarification on the meaning of the equivalence Maintain GA
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.**				Maintain GA
Annex II, Table 3							

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
322	Table 3					Maintain GA
Annex II, Part III						
323	Part III Part C	Part III Part C	Part III Part C	Part III Part C Text Origin: Commission Proposal		
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			Maintain GA
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*			*Maintain GA*
Annex II, -a paragraph						
326	- Soil sealing shall be expressed as	- Soil sealing shall be expressed as	*deleted*			*Maintain GA*

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	a percentage of sealed area per total area.	a percentage of sealed area per total area.				
Annex II, eighth paragraph						
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.**			Maintain GA
Annex II, ninth paragraph						
326b			**- For the settlement area indicator, Member states may use data**			Maintain GA

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
			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.	- The methodologies chosen shall either be available in the scientific literature or publicly available. Text Origin: Commission Proposal		
Annex III						
328	Annex III	*deleted*	*Annex III*			*Linked to discussion on art 10* *Maintain GA*
Annex III, first paragraph						
329	SUSTAINABLE SOIL MANAGEMENT PRINCIPLES	*deleted*	SUSTAINABLE SOIL MANAGEMENT PRINCIPLES			Maintain GA
Annex III, second paragraph						

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
330	The following principles shall apply:	*deleted*	The following principles shall apply:			Maintain GA
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;			Maintain GA
Annex III, second paragraph, point (b)						
332	(b) minimise physical soil disturbance;	*deleted*	*(b)* minimise physical soil disturbance;			Maintain GA
Annex III, second paragraph, point (c)						
333	(c) avoid inputs or release of substances into soil that may harm human health or the environment, or degrade soil health;	*deleted*	*(c)* avoid inputs or release of substances into soil that may harm human health or the environment, or degrade soil health;			Maintain GA
Annex III, second paragraph, point (d)						
334	(d) ensure that machinery use is adapted to the strength of the soil,	*deleted*	*(d)* ensure that machinery use is adapted to the strength of the soil,			Maintain GA

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	and that the number and frequency of operations on soils are limited so that they do not compromise soil health;		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;			Maintain GA
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	*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			Maintain GA

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	requirements set out in Annex I of 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).		requirements set out in Annex I of 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			Maintain GA
Annex III, second paragraph, point (h)						
338	(h) use site-adapted		*(h)* use site-adapted			

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	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*	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;			Maintain GA
Annex III, second paragraph, point (i)						
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			Maintain GA
Annex III, second paragraph, point (j)						
340	(j) in the case of crop cultivation, ensure crop rotation and crop diversity, taking into	*deleted*	*(j)* in the case of crop cultivation, ensure crop rotation and crop diversity, taking into			Maintain GA

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	consideration different crop families, root systems, water and nutrient needs, and integrated pest management;		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;			Maintain GA
Annex III, second paragraph, point (l)						
342	(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	*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			Maintain GA

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	regenerate those soil functions.		~~regenerate~~ **restore** those soil functions.			
Annex IV						
343	Annex IV	Annex IV	Annex IV	Annex IV Text Origin: Commission Proposal		Linked to discussion on art 10
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	PROGRAMMES, PLANS, TARGETS AND MEASURES REFERRED TO IN ARTICLE 10 Text Origin: Commission Proposal		
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	(1) The national restoration plans prepared in	(1) The national restoration plans prepared in	(1) The national restoration plans prepared in		

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	accordance with Regulation …/…[1]+. _____ 1. + OP : please insert in the text the number of Regulation on nature restoration contained in document COM(2022) 304	accordance with Regulation …/…[1]+. _____ 1. + OP : please insert in the text the number of Regulation on nature restoration contained in document COM(2022) 304	accordance with Regulation …/…[1]+. _____ 1. + OP : please insert in the text the number of Regulation on nature restoration contained in document COM(2022) 304	accordance with Regulation …/…[1]+. _____ 1. + OP : please insert in the text the number of Regulation on nature restoration contained in document COM(2022) 304 Text Origin: Commission Proposal		
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.	(2) The strategic plans to be drawn up by Member States under the Common Agricultural Policy in accordance with Regulation (EU) 2021/2115. Text Origin: Commission Proposal		
Annex IV, 3 paragraph						
347	(3) The Code of Good Agricultural Practice and the action programmes for designated vulnerable zones	(3) The Code of Good Agricultural Practice and the action programmes for designated vulnerable zones	(3) The Code of Good Agricultural Practice and the action programmes for designated vulnerable zones	(3) The Code of Good Agricultural Practice and the action programmes for designated vulnerable zones		

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	adopted in accordance with Directive 91/676/EEC.	adopted in accordance with Directive 91/676/EEC.	adopted in accordance with Directive 91/676/EEC.	adopted in accordance with Directive 91/676/EEC. Text Origin: Commission Proposal		
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.	(4) The conservation measures and prioritized action framework established for Natura 2000 sites in accordance with Directive 92/43/EEC. Text Origin: Commission Proposal		
Annex IV, 5 paragraph						
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	(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	(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	(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		

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	management plans prepared in accordance with Directive 2000/60/EC.	management plans prepared in accordance with Directive 2000/60/EC.	management plans prepared in accordance with Directive 2000/60/EC.	management plans prepared in accordance with Directive 2000/60/EC. Text Origin: Commission Proposal		
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.	(6) The flood risk management measures included in the flood risk management plans prepared in accordance with Directive 2007/60/EC. Text Origin: Commission Proposal		
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.	(7) The drought management plans referred to in the Union Strategy on Adaptation to Climate Change.		

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
				Text Origin: Commission Proposal		
Annex IV, 8 paragraph						
352	(8) The national action programmes established in accordance with the United Nations Convention to Combat Desertification.	(8) The national action programmes established in accordance with the United Nations Convention to Combat Desertification.	(8) The national action programmes established in accordance with the United Nations Convention to Combat Desertification.	(8) The national action programmes established in accordance with the United Nations Convention to Combat Desertification. Text Origin: Commission Proposal		
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.	(9) The targets set out under Regulation (EU) 2018/841.		

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
				Text Origin: Commission Proposal		
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.	(10) The targets set out under Regulation (EU) 2018/842. Text Origin: Commission Proposal		
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.	(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. Text Origin: Commission Proposal		
Annex IV, 12 paragraph						
356	(12) The integrated national energy and climate plan	(12) The integrated national energy and climate plan	(12) The integrated national energy and climate plan	(12) The integrated national energy and climate plan		

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	established in accordance with Regulation (EU) 2018/1999.	established in accordance with Regulation (EU) 2018/1999.	established in accordance with Regulation (EU) 2018/1999.	established in accordance with Regulation (EU) 2018/1999. Text Origin: Commission Proposal		
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.	(13) The risk assessments and disaster risk management planning in accordance with Decision No 1313/2013/EU. Text Origin: Commission Proposal		
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	(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~~	(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			

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	of plant protection products and amending Regulation (EU) 2021/2115 contained in document COM(2022)305	~~*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*~~	of plant protection products and amending Regulation (EU) 2021/2115 contained in document COM(2022)305			
Annex IV, 15 paragraph						
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		

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
				Text Origin: Commission Proposal		
Annex V, first paragraph						
360	INDICATIVE LIST OF RISK REDUCTION MEASURES	INDICATIVE LIST OF RISK REDUCTION MEASURES	INDICATIVE LIST OF RISK REDUCTION MEASURES	INDICATIVE LIST OF RISK REDUCTION MEASURES Text Origin: Commission Proposal		
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:	(1) Remediation techniques for in- or ex-situ remediation: Text Origin: Commission Proposal		
Annex V, second paragraph, point (a)						
362	(a) Physical remediation techniques:	(a) Physical remediation techniques:	(a) Physical remediation techniques:	(a) Physical remediation techniques: Text Origin: Commission Proposal		
Annex V, 2 paragraph						
363	(a) Vapor	(a) Vapor	(a) Vapor	(a) Vapor		

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	extraction, air sparging;	extraction, air sparging;	extraction, air sparging;	extraction, air sparging; Text Origin: Commission Proposal		
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;	(b) Heat treatment, steam injection, thermal desorption, vitrification; Text Origin: Commission Proposal		
Annex V, c paragraph						
365	(c) Soil washing and flushing;	(c) Soil washing and flushing;	(c) Soil washing and flushing;	(c) Soil washing and flushing; Text Origin: Commission Proposal		
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;	(e) Liquid layer removal;		

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
				Text Origin: Commission Proposal		
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:	(b) Biological remediation techniques: Text Origin: Commission Proposal		
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;	(a) Stimulation of aerobic or anaerobic degradation: bioremediation, biostimulation, bioaugmentation, bioventing, biosparging; Text Origin: Commission Proposal		
Annex V, g paragraph(b)						
371	(b)	(b)	(b)	(b)		

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	Phytoextraction, phytovolatilization, phytodegradation;	Phytoextraction, phytovolatilization, phytodegradation;	Phytoextraction, phytovolatilization, phytodegradation;	Phytoextraction, phytovolatilization, phytodegradation; Text Origin: Commission Proposal		
Annex V, g paragraph(c)						
372	(c) Composting, soil amendments, landfarming, and bioreactor systems;	(c) Composting, soil amendments, landfarming, and bioreactor systems;	(c) Composting, soil amendments, landfarming, and bioreactor systems;	(c) Composting, soil amendments, landfarming, and bioreactor systems; Text Origin: Commission Proposal		
Annex V, g paragraph(d)						
373	(d) Biofiltration, biotreatment wetlands, and biobeds;	(d) Biofiltration, biotreatment wetlands, and biobeds;	(d) Biofiltration, biotreatment wetlands, and biobeds;	(d) Biofiltration, biotreatment wetlands, and biobeds; Text Origin: Commission Proposal		
Annex V, g paragraph(e)						
374	(e) Natural attenuation.	(e) Natural attenuation.	(e) **Monitored** natural attenuation.			
Annex V, c paragraph						
375	(c) Chemical	(c) Chemical	(c) Chemical	(c) Chemical		

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	remediation techniques:	remediation techniques:	remediation techniques:	remediation techniques: Text Origin: Commission Proposal		
Annex V, c paragraph(a)						
376	(a) Chemical oxidation;	(a) Chemical oxidation;	(a) Chemical oxidation;	(a) Chemical oxidation; Text Origin: Commission Proposal		
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;	(b) Chemical reduction and reduction-oxidation (redox) reactions; Text Origin: Commission Proposal		
Annex V, c paragraph(c)						
378	(c) Pump and treat of groundwater.	(c) Pump and treat of groundwater.	(c) Pump and treat of groundwater.	(c) Pump and treat of groundwater. Text Origin: Commission Proposal		
Annex V, c paragraph(d)						
379	(d) Remediation	(d) Remediation	(d) Remediation			

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
	techniques for isolation, containment and monitoring:	techniques for isolation, containment and monitoring:	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;	(a) Surface capping, reactive barriers, encapsulation; Text Origin: Commission Proposal		
Annex V, b paragraph						
381	(b) Chemical stabilization, solidification and immobilization;	(b) Chemical stabilization, solidification and immobilization;	(b) Chemical stabilization, solidification and immobilization;	(b) Chemical stabilization, solidification and immobilization; Text Origin: Commission Proposal		
Annex V, c paragraph						
382	(c) Geo-hydrological isolation and containment;	(c) Geo-hydrological isolation and containment;	(c) Geo-hydrological isolation and containment;	(c) Geo-hydrological isolation and containment; Text Origin: Commission		

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				Proposal		
Annex V, CI paragraph						
383	(d) Phyto-stabilisation;	(d) Phyto-stabilisation;	(d) Phyto-stabilisation;	(d) Phyto-stabilisation; Text Origin: Commission Proposal		
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.	(e) Control and aftercare through monitoring wells. Text Origin: Commission Proposal		
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;	(a) Restriction on the cultivation and consumption of crops and vegetables; Text Origin: Commission Proposal		

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
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;	(b) Restriction on the consumption of eggs; Text Origin: Commission Proposal		
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;	(c) Restriction on the access of pets or husbandry; Text Origin: Commission Proposal		
Annex V, f paragraph, point (d)						
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;	(d) Restriction on the extraction or use of groundwater for drinking, personal hygiene or industrial purposes; Text Origin: Commission Proposal		
Annex V, f paragraph, point (e)						
390	(e) Restriction on the demolition, de-sealing, or	(e) Restriction on the demolition, de-sealing, or	(e) Restriction on the demolition, de-sealing, or			

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	construction on the site;	construction on the site;	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);	(f) Restriction on the access on or in the neighbourhood of the site (e.g. through fencing); Text Origin: Commission Proposal		
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;	(g) Restriction on land use or land use changes; Text Origin: Commission Proposal		
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;	(h) Restriction on digging, drilling or excavation; Text Origin: Commission Proposal		

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	ITM Comments	PRES comments/suggestions
Annex V, f paragraph, point (i)						
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.).	(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.). Text Origin: Commission Proposal		
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.	(3) Best available techniques referred to in Directive 2010/75/EU. Text Origin: Commission Proposal		
Annex V, 4 paragraph						
396	(4) Measures taken by competent authorities and industrial operators following a major accident, in accordance with Directive	(4) Measures taken by competent authorities and industrial operators following a major accident, in accordance with Directive	(4) Measures taken by competent authorities and industrial operators following a major accident, in accordance with Directive	(4) Measures taken by competent authorities and industrial operators following a major accident, in accordance with Directive		

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	2012/18/EU.	2012/18/EU.	2012/18/EU.	2012/18/EU. Text Origin: Commission Proposal		
Annex VI						
397	Annex VI	Annex VI	Annex VI	Annex VI Text Origin: Commission Proposal		
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-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	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	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			

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	presence and concentration of contaminants is determined through soil sampling and investigation.	presence and concentration of contaminants is determined through soil sampling and investigation.	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**			

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			behaviour in the environment. Natural and anthropogenic background concentrations should be considered.			
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	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	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			

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	contaminant uptake. The source-pathway-receptor linkages are summarized in a graphic, schematic and simplified representation: the conceptual site model.	contaminant uptake. The source-pathway-receptor linkages are summarized in a graphic, schematic and simplified representation: the conceptual site model.	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.						
401	3. Toxicity or hazard assessment involves the evaluation of the	3. Toxicity or hazard assessment involves the evaluation of the	3. Toxicity or hazard assessment involves the evaluation of the			

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	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.	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.	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.							

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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 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.	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 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.	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 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			

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			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							

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403	Annex VII	Annex VII	Annex VII	Annex VII Text Origin: Commission Proposal		
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	CONTENT OF REGISTER OF POTENTIALLY CONTAMINATED SITES AND CONTAMINATED SITES Text Origin: Commission Proposal		
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	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	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	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		

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	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:	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:	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:	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: Text Origin: Commission Proposal		
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;	(a) coordinates, address or cadastral parcel(s) of the site in accordance with Directives (EU) 2019/1024 and 2007/2/EC; Text Origin: Commission Proposal		
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;	(b) year of inclusion in the register;		

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				Text Origin: Commission Proposal		
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;	(d) management status of the site; Text Origin: Commission Proposal		
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	(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	(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			

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	available from the soil investigations and risk assessment referred to in Articles 14 and 15;	available from the soil investigations and risk assessment referred to in Articles 14 and 15;	available from the soil investigations and risk assessment referred to in Articles 14 and 15;			
Annex VII, second paragraph, point (f)						
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						
G 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:	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: Text Origin:		G

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				Commission Proposal		
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;	(a) information on environmental permits issued for the site, including the start and end year of the activity; Text Origin: Commission Proposal		
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;	(b) current and planned land use; Text Origin: Commission Proposal		
Annex VII, third paragraph, point (c)						
415	(c) results of soil investigation and remediation reports such as concentrations and contours of the contamination, conceptual site model, risk assessment methodology,	(c) results of soil investigation and remediation reports such as concentrations and contours of the contamination, conceptual site model, risk assessment methodology,	(c) results of soil investigation and remediation reports such as concentrations and contours of the contamination, conceptual site model, risk assessment methodology,	(c) results of soil investigation and remediation reports such as concentrations and contours of the contamination, conceptual site model, risk assessment methodology,		

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	techniques used or planned, effectiveness and cost estimates of risk reduction measures.	techniques used or planned, effectiveness and cost estimates of risk reduction measures.	techniques used or planned, effectiveness and cost estimates of risk reduction measures.	techniques used or planned, effectiveness and cost estimates of risk reduction measures. Text Origin: Commission Proposal		
Annex VII, third paragraph, point (d)						
415a			**(d) timeline of next actions and management steps.**			

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