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**Interinstitutional File:
2023/0232(COD)**

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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 with a kick-off trilogue in Strasbourg on 22 October 2024. Since then, one trilogue (on 12 December 2024) and twenty technical meetings between the representatives of the European Parliament, the Council and the Commission were held.
7. The Presidency informed delegations on the state of play of the negotiations and consulted them on a number of compromise proposals at the meetings of the Working Party on the Environment on 21 February and 24 March 2025. Based on the WPE discussion and bilateral talks with Member States, the Presidency prepared a revised mandate for the second trilogue, scheduled on 9 April 2025.

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. A separate document with Tables 1, 2 and 3 from Annexes I and II are not attached (see relevant comments in rows 313, 318 and 322). In the overall compromise package Annexes I and II would be based on GA, with possible limited changes in Annex I, linked to the compromise on the list of contaminants and the soil biodiversity descriptor.

III. OPEN ISSUES

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, architecture of Annex I and II), 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 timelines and its 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 along the lines set out below:
10. *A compromise package related to sustainable soil management principles and land take*

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:

- a) *Soil resilience (sustainable soil management principles and toolbox) (Article 10, rows 172-185a, Annex III, rows 328-342, new Article 10a, rows 185b-185e)*

The Presidency proposes softening of the language in Article 10, while adding a reference to ‘soil health’ next to ‘soil resilience’, and replacing “sustainable soil management” with a new definition on “improvement of soil resilience”. If necessary, to further address the EP’s concerns related to Annex III (guiding sustainable soil management principles), replacing it with a repository of knowledge containing practical information on soil management practices, could also be considered. In addition, as a last resort the Presidency also suggests softening the language regarding measures linked to trigger values in Articles 7 and 9. To address delegations’ comments on the administrative burden of some of the elements in Article 10 under discussion with the EP, the Presidency suggests removing the references to the costs, the assessment of financial needs and benefits and to the measures listed in Annex IV.

- b) *Land take mitigation principles and mining sector (Article 11, Article 3(1), Article 3(17), Article 8(2) 2nd subparagraph, recitals 30e and 30f, rows 186-192b, 78, 94, 146a, 40ca (new), 40e, Annex I Part D)*

To address the concerns of the EP on Article 11 without modification of the operative part of the text and to preserve the GA definition of soil, the Presidency proposes to provide additional clarifications and assurances in the relevant recitals (30e and 30f) and replace “soil destruction” by another, more neutral term, such as “soil removal”. Following delegations’ suggestions the Presidency intends to make efforts to have a clearer definition of soil removal that includes a reference to the loss of ecosystem services.

11. *A compromise package related to the soil monitoring framework and assessment of soil health (Articles 4-9, including new Art 7a, Annexes I and II, rows 104-170) and timelines (152, 153, 154, 159, 216, 247, 250, 285, 296)*

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 MSs, the Presidency understands the solutions proposed by the EP raise questions of cost and implementation. Nevertheless, our assessment is that additional flexibility on these aspects would be necessary to reach an agreement with the EP. The Presidency made efforts at technical level to remain as close as possible to the General Approach and develop options which would offer as much flexibility as possible and would not add excessive burden for Member States. In order to move towards the EP's position, if necessary and considering the overall balance of the package the Presidency suggests the following:

a) *Structure of Annex I and II and the approach to soil health assessment*

The Presidency proposes the structure of Annex I and II as in GA and introduction of 3 classes based on the trigger and target values of the GA for individual descriptors.

b) *Indicative list of soil contaminants (new Art 7a, row 139a, Annex I, Part C, recital 48b, row 58b)*

The Presidency suggests an indicative list of contaminants, established by the Commission, to be taken into account by MSs when setting the contaminants for the soil contamination descriptor in a subset of sampling points. The monitoring of contaminants would be limited to a subset of sampling points. Monitoring of a subset of PFAS and pesticides, to be defined by MSs, might need to be considered, if necessary.

c) *Soil biodiversity descriptor (Annex I, Part C)*

The Presidency proposes to accept one obligatory soil biodiversity descriptor (DNA metabarcoding for fungi and bacteria), to be measured in a subset of sampling points, gradually phased in, with an evaluation after two monitoring cycles.

d) *The role of LUCAS Soil in the monitoring architecture (Articles 6-9, row 130c, rows 142a-142d)*

i. *Coverage of LUCAS Soil Survey*

The Presidency proposes a transitional LUCAS soil measurements on a subset of samples taken by all MSs, with an option for MSs to ask the Commission's assistance in taking samples.

ii. *Quality assurance and comparability of data*

The Presidency proposes that the LUCAS laboratory additional analysis using standard methodology from Annex II is limited to a subset of samples and only in case MSs uses a methodology other than standard methodology (CEN/ISO) and where the transfer function is required and has not yet been validated.

iii. *Soil samples archiving*

The Presidency proposes an obligatory national archiving by MSs limited to a small percentage of national soil samples with an option to archive a subset of these samples in the Commission's Joint Research Centre and a derogation for MSs who don't want to keep national archives to transfer a subset of their soil samples to JRC.

e) *Timelines*

The Presidency suggests to keep the timelines and derogations as in the GA, with possible slight shortening of the deadline for the identification of potentially contaminated sites.

IV. CONCLUSION

12. 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 9 April 2025.

**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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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	
Formula					
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	

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Citation 1					
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	
Citation 2					
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission, Text Origin: Commission Proposal	
Citation 3					
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments, Text Origin: Commission Proposal	
Citation 4					
7	Having regard to the opinion of the European Economic and Social Committee ¹ ,	Having regard to the opinion of the European Economic and Social Committee ¹ ,	Having regard to the opinion of the European Economic and Social Committee ¹ ,	Having regard to the opinion of the European Economic and Social Committee ¹ ,	

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	1. OJ C , , p. .	1. OJ C , , p. .	1. OJ C , , p. .	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 legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary 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	(1) Soil is a vital, limited, non-renewable and irreplaceable resource that is crucial for the	(1) Soil is a vital, limited resource, and considered non-renewable and irreplaceable resource at human time		

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	economy, the environment and the society.	economy, the environment and the society.	scale that is crucial for the economy, the environment and the society.		
Recital 2					
12	(2) Healthy soils are in good chemical, biological and physical condition so that they can provide ecosystem services that are vital to humans and the environment, such as safe, nutritious and sufficient food, biomass, clean water, nutrients cycling, carbon storage and a habitat for biodiversity. However, 60 to 70 % of the soils in the Union are deteriorated and continue to deteriorate.	(2) Healthy soils are in good chemical, biological and physical condition so that they can provide ecosystem services that are vital to humans and the environment, such as safe, nutritious and sufficient food, biomass, clean water, nutrients cycling, carbon storage and a habitat for biodiversity. <u>Soil is essential to ensuring food security.</u> However, <u>it is estimated that</u> 60 to 70 % of the soils in the Union are deteriorated and continue to deteriorate.	(2) Healthy soils are in good chemical, biological and physical condition so that they can provide ecosystem services that are vital to humans and the environment, such as safe, nutritious and sufficient food, biomass, clean water, nutrients cycling, carbon storage and a habitat for biodiversity. However, 60 to 70 % of the soils in the Union are deteriorated 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,		

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			<p>or constituting an archive of geological, geomorphological and archaeological heritage. While these services are often considered soil ecosystem services, not all of them need a functional ecosystem to be provided and are often – especially in the case of platform for infrastructure and source of raw materials – incompatible with the other soil ecosystem services as these inherently entail a degradation of the soil. They are also often the most prevalent uses of a soil, causing a significant loss of the aforementioned vital ecosystem services, and contributing to the degradation of the soils. As such, it is important to find a balance between these two types of soil ecosystem services.</p>		
Recital 2b					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
12b			<p>(2b) Soil degradation affects ecosystem services provided by soils, with negative impacts to human health and the environment, and can cover different aspects related to physical degradation such as soil sealing and soil artificialisation in general, soil erosion, soil compaction and reduction of soil water retention and infiltration, to chemical or biological degradation such as excess and depletion of nutrients, acidification, salinisation and soil contamination, loss of soil organic carbon, soil biodiversity and soil biological activity.</p>	<p><u>(2a) Soil degradation affects ecosystem services provided by soils, with negative impacts to human health and the environment, and can cover different aspects related to physical degradation such as soil sealing and soil artificialisation in general, soil erosion, soil compaction and reduction of soil water retention and infiltration, to chemical or biological degradation such as excess and depletion of nutrients, acidification, salinisation and soil contamination, loss of soil organic carbon, soil biodiversity and soil biological activity.</u></p> <p>Text Origin: Council Mandate</p>	
Recital 3					
13	(3) Soil degradation is costing the Union several tens of billion euro every year. Soil health is	(3) Soil degradation is costing the Union several tens of billion euro every year. Soil health is	(3) Soil degradation is costing the Union several tens of billion euro every year. Soil health is		

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	<p>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.</p>	<p>impacting the provision of ecosystem services that have an important economic return. <i>Sustainable management and regeneration of soils therefore</i> <u>its improvement</u> makes sound economic sense and can significantly increase the price and value of the land in the Union. <u>Moreover, it can take up to 1 000 years to produce just 1 centimetre of top soil, while the degradation process and complete loss of soil can happen rapidly.</u></p>	<p>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.</p>		
Recital 4					
14	<p>(4) The European Green Deal¹ 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</p>	<p>(4) The European Green Deal¹ 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</p>	<p>(4) The European Green Deal¹ 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</p>	<p>(4) The European Green Deal¹ 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</p>	

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	<p>and well-being of citizens. As part of the European Green Deal, the Commission has adopted the EU Biodiversity Strategy for 2030², the Farm to Fork Strategy³, the Zero Pollution Action Plan⁴, the EU Climate Adaptation Strategy⁵ and the EU Soil Strategy for 2030⁶.</p> <p>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.</p> <p>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.</p> <p>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</p>	<p>and well-being of citizens. As part of the European Green Deal, the Commission has adopted the EU Biodiversity Strategy for 2030², the Farm to Fork Strategy³, the Zero Pollution Action Plan⁴, the EU Climate Adaptation Strategy⁵ and the EU Soil Strategy for 2030⁶.</p> <p>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.</p> <p>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.</p> <p>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</p>	<p>and well-being of citizens. As part of the European Green Deal, the Commission has adopted the EU Biodiversity Strategy for 2030², the Farm to Fork Strategy³, the Zero Pollution Action Plan⁴, the EU Climate Adaptation Strategy⁵ and the EU Soil Strategy for 2030⁶.</p> <p>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.</p> <p>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.</p> <p>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</p>	<p>and well-being of citizens. As part of the European Green Deal, the Commission has adopted the EU Biodiversity Strategy for 2030², the Farm to Fork Strategy³, the Zero Pollution Action Plan⁴, the EU Climate Adaptation Strategy⁵ and the EU Soil Strategy for 2030⁶.</p> <p>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.</p> <p>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.</p> <p>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</p>	

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	<p>Strategy for a fair, healthy and environmentally-friendly food system COM(2020) 381 final.</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>Strategy for a fair, healthy and environmentally-friendly food system COM(2020) 381 final.</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>Strategy for a fair, healthy and environmentally-friendly food system COM(2020) 381 final.</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>Strategy for a fair, healthy and environmentally-friendly food system COM(2020) 381 final.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Text Origin: Commission Proposal</p>	
Recital 5					

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15	<p>(5) The Union is committed to the 2030 Agenda for Sustainable Development and its Sustainable Development Goals (SDGs)¹. Healthy soils contribute directly to the achievement of several SDGs, in particular SDG 2 (zero hunger), SDG 3 (good health and well-being), SDG 6 (clean water and sanitation), SDG 11 (sustainable cities and communities), SDG 12 (responsible consumption and production), SDG 13 (climate action) and SDG 15 (life on land). SDG 15.3 aims to combat desertification, restore degraded land and soil, including land affected by desertification, drought and floods, and strive to achieve a land degradation-neutral world by 2030.</p> <p>¹. https://sdgs.un.org/goals</p>	<p>(5) The Union is committed to the 2030 Agenda for Sustainable Development and its Sustainable Development Goals (SDGs)¹. Healthy soils contribute directly to the achievement of several SDGs, in particular SDG 2 (zero hunger), SDG 3 (good health and well-being), SDG 6 (clean water and sanitation), SDG 11 (sustainable cities and communities), SDG 12 (responsible consumption and production), SDG 13 (climate action) and SDG 15 (life on land). SDG 15.3 aims to combat desertification, restore degraded land and soil, including land affected by desertification, drought and floods, and strive to achieve a land degradation-neutral world by 2030.</p> <p>¹. https://sdgs.un.org/goals</p>	<p>(5) The Union is committed to the 2030 Agenda for Sustainable Development and its Sustainable Development Goals (SDGs)¹. Healthy soils contribute directly to the achievement of several SDGs, in particular SDG 2 (zero hunger), SDG 3 (good health and well-being), SDG 6 (clean water and sanitation), SDG 11 (sustainable cities and communities), SDG 12 (responsible consumption and production), SDG 13 (climate action) and SDG 15 (life on land). SDG 15.3 aims to combat desertification, restore degraded land and soil, including land affected by desertification, drought and floods, and strive to achieve a land degradation-neutral world by 2030.</p> <p>¹. https://sdgs.un.org/goals</p>	<p>(5) The Union is committed to the 2030 Agenda for Sustainable Development and its Sustainable Development Goals (SDGs)¹. Healthy soils contribute directly to the achievement of several SDGs, in particular SDG 2 (zero hunger), SDG 3 (good health and well-being), SDG 6 (clean water and sanitation), SDG 11 (sustainable cities and communities), SDG 12 (responsible consumption and production), SDG 13 (climate action) and SDG 15 (life on land). SDG 15.3 aims to combat desertification, restore degraded land and soil, including land affected by desertification, drought and floods, and strive to achieve a land degradation-neutral world by 2030.</p> <p>¹. https://sdgs.un.org/goals</p>	

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Recital 6					
16	<p>(6) The Union and its Member States, as parties to the Convention on Biological Diversity, approved by Council Decision 93/626/EEC¹, agreed at the 15th Conference of the Parties on the “Kunming-Montreal Global Biodiversity Framework” (GBF)² which comprises several action-oriented global targets for 2030 of relevance for soil health. Nature’s contributions to people, including soil health, should be restored, maintained and enhanced.</p> <p>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,</p>	<p>(6) The Union and its Member States, as parties to the Convention on Biological Diversity, approved by Council Decision 93/626/EEC¹, agreed at the 15th Conference of the Parties on the “Kunming-Montreal Global Biodiversity Framework” (GBF)² which comprises several action-oriented global targets for 2030 of relevance for soil health. Nature’s contributions to people, including soil health, should be restored, maintained and enhanced.</p> <p>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,</p>	<p>(6) The Union and its Member States, as parties to the Convention on Biological Diversity, approved by Council Decision 93/626/EEC¹, agreed at the 15th Conference of the Parties on the “Kunming-Montreal Global Biodiversity Framework” (GBF)² which comprises several action-oriented global targets for 2030 of relevance for soil health. Nature’s contributions to people, including soil health, should be restored, maintained and enhanced.</p> <p>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,</p>	<p>(6) The Union and its Member States, as parties to the Convention on Biological Diversity, approved by Council Decision 93/626/EEC¹, agreed at the 15th Conference of the Parties on the “Kunming-Montreal Global Biodiversity Framework” (GBF)² which comprises several action-oriented global targets for 2030 of relevance for soil health. Nature’s contributions to people, including soil health, should be restored, maintained and enhanced.</p> <p>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,</p>	

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	15/4. Kunming-Montreal Global Biodiversity Framework.	15/4. Kunming-Montreal Global Biodiversity Framework.	15/4. Kunming-Montreal Global Biodiversity Framework.	15/4. Kunming-Montreal Global Biodiversity Framework. Text Origin: Commission Proposal	
Recital 7					
17	<p>(7) The Union and its Member States, as Parties to the UN Convention to Combat Desertification (UNCCD), approved by Council Decision 98/216/EC¹, have committed to combat desertification and mitigate the effects of drought in affected countries. Thirteen Member States² have declared themselves as parties affected by desertification under the UNCCD.</p> <p>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).</p>	<p>(7) The Union and its Member States, as Parties to the UN Convention to Combat Desertification (UNCCD), approved by Council Decision 98/216/EC¹, have committed to combat desertification and mitigate the effects of drought in affected countries. Thirteen Member States² have declared themselves as parties affected by desertification under the UNCCD.</p> <p>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).</p>	<p>(7) The Union and its Member States, as Parties to the UN Convention to Combat Desertification (UNCCD), approved by Council Decision 98/216/EC¹, have committed to combat desertification and mitigate the effects of drought in affected countries. Thirteen Member States² have declared themselves as parties affected by desertification under the UNCCD.</p> <p>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).</p>	<p>(7) The Union and its Member States, as Parties to the UN Convention to Combat Desertification (UNCCD), approved by Council Decision 98/216/EC¹, have committed to combat desertification and mitigate the effects of drought in affected countries. Thirteen Member States² have declared themselves as parties affected by desertification under the UNCCD.</p> <p>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).</p>	

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	2. Bulgaria, Croatia, Cyprus, Greece, Hungary, Italy, Latvia, Malta, Portugal, Romania, Slovakia, Slovenia, Spain.	2. Bulgaria, Croatia, Cyprus, Greece, Hungary, Italy, Latvia, Malta, Portugal, Romania, Slovakia, Slovenia, Spain.	2. Bulgaria, Croatia, Cyprus, Greece, Hungary, Italy, Latvia, Malta, Portugal, Romania, Slovakia, Slovenia, Spain.	2. Bulgaria, Croatia, Cyprus, Greece, Hungary, Italy, Latvia, Malta, Portugal, Romania, Slovakia, Slovenia, Spain. Text Origin: 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 efforts to protect soil fertility,	(9) The EU Biodiversity Strategy for 2030 states that it is essential to step up efforts to protect soil fertility,	(9) The EU Biodiversity Strategy for 2030 states that it is essential to step up efforts to protect soil fertility,	(9) The EU Biodiversity Strategy for 2030 states that it is essential to step up efforts to protect soil fertility,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	<p>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.</p>	<p>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.</p>	<p>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.</p>	<p>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.</p> <p>Text Origin: Commission Proposal</p>	
Recital 10					
20	<p>(10) The EU Soil Strategy for 2030 sets the long-term vision that by 2050, all EU soil ecosystems are in healthy condition and are thus more resilient. As a key solution, healthy soils contribute to address the EU's goals of achieving climate neutrality and becoming resilient to</p>	<p>(10) The EU Soil Strategy for 2030 sets the long-term vision that by 2050, all EU soil ecosystems are in healthy condition and are thus more resilient. As a key solution, healthy soils contribute to address the EU's goals of achieving climate neutrality and becoming resilient to</p>	<p>(10) The EU Soil Strategy for 2030 sets the long-term vision that by 2050, all EU soil ecosystems are in healthy condition and are thus more resilient. As a key solution, healthy soils contribute to address the EU's goals of achieving climate neutrality and becoming resilient to</p>	<p>(10) The EU Soil Strategy for 2030 sets the long-term vision that by 2050, all EU soil ecosystems are in healthy condition and are thus more resilient. As a key solution, healthy soils contribute to address the EU's goals of achieving climate neutrality and becoming resilient to</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	climate change, developing a clean and circular (bio)economy, reversing biodiversity loss, safeguarding human health, halting desertification and reversing land degradation.	climate change, developing a clean and circular (bio)economy, reversing biodiversity loss, safeguarding human health, halting desertification and reversing land degradation.	climate change, developing a clean and circular (bio)economy, reversing biodiversity loss, safeguarding human health, halting desertification and reversing land degradation.	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 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	(11) Funding is vital to enable a transition to healthy soils. The Multiannual Financial Framework presents several funding opportunities available for the protection, sustainable management and regeneration of soils. A ‘Soil Deal for Europe’ is one of the five EU missions of the Horizon Europe programme and is specifically dedicated to promoting soil health. The Soil Mission is a key instrument for the implementation of this	(11) Funding is vital to enable a transition to healthy soils. The Multiannual Financial Framework presents several funding opportunities available for the protection, sustainable management and regeneration of soils. A ‘Soil Deal for Europe’ is one of the five EU missions of the Horizon Europe programme and is specifically dedicated to promoting soil health. The Soil Mission is a key instrument for the implementation of this		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	<p>Directive. It aims to lead the transition to healthy soils through funding an ambitious research and innovation programme, establishing a network of 100 living labs and lighthouses in rural and urban areas, advancing the development of a harmonized soil monitoring framework and increasing the awareness of the importance of soil. Other Union programmes that present objectives contributing to healthy soils are the Common Agricultural Policy, the Cohesion Policy funds, the Programme for Environment and Climate Action, the Horizon Europe work programme, the Technical Support Instrument, the Recovery and Resilience Facility and InvestEU.</p>	<p>Directive. It aims to lead the transition to healthy soils through funding an ambitious research and innovation programme, establishing a network of 100 living labs and lighthouses in rural and urban areas, advancing the development of a harmonized soil monitoring framework and increasing the awareness of the importance of soil. Other Union programmes that present objectives contributing to healthy soils are the Common Agricultural Policy, the Cohesion Policy funds, the Programme for Environment and Climate Action, the Horizon Europe work programme, the Technical Support Instrument, the Recovery and Resilience Facility and InvestEU. <u><i>As the goal to have all soils within the Union in healthy status is of common interest, there is a need to increase the</i></u></p>	<p>Directive. It aims to lead the transition to healthy soils through funding an ambitious research and innovation programme, establishing a network of 100 living labs and lighthouses in rural and urban areas, advancing the development of a harmonized soil monitoring framework and increasing the awareness of the importance of soil. Other Union programmes that present objectives contributing to healthy soils are the Common Agricultural Policy, the Cohesion Policy funds, the Programme for Environment and Climate Action, the Horizon Europe work programme, the Technical Support Instrument, the Recovery and Resilience Facility and InvestEU.</p>		

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		<u><i>mobilisation of resources to support the uptake of sustainable soil management and regenerative practices, including through provision of support from the European Investment Bank via de-risking mechanisms. The Commission should assess the overall financial needs and gaps and if needed put in place for the post-2027 period additional financial resources under the Multiannual Financial Framework and adopt measures to ensure policy coherence in relation to the objectives of this Directive.</i></u>			
Recital 12					
22	(12) The Soil Strategy for 2030 announced that the Commission would table a legislative proposal on soil health to enable the objectives of the Soil Strategy and to achieve	(12) The Soil Strategy for 2030 announced that the Commission would table a legislative proposal on soil health to enable the objectives of the Soil Strategy and to achieve	(12) The Soil Strategy for 2030 announced that the Commission would table a legislative proposal on soil health to enable the objectives of the Soil Strategy and to achieve		

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	<p>good soil health across the EU by 2050. In its resolution of 28 April 2021 on soil protection¹, 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 sustainable use of soil, addressing all major soil threats.</p> <p>¹ European Parliament resolution of 28 April 2021 on soil protection (2021/2548(RSP)).</p>	<p>good soil health across the EU by 2050. In its resolution of 28 April 2021 on soil protection¹, 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 sustainable use of soil, addressing all major soil threats. <u>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</u></p>	<p>good soil health across the EU by 2050. In its resolution of 28 April 2021 on soil protection¹, 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 sustainable use of soil, addressing all major soil threats.</p> <p>¹ European Parliament resolution of 28 April 2021 on soil protection (2021/2548(RSP)).</p>		

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		<p><u>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.</u></p> <p>1. European Parliament resolution of 28 April 2021 on soil protection (2021/2548(RSP)).</p>			
Recital 13					
23	<p>(13) In its conclusions of 23 October 2020¹, the Council supported the Commission in stepping up efforts to better protect soils and soil biodiversity, as a non-renewable resource of vital importance.</p> <p>1. Council Conclusions on Biodiversity - the need for urgent action, 12210/20.</p>	<p>(13) In its conclusions of 23 October 2020¹, the Council supported the Commission in stepping up efforts to better protect soils and soil biodiversity, as a non-renewable resource of vital importance.</p> <p>1. Council Conclusions on Biodiversity - the need for urgent action, 12210/20.</p>	<p>(13) In its conclusions of 23 October 2020¹, the Council supported the Commission in stepping up efforts to better protect soils and soil biodiversity, as a non-renewable resource of vital importance.</p> <p>1. Council Conclusions on Biodiversity - the need for urgent action, 12210/20.</p>	<p>(13) In its conclusions of 23 October 2020¹, the Council supported the Commission in stepping up efforts to better protect soils and soil biodiversity, as a non-renewable resource of vital importance.</p> <p>1. Council Conclusions on Biodiversity - the need for urgent action, 12210/20.</p> <p>Text Origin: Commission Proposal</p>	
Recital 14					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
24	(14) Regulation (EU) 2021/1119 of the European Parliament and of the Council ¹ sets out a binding objective of climate neutrality in the Union by 2050 and negative emissions thereafter, and of prioritising swift and predictable emission reductions and, at the same time, enhancing removals by natural sinks. Sustainable soil management results in increased carbon sequestration and in most cases in co-benefits for ecosystems and biodiversity. The Commission's Communication on Sustainable Carbon Cycles ² underlined the need for clear and transparent identification of the activities that unambiguously remove carbon from the atmosphere such as the development of a EU	(14) Regulation (EU) 2021/1119 of the European Parliament and of the Council ¹ sets out a binding objective of climate neutrality in the Union by 2050 and negative emissions thereafter, and of prioritising swift and predictable emission reductions and, at the same time, enhancing removals by natural sinks. Sustainable soil management results in increased carbon sequestration and in most cases in co-benefits for ecosystems and biodiversity. The Commission's Communication on Sustainable Carbon Cycles ² underlined the need for clear and transparent identification of the activities that unambiguously remove carbon from the atmosphere such as the development of a EU	(14) Regulation (EU) 2021/1119 of the European Parliament and of the Council ¹ sets out a binding objective of climate neutrality in the Union by 2050 and negative emissions thereafter, and of prioritising swift and predictable emission reductions and, at the same time, enhancing removals by natural sinks. Sustainable soil management results in increased carbon sequestration and in most cases in co-benefits for ecosystems and biodiversity. The Commission's Communication on Sustainable Carbon Cycles ² underlined the need for clear and transparent identification of the activities that unambiguously remove carbon from the atmosphere such as the development of a EU	(14) Regulation (EU) 2021/1119 of the European Parliament and of the Council ¹ sets out a binding objective of climate neutrality in the Union by 2050 and negative emissions thereafter, and of prioritising swift and predictable emission reductions and, at the same time, enhancing removals by natural sinks. Sustainable soil management results in increased carbon sequestration and in most cases in co-benefits for ecosystems and biodiversity. The Commission's Communication on Sustainable Carbon Cycles ² underlined the need for clear and transparent identification of the activities that unambiguously remove carbon from the atmosphere such as the development of a EU	

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	<p>framework for the certification of carbon removals from natural ecosystems including soils. Moreover, the revised Regulation on Land Use, Land Use Change and Forestry not only places soil carbon central to the achievement of targets on the pathway to a climate neutral Europe, but also calls for Member States to prepare a system for the monitoring of soil carbon stocks, using, inter alia, the land use/cover area frame statistical survey (LUCAS) dataset.</p> <p>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.</p>	<p>framework for the certification of carbon removals from natural ecosystems including soils. Moreover, the revised Regulation on Land Use, Land Use Change and Forestry not only places soil carbon central to the achievement of targets on the pathway to a climate neutral Europe, but also calls for Member States to prepare a system for the monitoring of soil carbon stocks, using, inter alia, the land use/cover area frame statistical survey (LUCAS) dataset.</p> <p>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.</p>	<p>framework for the certification of carbon removals from natural ecosystems including soils. Moreover, the revised Regulation on Land Use, Land Use Change and Forestry not only places soil carbon central to the achievement of targets on the pathway to a climate neutral Europe, but also calls for Member States to prepare a system for the monitoring of soil carbon stocks, using, inter alia, the land use/cover area frame statistical survey (LUCAS) dataset.</p> <p>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.</p>	<p>framework for the certification of carbon removals from natural ecosystems including soils. Moreover, the revised Regulation on Land Use, Land Use Change and Forestry not only places soil carbon central to the achievement of targets on the pathway to a climate neutral Europe, but also calls for Member States to prepare a system for the monitoring of soil carbon stocks, using, inter alia, the land use/cover area frame statistical survey (LUCAS) dataset.</p> <p>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.</p>	

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				Text Origin: Commission Proposal	
Recital 15					
25	<p>(15) The Commission’s Communication on adaptation to climate change¹ 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.</p> <p>1. Communication from the European Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Forging a climate-resilient Europe - the new EU Strategy on Adaptation to Climate Change COM (2021)82 final.</p>	<p>(15) The Commission’s Communication on adaptation to climate change¹ 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.</p> <p>1. Communication from the European Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Forging a climate-resilient Europe - the new EU Strategy on Adaptation to Climate Change COM (2021)82 final.</p>	<p>(15) The Commission’s Communication on adaptation to climate change¹ 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.</p> <p>1. Communication from the European Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Forging a climate-resilient Europe - the new EU Strategy on Adaptation to Climate Change COM (2021)82 final.</p>	<p>(15) The Commission’s Communication on adaptation to climate change¹ 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.</p> <p>1. Communication from the European Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Forging a climate-resilient Europe - the new EU Strategy on Adaptation to Climate Change COM (2021)82 final.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
				Text Origin: Commission Proposal	
Recital 16					
26	(16) The Zero Pollution Action Plan adopted by the Commission sets out the vision for 2050 that air, water and soil pollution is reduced to levels no longer considered harmful to health and natural ecosystems and that respect the boundaries our planet can cope with, thus creating a toxic-free environment.	(16) The Zero Pollution Action Plan adopted by the Commission sets out the vision for 2050 that air, water and soil pollution is reduced to levels no longer considered harmful to health and natural ecosystems and that respect the boundaries our planet can cope with, thus creating a toxic-free environment.	(16) The Zero Pollution Action Plan adopted by the Commission sets out the vision for 2050 that air, water and soil pollution is reduced to levels no longer considered harmful to health and natural ecosystems and that respect the boundaries our planet can cope with, thus creating a toxic-free environment.	(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	
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	(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	(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	(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	

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	<p>system more resilient by providing the basis for nutritious and sufficient food.</p> <p>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.</p>	<p>system more resilient by providing the basis for nutritious and sufficient food.</p> <p>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.</p>	<p>system more resilient by providing the basis for nutritious and sufficient food.</p> <p>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.</p>	<p>system more resilient by providing the basis for nutritious and sufficient food.</p> <p>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.</p> <p>Text Origin: Commission Proposal</p>	
Recital 18					
28	<p>(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.</p>	<p>(18) It is necessaryvital to set appropriate measures for Union-wide harmonised monitoring and assessingassessment 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</p>	<p>(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.</p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
		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 planet. Due to their ability to capture and store carbon, healthy soils contribute to the achievement of the Union’s objectives on climate change. Healthy soils also provide a favourable habitat for organisms to thrive and are crucial for enhancing biodiversity and the stability of ecosystems. Biodiversity below and above ground are intimately connected and interact through mutualistic relationships (e.g. mycorrhizal fungi that connect plant roots).	(19) Soils host more than 25% of all biodiversity and are the second largest carbon pool of the planet. Due to their ability to capture and store carbon, healthy soils contribute to the achievement of the Union’s objectives on climate change. <u>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.</u> Healthy soils also provide a favourable habitat for organisms to thrive and are crucial for enhancing biodiversity and the stability of ecosystems.	(19) Soils host more than 25% of all biodiversity and are the second largest carbon pool of the planet. Due to their ability to capture and store carbon, healthy soils contribute to the achievement of the Union’s objectives on climate change. Healthy soils also provide a favourable habitat for organisms to thrive and are crucial for enhancing biodiversity and the stability of ecosystems. Biodiversity below and above ground are intimately connected and interact through mutualistic relationships (e.g. mycorrhizal fungi that connect plant roots).		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
		Biodiversity below and above ground are intimately connected and interact through mutualistic relationships (e.g. mycorrhizal fungi that connect plant roots).			
Recital 19a					
29a		<u><i>(19a) Soil organic matter is crucial for the provision of soil ecosystem services and functions, by reducing soil degradation, erosion and compaction, while increasing the buffering, water holding and cation exchange capacity of the soil and soil organic carbon, which ultimately could increase crop yields. Additionally, soil organic matter positively affects soil biodiversity and could increase the carbon sequestered in soils, thereby contributing to climate change mitigation.</i></u>	(19a) Soil organic matter is crucial for the provision of soil ecosystem services and functions, by reducing soil degradation such as erosion and compaction, while increasing the buffering, water holding and infiltration as well as cation exchange capacity of the soil. Soil organic matter, generally measured through soil organic carbon, can not only improve the structural stability of soils, reflected by their soil organic carbon to clay ratio, but also the development of biomass, including an increase in crop yields. Additionally,		

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			<p>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.</p>		
Recital 20					
30	<p>(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 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</p>	<p>(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 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</p>	<p>(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 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</p>	<p>(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 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</p>	

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	<p>natural disasters. Practices that enhance water retention and nutrient availability in soils, soil structure, soil biodiversity and carbon sequestration, increase the resilience of ecosystems, plants and crops to withstand and recover from drought, natural disasters, heatwaves and extreme weather events which will become more frequent in the future due to climate change. In turn, without proper soil management, drought and natural disasters cause soil degradation and make soils unhealthy. Improvement of soil health helps to mitigate the economic losses and fatalities associated with climate-related extremes, which amounted to approximately 560 billion EUR and more than 182.000 casualties in the Union between 1980 and 2021.</p>	<p>natural disasters. Practices that enhance water retention and nutrient availability in soils, soil structure, soil biodiversity and carbon sequestration, increase the resilience of ecosystems, plants and crops to withstand and recover from drought, natural disasters, heatwaves and extreme weather events which will become more frequent in the future due to climate change. In turn, without proper soil management, drought and natural disasters cause soil degradation and make soils unhealthy. Improvement of soil health helps to mitigate the economic losses and fatalities associated with climate-related extremes, which amounted to approximately 560 billion EUR and more than 182.000 casualties in the Union between 1980 and 2021.</p>	<p>natural disasters. Practices that enhance water retention and nutrient availability in soils, soil structure, soil biodiversity and carbon sequestration, increase the resilience of ecosystems, plants and crops to withstand and recover from drought, natural disasters, heatwaves and extreme weather events which will become more frequent in the future due to climate change. In turn, without proper soil management, drought and natural disasters cause soil degradation and make soils unhealthy. Improvement of soil health helps to mitigate the economic losses and fatalities associated with climate-related extremes, which amounted to approximately 560 billion EUR and more than 182.000 casualties in the Union between 1980 and 2021.</p>	<p>natural disasters. Practices that enhance water retention and nutrient availability in soils, soil structure, soil biodiversity and carbon sequestration, increase the resilience of ecosystems, plants and crops to withstand and recover from drought, natural disasters, heatwaves and extreme weather events which will become more frequent in the future due to climate change. In turn, without proper soil management, drought and natural disasters cause soil degradation and make soils unhealthy. Improvement of soil health helps to mitigate the economic losses and fatalities associated with climate-related extremes, which amounted to approximately 560 billion EUR and more than 182.000 casualties in the Union between 1980 and 2021.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
				Text Origin: Commission Proposal	
Recital 21					
31	(21) Soil health contributes directly to human health and well-being. Healthy soils provide safe and nutritious food, and have the ability to filter contaminants, hence preserving drinking water quality. Soil contamination can harm human health through ingestion, inhalation or dermal contact. Human exposure to the healthy soil microbial community is beneficial to develop the immune system and resistance against certain diseases and allergies. Healthy soils support the growth of trees, flowers, and grasses, and create green infrastructure that offers aesthetic value, well-being, and quality of life.	(21) Soil health contributes directly to human health and well-being. Healthy soils provide safe and nutritious food, and have the ability to filter contaminants, hence preserving drinking water quality. Soil contamination can harm human health through ingestion, inhalation or dermal contact. Human exposure to the healthy soil microbial community is beneficial to develop the immune system and resistance against certain diseases and allergies. Healthy soils support the growth of trees, flowers, and grasses, and create green infrastructure that offers aesthetic value, well-being, and quality of life.	(21) Soil health contributes directly to human health and well-being. Healthy soils provide safe and nutritious food, and have the ability to filter contaminants, hence preserving drinking water quality. Soil contamination can harm human health through ingestion, inhalation or dermal contact. Human exposure to the healthy soil microbial community is beneficial to develop the immune system and resistance against certain diseases and allergies. Healthy soils support the growth of trees, flowers, and grasses, and create green infrastructure that offers aesthetic value, well-being, and quality of life.	(21) Soil health contributes directly to human health and well-being. Healthy soils provide safe and nutritious food, and have the ability to filter contaminants, hence preserving drinking water quality. Soil contamination can harm human health through ingestion, inhalation or dermal contact. Human exposure to the healthy soil microbial community is beneficial to develop the immune system and resistance against certain diseases and allergies. Healthy soils support the growth of trees, flowers, and grasses, and create green infrastructure that offers aesthetic value, well-being, and quality of life. Text Origin: Commission Proposal	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
Recital 21a					
31a		<u><i>(21a) Per- and 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.</i></u>			
Recital 22					
32	(22) Soil degradation impacts fertility, yields, pest resistance and nutritional food quality. Since 95 % of our food is directly or indirectly produced on soils and the global population continues to increase, it is key that this finite natural resource remains healthy to ensure food security in the long-term and secure the productivity and profitability of Union	(22) Soil degradation impacts fertility, yields, pest resistance and nutritional food quality. Since 95 % of our food is directly or indirectly produced on soils and the global population continues to increase, it is key that this finite natural resource remains healthy to ensure food security in the long-term and secure the productivity and profitability of Union	(22) Soil degradation impacts fertility, yields, pest resistance and nutritional food quality. Since 95 % of our food is directly or indirectly produced on soils and the global population continues to increase, it is key that this finite natural resource remains healthy to ensure food security in the long-term and secure the productivity and profitability of Union		

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	agriculture. Sustainable soil management practices maintain or enhance soil health and contribute to the sustainability and resilience of the food system.	agriculture. Sustainable soil management practices, <u>including those set out by the common agricultural policy</u> , maintain or enhance soil health and contribute to the sustainability and resilience of the food system. <u>Reducing nutrient losses and pesticide residues are essential in this respect.</u>	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 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	(23) The long-term objective of the Directive is to achieve healthy soils <u>across the Union</u> by 2050. As an intermediate step, in light of the limited knowledge about the condition of soils and about the effectiveness and costs of the measures to regenerate their health, the directive takes a staged approach. In the first stage the focus will be on setting up the soil monitoring framework and assessing the situation of soils	(23) The aspirational long-term objective of the Directive is to achieve healthy soils by 2050. As an intermediate step, in light of the limited knowledge about the condition of soils and about the effectiveness and costs of the measures to regenerate their health, the Directive takes a staged approach. In the first stage, the focus will be on setting up the soil monitoring framework and assessing the situation of		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	<p>EU. It also includes requirements to lay down measures to manage soils sustainably and regenerate unhealthy soils once their condition is established, but without imposing an obligation to achieve healthy soils by 2050 neither intermediate targets. This proportionate approach will allow sustainable soil management and regeneration of unhealthy soils to be well prepared, incentivised and set in motion. In a second stage, as soon as the results of the first assessment of soils and trends analysis are available, the Commission will take stock of the progress towards the 2050 objective and the experience thereof, and will propose a review of the directive if necessary to accelerate progress towards 2050.</p>	<p>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 <u>Member States should define sustainable soil management practices taking into account the non-binding principles set in Annex III to this Directive. The Member States are given the flexibility to decide on the concrete practices to be implemented, when appropriate, reflecting local conditions and its feasibility, in order to facilitate achieving</u> healthy soils by 2050 neither intermediate targets. This proportionate approach will allow sustainable soil management and regeneration of unhealthy <u>soils that are not healthy</u> to be well prepared,</p>	<p>soils throughout the EU. It also includes requirements to lay down measures to manage soils sustainably and, regenerate unhealthy soils, once their condition is established, but without imposing as well as assess and manage the risks of contaminated sites. However, it does not impose an obligation to achieve healthy soils by 2050 neither nor intermediate targets. This proportionate approach will allow sustainable soil management and regeneration of unhealthy soils to be well prepared, incentivised and set in motion. In a second stage, as soon as the results of the first assessment of soils and trends analysis are available, the Commission will take stock of the progress towards the 2050 objective and the experience thereof, and will propose a review of the Directive if</p>		

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		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 <i>accelerate progress towards 2050</i> <u>meet the 2050 goal</u> .	necessary to accelerate progress towards 2050.		
Recital 24					
34	(24) Addressing the pressures on soils and identifying the appropriate measures to maintain or regenerate soil health requires that the variety of soil types, the specific local and climatic conditions and the land use or the land cover is taken into account. It is therefore appropriate that Member States establish soil districts. Soil districts should constitute the basic	(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 <i>that are capable of adequately</i>	(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	Text Origin: Commission Proposal	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	<p>governance units to manage soils and to take measures to comply with the requirements laid down in this Directive, in particular with regard to the monitoring and assessment of soil health. The number, geographic extent and boundaries of soil districts for each Member State should be determined in order to facilitate the implementation of Regulation (UE) /... of the European Parliament and of the Council⁺. There should be a minimum number of soil districts in each Member State taking into account the size of the Member State. This minimum number of soil districts for each Member State shall correspond to the number of NUTS 1 territorial units established in Regulation (EC) No 1059/2003 of the European Parliament and of the Council².</p>	<p><u><i>reflecting pedoclimatic conditions and soil variety on their whole territory.</i></u> 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: <i>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⁺.</i> 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</p>	<p>certain 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 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</p>		

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	<p>_____</p> <p>+ . 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.</p> <p>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).</p>	<p>territorial units established in Regulation (EC) No 1059/2003 of the European Parliament and of the Council². <u>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.</u></p> <p>_____</p> <p>+ . 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.</p> <p>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).</p>	<p>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 one or several entire soil units established in Regulation (EC) No 1059/2003 of the European Parliament and of the Council².</p> <p>_____</p> <p>+ . 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.</p> <p>2. Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the</p>		

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			establishment of a common classification of territorial units for statistics (NUTS) (OJ L 154, 21.6.2003, p. 1).		
Recital 24a					
34a			(24a) To design the sample survey for the soil monitoring, the Member States will need to take into account their soil districts and soil units. In order to ensure sufficient level of harmonisation between Member States, the minimum criteria to define soil units should be defined at European level. In that regard, soil type and land use are two minimum criteria that should serve as harmonised basic data. As for the soil type, the map of soil regions of the European Union and Adjacent Countries¹ allows to represent the frame condition for soil development at the landscape level. This map builds on soil types		

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			<p>as defined in the World Reference Base for Soil Resources², as well as on fully comparable and harmonized basic data at the continental level, i.e climate, topography, relief, geology and vegetation. As for the land use, the categories as defined in Regulation (EU) 2018/841³ and the IPCC Guidelines serve as a harmonised basis for land use reporting. Therefore, in order to delineate the soil units, Member States should take into account at least the soil districts, as well as the above mentioned soil regions and the land use categories. Due to spatial variability in soil properties and land use, a soil unit may consist of non-adjacent areas. In addition, climatic and environmental conditions can be taken into account. More detailed or updated</p>		

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			<p>information at the European, national or subnational level could be used, when available.</p> <p>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/ae71ffec-1ae9-4624-ae3f-f49513fe9dcb</p> <p>2. https://www.fao.org/soils-portal/data-hub/soil-classification/world-reference-base/en/</p> <p>3. Regulation (EU) 2018/841 of the European Parliament and of the Council of 30 May 2018 on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry in the 2030 climate and energy framework, and amending Regulation (EU) No 525/2013 and Decision No 529/2013/EU (OJ L 156, 19.6.2018, p. 1).</p>		
Recital 24a					
34b		<p><u><i>(24a) Soil districts are the most appropriate level for adopting programmes of measures and, where necessary, intermediate targets, including via local soil district plans,</i></u></p>			

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		<u>taking into account local conditions and the views of local stakeholders, to ensure that the respective soils improve their classification. As it takes more time to restore critically degraded soils, a sufficient timeline of up to 10 years should be given to ensure that their ecological classification improves. Soils registered as contaminated that are covered by specific management and mitigation plans could be subject to a different timeline.</u>			
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	(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	(25) In order to ensure an appropriate governance on soils, Member States should be required to appoint one or more a authorities for each soil district. Member States should be allowed to appoint any additional competent authority at the		

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	at national or regional level.	at national or regional level, <u>including across territories of Member States. In order to minimise costs, Member States should primarily appoint authorities that are already set up. One authority could be responsible for several areas, which could improve consistency in the implementation of this Directive. In the event that Member States change the allocation of competences among competent authorities, they should communicate those changes to the Commission to keep the information up to date.</u>	appropriate level, including at national or regional subnational level.		
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		

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			<p>information pertaining to the military sites should not be disclosed, given their disclosure can adversely affect public security or national defence. Therefore, Member States should be allowed not to make such data and information accessible to the public, including through the digital soil health data portal or the register of potentially contaminated sites and contaminated sites, nor to report them to the Commission and the EEA.</p>		
Recital 26					
36	(26) In order to have a common definition of healthy soil condition, there is a need to define a minimum common set of measurable criteria, which, if not respected leads to a critical loss in the soil's capacity to function as a vital living system and to	(26) In order to have a common definition of healthy soil condition, there is a need to define a minimum common set of measurable criteria, which, if not respected leads to a critical loss in the soil's capacity to function as a vital living system and to	(26) In order to have a common definition of healthy soil condition, there is a need to define a minimum common set of measurable criteria, which, if not respected leads to a critical loss in the soil's capacity to function as a vital living system and to	(26) In order to have a common definition of healthy soil condition, there is a need to define a minimum common set of measurable criteria, which, if not respected leads to a critical loss in the soil's capacity to function as a vital living system and to	

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	provide ecosystem services. Such criteria should reflect and be based on the existing level of soil science.	provide ecosystem services. Such criteria should reflect and be based on the existing level of soil science.	provide ecosystem services. Such criteria should reflect and be based on the existing level of soil science.	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 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	(27) In order to describe soil degradation it is necessary to establish <u>provide for a common framework and to allow for comparability of data, the Commission should by means of delegated acts, adopt a methodology for determining threshold values for</u> soil descriptors that can be measured or estimated. Even if there is significant variability between soil types, for <u>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</u>	(27) In order to describe soil degradation it is necessary to establish common soil descriptors that can be measured or estimated. Even if there is significant variability between soil types, climatic conditions and land uses, the current scientific knowledge allows to set criteria at Union level for some of those soil descriptors. However, Member States should be able to adapt the criteria for some of these soil descriptors based on specific national or local conditions and define the criteria for other soil descriptors for which common criteria at EU		

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	<p>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.</p>	<p>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. <u>Using this methodology</u> 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<u>identify draft threshold values for</u> soil descriptors for which common criteria at EU<u>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</u> level cannot be established at this stage. For those descriptors<u>for playing field among Member States and to avoid Member States</u></p>	<p>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.</p>		

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		<p><u>adopting threshold values</u> which clear criteria that would distinguish between healthy and unhealthy condition cannot be identified now, only monitoring and assessment are<u>allow similar soil to be categorised in a very different manner, thereby affecting the efforts</u> required. This will facilitate the development of such criteria in future <u>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.</u></p>			
Recital 27a					



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37a			<p>(27a) In order to make a clear distinction between the aspirational long-term objective of this Directive and the operational aspects of implementing sustainable soil management practices, the criteria for healthy soil condition of the soil descriptors are split into non-binding sustainable target values and operational trigger values. The non-binding sustainable target values reflect the long-term aspirational objective of this Directive and do not create an obligation to act. These target values reflect, based on the current scientific knowledge, the ideal situation where the capacity of soils to provide ecosystem services will not decrease and no significant harm will occur to human health or the</p>		

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			<p>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 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</p>		

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			<p>policies can be fully taken into account. Member States could decide to set the trigger value for one or more soil degradations at the same level as the target value for these soil degradations. The Commission should support Member States in establishing the sustainable target and operational trigger values.</p>		
Recital 27a					
37b		<p><i><u>(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",</u></i></p>			

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		<u><i>“degraded soils” to “critically degraded soils”, taking into consideration, inter alia, the presence of degradation factors and soil functions.</i></u>			
Recital 27b					
37c		<u><i>(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</i></u>			

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		<p><u><i>continuous monitoring and following the criteria set in the annexes to this Directive. In Tiers 1 and 2, 20% of sampling points are dedicated to targeted monitoring, allowing Member States to expand risk-based assessments, conduct investigations, or target areas of particular interest. The establishment of a tiered approach increases the number of soil descriptors assessed but also the level of autonomy that Member States have in determining the thresholds associated to the ecological status of soils. The main goal of such a tiered approach is to allow all Member States to implement their monitoring systems and take advantage of any current national systems that already monitor soils. Tier 2 will allow gaps to be filled in the scope and extent of the soil</i></u></p>			



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		<u><i>descriptors considered. In Tier 3, the number of soil descriptors is expanded further to refine particular aspects of the soil monitoring systems.</i></u>			
Recital 28					
38	(28) In order to create incentives, Member States should set up mechanisms to recognize the efforts of landowners and land managers to maintain the soil in healthy condition, including in the form of soil health certification complementary to the Union regulatory framework for carbon removals, and supporting the implementation of the renewable energy sustainability criteria set out in article 29 of Directive (EU) 2018/2001 of the European Parliament and of the Council ¹ . The Commission should facilitate soil health certification by inter alia exchanging information	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>	

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	<p>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.</p> <p>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).</p>				
<i>Recital 29</i>					
39	<p>(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</p>	<p>(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</p>	<p>(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</p>	<p>(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 <u>and may contain tangible</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	should be taken into account in the context of the definition of healthy soils and the requirements to achieve healthy soil condition.	should be taken into account in the context of the definition of healthy soils and the requirements to achieve healthy soil condition.	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.	<u><i>traces of our past.</i></u> Those characteristics should be taken into account in the context of the definition of healthy soils and the requirements to achieve healthy soil condition. Text Origin: Council Mandate	
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		

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			<p>impact on soil health and ecosystem services. This Directive thus aims to set up a monitoring framework for the more visible aspects of land take: soil sealing and soil destruction, using already available tools at EU level through the Copernicus products, optionally complemented with national remote sensing data and inventories. The aim is to be as cost-effective and pragmatic as possible at this stage, with the goal of having a harmonised understanding, and to initiate first considerations at the national level, based on sound data.</p>		
Recital 30					
40	(30) Soil is a limited resource subject to an ever-growing competition for different uses. Land take is a process often driven by economic	(30) Soil is a limited resource subject to an ever-growing competition for different uses. Land take is a process often driven by economic	(30) Soil is a limited resource subject to an ever-growing competition for different uses. Land take is a process often driven by economic		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	<p>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, 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</p>	<p>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, 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</p>	<p>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 constructions and infrastructure, as a direct source of raw material or as archive for historic patrimony. This transformation may cause the loss, often irreversibly,</p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	<p>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.</p>	<p>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 <i>as part of complementing</i> sustainable soil management.</p>	<p>of the capacity of soils to provide other ecosystem services (provision of food and biomass, water and nutrients cycling, basis for biodiversity and carbon storage). In particular, land take often affects the most fertile agricultural soils, putting food security in jeopardy. Sealed soil also exposes human settlements to higher flood peaks and more intense heat island effects. Therefore, it is necessary to monitor land take and soil sealing and their effects on soil's capacity to provide ecosystem services. It is also appropriate to lay down certain principles to mitigate the impacts of land take as part of sustainable soil management, soil artificialisation, can be further divided into three main processes: soil sealing, soil destruction, and other</p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			<p>types of soil artificialisation.</p> <p>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.</p> <p>Buildings and roads are an example of impermeable soil sealing.</p> <p>Train tracks with associated permeable materials are a type of semi-permeable soil sealing.</p> <p>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</p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			<p>where the soil is damaged to the point of destruction.</p> <p>Finally, there are other, less visible types of soil artificialisation, which could be for example the intentional stabilisation and compaction of soil, the modification of layers of soil or subsoil with the inclusion of artificial materials or the partial covering of soil with composite materials.</p> <p>Soil artificialisation is as such a type of soil degradation which can be one of the most impactful on soil health, as it can lead up to a complete loss of soil through soil destruction and the total loss of soil functions, often reducing the services provided by soil to a platform for infrastructure and a source of raw materials, with infiltration sometimes still possible</p>		

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			<p>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.</p>		
Recital 30a					
40a			<p>(30a) Among the land take aspects, the growth of settlement areas is a process often driven by economic development needs, which entails a land use change from natural and semi-natural areas (including protected forests, natural grasslands, peatlands, agricultural and forestry land, gardens and parks) to settlement area, for example as part of urban development.</p> <p>Settlement areas, as described in the revised</p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			<p>Regulation (EU) 2018/841, includes all developed land -- i.e. residential, transportation, commercial, and production (commercial, manufacturing) infrastructure of any size, unless they are already included under other land-use categories. It also includes soils, herbaceous perennial vegetation such as turf grass and garden plants, trees in rural settlements, homestead gardens and urban areas.</p> <p>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</p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			<p>aspects of land take, in particular to soil sealing, and as such is important to monitor in order to anticipate at least part of the process of soil sealing. It is also important to note that settlements are not always fully sealed. On the contrary, a significant amount of urban area still retains important amounts of unsealed soils, sometimes even higher than 50% of their surface. This indicator of land take alone thus is not sufficient to fully monitor the issue, as it does not differentiate between sealed and unsealed soils, and invisibilises the green areas within settlement areas, making their monitoring and sustainable management more difficult.</p>		
Recital 30b					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
40b			<p>(30b) Unsealed soils in settlement areas, and in densely populated urban areas in particular, are as important to monitor and manage sustainably as any other soils, as they still provide ecosystem services that are vital in maintaining a good quality of life within urban areas. These densely populated areas combine and concentrate a wide array of environmental issues in a comparatively smaller surface area. These issues can go from a higher rate of contaminated sites due to past industries, to higher risk of flooding because of soil sealing, to a higher prevalence of heat islands and a more limited access to green areas essential for mental and physical wellbeing. Soil ecosystem services provided by healthy soils in urban</p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			<p>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 and increase the surface of urban green spaces.</p> <p><small>1. + OP : please insert in the text the number of Regulation on nature restoration contained in document COM(2022) 304</small></p>		
Recital 30c					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
40c			<p>(30c) On the other hand, soil sealing and soil destruction, as part of the soil artificialisation aspect of land take, are different from settlement growth, as they do not focus on a land use change, but rather on a concrete and measurable change in the soil cover and soil characteristics. In soil sealing, the soil is for example modified and reduced to serving as a platform for constructions and infrastructure, including buildings, roads, parking, and other mineral surfaces. Soil destruction might be caused by soil removal, even temporarily, when the soil is reduced to being 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</p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			<p>sealing. It can also be found in dumping grounds, where the soil is covered by waste materials, damaging it to the point of destruction. These transformations may cause the loss, often irreversibly, of the capacity of soils to provide other ecosystem services (provision of food and biomass, water and nutrients cycling, basis for biodiversity and carbon storage). In particular, soil sealing is often done on fertile agricultural soils, contributing further to the disruption of food security. Sealed soil also exposes human settlements to higher flood peaks and more intense heat island effects. In addition, sealed and destroyed soils are the easiest of the soil artificialisation aspects to monitor through remote sensing</p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			and machine learning, making their monitoring easier. Therefore, sealed and destroyed 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 impact on the soil,		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			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 30a					
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 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	Text Origin: Comments	part of overall compromise package

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			management, by adopting an effort-based approach taking into account a large set of good practices aimed at minimizing and offsetting the loss of soil's capacity to provide ecosystem services. They should be based on the land take hierarchy of the EU Soil Strategy for 2030, taking into account different conditions and geographical and administrative circumstances in Member States.		
Recital 30e second subparagraph					
40f			These can cover a wide array of practices such as minimising soil sealing, de-sealing and renaturating previously sealed soils, rational densification of urbanised areas while safe guarding green spaces – including urban green spaces – and natural terrains,		part of overall compromise package

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			<p>revitalisation of brownfields, privileging time-limited land take and performing land rehabilitation upon the termination of the land take.</p>		
Recital 30e third subparagraph					
40g			<p>It should be noted that, to be as sustainable as possible in the application of these principles, the offsetting measures, depending on the ecosystem service to be offset, might need to be geographically as close as possible to the source of the loss of ecosystem service. Indeed, a collateral issue to this kind of principles if applied wrongly, can be the displacement – sometimes very far away – of green and high value ecosystem areas and services away from the sealed places, with a complete concentration of soil sealing and soil</p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			destruction in the affected areas.		
Recital 31					
41	(31) The assessment of soil health based on the monitoring network should be accurate while at the same time keeping the costs of such monitoring at reasonable level. It is therefore appropriate to lay down criteria for sampling points that are representative of the soil condition under different soil types, climatic conditions and land use. The grid of sampling points should be determined by using geostatistical methods and be sufficiently dense to provide an estimation of the area of healthy soils, at national level, within an uncertainty of not more than 5%. This value is commonly considered to provide a statistically sound estimation and	(31) The assessment of soil health based on the monitoring network should be accurate while at the same time keeping the costs of such monitoring at reasonable level. It is therefore appropriate to lay down criteria for sampling points that are representative of the soil condition under different soil types, climatic conditions and land use. The grid of sampling points should be determined by using geostatistical methods and be sufficiently dense to provide an estimation of the area of healthy soils, at national level, within an uncertainty of not more than 5%. This value is commonly considered to provide a statistically sound estimation and	(31) The assessment of soil health based on the monitoring network should be accurate while at the same time keeping the costs of such monitoring at reasonable level. It is therefore appropriate to lay down criteria for sampling points that are representative of the soil units reflecting a certain degree of homogeneity of soil condition under different soil types, climatic conditions and land use. It is also appropriate to consider the specific situation of the Union's outermost regions, as listed in Article 349 of the Treaty on the Functioning of the European Union (TFEU), which provides for specific measures to		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	<p>reasonable assurance that the objective has been achieved.</p>	<p>reasonable assurance that the objective has been achieved. <u><i>It is important that the soil monitoring methodology and framework include harmonised sampling criteria, including sampling depth.</i></u></p>	<p>support those regions. Therefore, Member States should be able to adapt, when necessary, the monitoring and assessment of soil health obligations to their outermost region's specific characteristics. -The grid of sampling points should be determined by using geostatistical methods, be based on the soil units and be sufficiently dense to provide an estimation of the area of healthydegraded soils; at national level; throughout the territory of Member States within an uncertainty of not more than 5% at the soil unit level. This value is commonly considered to provide a statistically sound estimation and reasonable assurance that the objective has been achieved. The design of the sample survey should be based on the best</p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			<p>available information on soil properties distribution, including, but not limited to information resulting from previous national or subnational surveys, relevant measurements from soil managers and measurements conducted under Union and international legislations or specific programmes such as the LUCAS soil campaign as part of the Land Use/Cover Area frame statistical Survey (LUCAS) or the International Co-operative Programme on Assessment and Monitoring of Air Pollution Effects on Forests (ICP Forests). Data obtained from sampling points taken during soil investigations at contaminated sites may be used for the assesment of soil health criteria, but should not prevent from complying</p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			with obligations set out under this Directive for the management of contaminated sites.		
Recital 31a					
41a		<i><u>(31a) Soil archives preserve a snapshot of soils from a specific time and location, allowing Member States to use one sample for various purposes and to streamline field sampling activities, thus reducing the long-term costs of in-situ monitoring. In addition, soil archives enable researchers to re-evaluate soils of the past in the context of the present for an improved understanding of long-term soil change, or for other research purposes, including medical research. It is therefore imperative that the Commission, including services such as the Joint Research Centre (JRC), together with the Member</u></i>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
		<u><i>States and the European Soil Observatory, ensure that the samples, DNA extracts and raw data taken for the compliance with Union and national environmental law are well preserved in physical archives and that the samples and raw data of those archives remain available for further research and innovation.</i></u>			
Recital 32					
42	(32) The Commission should assist and support Member States' monitoring of soil health by continuing to carry out and enhancing regular in-situ soil sampling and related soil measurements (LUCAS soil) as part of the Land Use/Cover Area frame statistical Survey (LUCAS) Programme. For that purpose, the LUCAS Programme shall be enhanced and upgraded to fully align it with the specific quality	(32) <u><i>As a complement to existing national inventories,</i></u> the Commission should assist and support Member States' monitoring of soil health by continuing to carry out and enhancing regular in-situ soil sampling and related soil measurements (LUCAS soil) as part of the Land Use/Cover Area frame statistical Survey (LUCAS) Programme. For that purpose, the LUCAS Programme shall <u>should</u> be	(32) The Commission should assist and support Member States ² monitoring of, at their request, to monitor their soil health by continuing to carry out and enhancing regular in-situ soil sampling and related soil measurements (LUCAS soil) as part of the Land Use/Cover Area frame statistical Survey (LUCAS) Programme that applies Regulation (EC) No 223/2009 of the European Parliament		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	<p>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.</p>	<p>enhanced and upgraded to fully align it with the specific quality requirements <u>and all the descriptors</u> 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. <u>LUCAS soil will sample and analyse at least 20 % of the size of national samples, thereby contributing to the monitoring carried out by Member States. The analysis by LUCAS is essential to allowing Member States to calculate and calibrate valid transfer functions in order to allow them to continue using alternative monitoring design in accordance with Tier 2. The Commission should, at the request of a Member State, provide</u></p>	<p>and of the Council¹. For that purpose, and subject to the agreement of Member States, the LUCAS Programme shallshould 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.</p> <p><small>1. Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European</small></p>	<p></p>	<p></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
		<p><u><i>further assistance with up to 50% of the sampling during the first national monitoring round.</i></u> 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, <u><i>with the agreement of the owners,</i></u> and in compliance with applicable national or Union legislation.</p>	<p>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).</p>		
Recital 33					
43	<p>(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</p>	<p>(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</p>	<p>(33) The Commission is developing remote sensing services in the context of Copernicus as a user-driven programme established by Regulation (EU) 2021/696¹, hereby also supporting Member States. In order to increase the timeliness and effectiveness of soil health monitoring, and where relevant, Member States</p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	<p>services for monitoring relevant soil descriptors and for assessing soil health. The Commission and the European Environment Agency should support exploring and developing soil remote sensing products, to assist the Member States in monitoring the relevant soil descriptors.</p>	<p>services for monitoring relevant soil descriptors and for assessing soil health. The Commission and the European Environment Agency should support exploring and developing soil remote sensing products, to assist the Member States in monitoring the relevant soil descriptors.</p> <p><u><i>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.</i></u></p>	<p>should use remote sensing data including outputs from the Copernicus services for monitoring relevant soil descriptors and soil indicators of soil sealing and soil destruction, and for assessing soil health. The Commission and the European Environment Agency should support exploring and developing soil remote sensing products, to assist the Member States in monitoring the relevant soil descriptors and indicators.</p> <p>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).</p>		
Recital 34					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
44	<p>(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 Strategy¹ and the EU data spaces and which should be a hub providing access to soil data coming from various sources. That portal should primarily include all the data collected by the Member States and the Commission as required by this Directive. It should also be possible to integrate in the portal, on a voluntary basis, other relevant soil data collected by Member States or any other party (and in particular data resulting from projects under Horizon Europe and the Mission ‘A Soil Deal for Europe’), provided that those data meet certain requirements as regards format and specifications.</p>	<p>(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 Strategy¹ and the EU data spaces and which should be a hub providing access to soil data coming from various sources. <u>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.</u> That portal should primarily include all the relevant data collected by the Member States and the Commission as required by this Directive <u>and serve as a platform for the</u></p>	<p>(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 Strategy¹ and the EU data spaces and which should be a hub providing access to soil data coming from various sources, in the aggregated form at the soil unit level or a more detailed level if relevant, as long as it is not possible to identify the individual values or the location of the underlying georeferenced samples. That portal should primarily include all the data collected by the Member States and the Commission as required by this Directive. The treatment of these data as well as their access should comply with relevant Union</p>		

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	<p>Those requirements should be specified by the Commission by way of implementing acts.</p> <p>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.</p>	<p><u>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.</u> It should also be possible to integrate in the portal, on a voluntary basis, other relevant soil data collected by Member States or any other party (and in particular data resulting from projects under Horizon Europe and the Mission ‘A Soil Deal for Europe’), provided that those data meet certain requirements as regards format and specifications. Those requirements should be specified by the Commission by way of implementing acts. <u>Member States and the Commission should ensure that research</u></p>	<p>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 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.</p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
		<p><u><i>institutions have easy and free access to all data at their request.</i></u></p> <p>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.</p>	<p>In addition, it should also[...] be possible to integrate in the portal, on a voluntary basis, other relevant soil data collected by Member States or any other party (and in particular data resulting from projects under Horizon Europe and the Mission ‘A Soil Deal for Europe’), provided that those data meet certain requirements as regards format and specifications. Those requirements should be specified by the Commission by way of implementing acts.</p> <p>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.</p>		
Recital 35					
45	(35) It is also necessary to improve the harmonization of soil monitoring systems used	(35) It is also necessary to improve the harmonization of soil monitoring systems used	(35) It is also necessary to improve the harmonization harmonisation of soil monitoring		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	<p>in the Member States and exploit the synergies between Union and national monitoring systems in order to have more comparable data across the Union.</p>	<p>in the Member States and exploit the synergies between Union and national monitoring systems <u>and make full use of already existing harmonised monitoring tools such as LUCAS</u> in order to have more comparable data across the Union. <u>Moreover, harmonisation of monitoring systems in Member States would help to scale up investments in advanced soil monitoring techniques and technologies.</u></p>	<p>systems used in the Member States and exploit the synergies between Union and national monitoring systems in order to have more comparable data across the Union. In this respect it is very important to ensure the quality and comparability of soil measurements through the application of quality management system practices by the laboratories involved. To minimize the administrative burden for the laboratories, a Member State could decide to limit the number of needed accreditations of the laboratories to only one for one of the methodologies for determining the values of soil descriptors. Equivalent standards at Union or international level, for instance the quality management</p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			system of ICP Forests, could be used.		
Recital 35a					
45a				<p><u>(35a) Equivalent methodologies are understood to mean analytical procedures that: (a) determine the same soil parameter; (b) utilize the same reagents (same chemical composition and same concentration), relative quantities (same soil-reagent ratio), and same instrumentation (same both extraction and quantification techniques); (c) determine the same soil fraction; and (d) produce identical results within the margin of their repeatability coefficient (0.95). Certification of equivalent methodologies shall be obtained from internationally recognized bodies such as the International Organization for</u></p>	

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				<u>Standardization (ISO) and the European Committee for Standardization (CEN), as well as acknowledged by the global research community.</u>	
Recital 35a					
45b			(35a) In order to ensure the protection of soils from pollution by emerging substances that have the potential to cause significant risks to human and animal health and to contaminate surrounding air, surface waters, groundwater, and subsequently oceans, policy mechanisms to detect and assess such substances of emerging concern should be established. In that regard, an approach that allows monitoring and analysis of those substances or groups of substances via watch lists, as is already the	<u>(35b)</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			<p>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.</p>		
Recital 35b					
45c					
Recital 36					
46	(36) In order to make the widest possible use of soil health data generated by the monitoring carried out	<i>deleted</i>	(36) In order to make the widest possible use of soil health data generated by the monitoring carried out		(36) In order to make the widest possible use of soil health data generated by the monitoring carried out

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	<p>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.</p>		<p>under this Directive, Member States should be required to facilitate the access to such data to the public, in the aggregated form at the soil unit level or a more detailed level if relevant, as long as it is not possible to identify the individual values or the location of the underlying georeferenced samples. The confidential information collected by the Commission or by Member States to produce European statistics should be protected in accordance with the rules and measures of Regulation (EC) No 223/2009 of the European Parliament and of the Council, in order to gain and maintain the confidence of the parties responsible for providing that information. In case the Commission or Member States produce soil</p>		<p>under this Directive, Member States should be required to facilitate the access to such data <u>to the public, in the aggregated form at the soil unit level or a more detailed level if relevant, as long as it is not possible to identify the individual values or the location of the underlying georeferenced samples. The confidential information collected by the Commission or by Member States to produce European statistics should be protected in accordance with the rules and measures of Regulation (EC) No 223/2009 of the European Parliament and of the Council, in order to gain and maintain the confidence of the parties responsible for providing that information. In case the Commission or Member States produce soil health statistics, they should ensure that</u></p>

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			<p>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.</p> <p>Moreover, in order to protect data ownership, it is important that the Commission, the EEA or the Member States only disclose information with the consent of the data owner.</p> <p>In addition, Member States should communicate soil health data and assessments tofor relevant stakeholders such as farmers, foresters, land owners and local authorities, upon their request.</p> <p>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.</p>		<p><u><i>confidential data respect the principles of Regulation (EC) No 223/2009 of the European Parliament and of the Council.</i></u></p> <p><u><i>Moreover, in order to protect data ownership, it is important that the Commission, the EEA or the Member States only disclose information with the consent of the data owner.</i></u></p> <p><u><i>In addition, Member States should communicate soil health data and assessments tofor relevant stakeholders such as farmers, foresters, land owners and local authorities, upon their request. It is important that prospective land buyers and tenants receive in accordance with national law and upon their request the soil health data and assessment.</i></u></p> <p><u><i>Besides, soil health data made available pursuant</i></u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
					<p><u>to this Directive can be used for monitoring of soil-related aspects in other Union legislation, where relevant.</u></p> <p>The EP open to drop its AMs in rows 170, 127, 132 and 130a in exchange of rec 36</p>
Recital 37					
47	(37) To maintain or enhance soil health, soils need to be managed sustainably. Sustainable soil management will enable the long-term provision of soil services, including improved air and water quality and food security. It is therefore appropriate to lay down sustainable soil management principles to guide soil management practices.	(37) To maintain or enhance soil health, soils need to be managed sustainably. Sustainable soil management will enable the long-term provision of soil services, including improved air and water quality and food security. It is therefore appropriate to lay down <u>non-binding</u> sustainable soil management principles to guide soil management practices.	(37) To maintain or enhance soil health, soils need to be managed sustainably. Sustainable soil management will enable the long-term provision of soil services, including improved air and water quality and food security. It is 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	(38) Economic instruments, including those under the common agricultural policy (CAP) that provide support to	(38) Economic instruments, including those under the Common Agricultural Policy (CAP) that provide support to		

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	<p>farmers, have a crucial role in the transition to the sustainable management of agricultural soils and, to a lesser extent, forest soils. The CAP aims to support soil health through the implementation of conditionality, eco-schemes and rural development measures. Financial support for farmers and foresters who apply sustainable soil management practices can also be generated by the private sector. Voluntary sustainability labels in the food, wood, bio-based, and energy industry, for example, established by private stakeholders, can take into account the sustainable soil management principles set out in this Directive. This can enable food, wood, and other biomass producers that follow those principles in their production to reflect these in the value of their</p>	<p>farmers, have a crucial role in the transition to the sustainable management of agricultural soils and, to a lesser extent, forest soils. The CAP aims to support soil health through the implementation of conditionality, eco-schemes and rural development measures. Financial support for farmers and foresters who apply sustainable soil management practices can also be generated by the private sector. Voluntary sustainability labels in the food, wood, bio-based, and energy industry, for example, established by private stakeholders, can take into account the sustainable soil management principles set out in <u>contributions to improve soil health in accordance with</u> this Directive. This can enable food, wood, and other biomass producers that follow those principles in</p>	<p>farmers, have a crucial role in the transition to the sustainable management of agricultural soils and, to a lesser extent, forest soils. The CAP aims to support soil health through the implementation of conditionality, eco-schemes and rural development measures. Financial support for farmers and foresters who apply sustainable soil management practices can also be generated by the private sector. Voluntary sustainability labels in the food, wood, bio-based, and energy industry, for example, established by private stakeholders, can take into account the sustainable soil management principles set out in this Directive. This can enable food, wood, and other biomass producers that follow those principles in their production to reflect these in the value of their</p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	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.	products. Additional funding for a network of real-life sites for testing, demonstrating and upscaling of solutions, including on carbon farming, will be provided through the Soil Mission's living labs and lighthouses. Without prejudice to the polluter pays principle, support and advice should be provided by Member States to help landowners and land users affected by action taken under this Directive taking into account, in particular, the needs and limited capacities of small and medium sized enterprises.		
Recital 39					
49	(39) Pursuant to Regulation (EU) 2021/2115 of the European Parliament and of the Council ¹ , Member States have to describe in	(39) Pursuant to Regulation (EU) 2021/2115 of the European Parliament and of the Council ¹ , Member States have to describe in	(39) Pursuant to Regulation (EU) 2021/2115 of the European Parliament and of the Council ¹ , Member States have to describe in	(39) Pursuant to Regulation (EU) 2021/2115 of the European Parliament and of the Council ¹ , Member States have to describe in	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	<p>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.</p> <p>1. Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013 (OJ L 435, 6.12.2021, p. 1).</p>	<p>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.</p> <p>1. Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013 (OJ L 435, 6.12.2021, p. 1).</p>	<p>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.</p> <p>1. Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013 (OJ L 435, 6.12.2021, p. 1).</p>	<p>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.</p> <p>1. Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013 (OJ L 435, 6.12.2021, p. 1).</p> <p>Text Origin: Commission Proposal</p>	
Recital 39a					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
49a		<p><u><i>(39a) Good agricultural and environmental conditions (GAECs) 5, 6 and 7 as set out in Regulation (EU) 2021/2115 include standards to improve tillage management to reduce the risk of soil degradation and erosion, including by consideration of the slope gradient and minimum land management reflecting site specific conditions to limit erosion, minimum soil cover to avoid bare soil, protection of soils in periods that are most sensitive as well as crop rotation on arable land. In addition, 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.</i></u></p>			
Recital 40					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
50	(40) In order to ensure that the best sustainable soil management practices are implemented, Member States should be required to closely monitor the impact of soil management practices and adjust practices and recommendations as necessary, taking into account new knowledge from research and innovation. Valuable contributions are expected in this respect from the Horizon Europe Mission ‘A Soil Deal for Europe’ and in particular its living labs and activities to support soil monitoring, soil education and citizen engagement.	(40) In order to ensure that the best sustainable soil management practices are implemented, Member States should be required to closely monitor the impact of soil management practices and adjust practices and recommendations as necessary, taking into account new knowledge from research and innovation. Valuable contributions are expected in this respect from the Horizon Europe Mission ‘A Soil Deal for Europe’ and in particular its living labs and activities to support soil monitoring, soil education and citizen engagement.	(40) In order to ensure that the best sustainable soil management practices are implemented, Member States should be required to closely monitor the impact of soil management practices and adjust practices and recommendations as necessary, taking into account new knowledge from research and innovation. Valuable contributions are expected in this respect from the Horizon Europe Mission ‘A Soil Deal for Europe’ and in particular its living labs and activities to support soil monitoring, soil education and citizen engagement.		
Recital 41					
51	(41) Regeneration brings degraded soils back to healthy condition. When defining soil regeneration measures, Member States should be required to take into account the outcome	(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	(41) Soil regeneration brings and soil renaturation bring degraded soils back to healthy condition. When defining soil regeneration measures, Member States	(41) Soil regeneration brings degraded soils back to healthy condition. When defining soil regeneration measures, Member States should be required to take into	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	<p>of the soil health assessment and to adapt those regeneration measures to the specific characteristics of the situation, the type, the use and the condition of the soil and the local, climatic and environmental conditions.</p>	<p>of the soil health assessment and to adapt those regeneration measures to the specific characteristics of the situation, the type, the use and the condition of the soil and the local, climatic and environmental conditions.</p>	<p>should be required to take into account the outcome of the soil health assessment and to adapt those regeneration measures to the specific characteristics of the situation, the type, the use and the condition of the soil and the local, climatic and environmental conditions.</p> <p>In the case of soil renaturation, and in the context of this Directive, it differs from soil regeneration in that it covers the reconstruction of soils following soil sealing or soil destruction, and is also a way of countering soil artificialisation in the broad sense through soil restoration, by recovering more natural components and processes for a soil that was artificialised. The end goal is to get as close as possible to the natural functioning of the soil</p>	<p>account the outcome of the soil health assessment and to adapt those regeneration measures to the specific characteristics of the situation, the type, the use and the condition of the soil and the local, climatic and environmental conditions.</p> <p><u><i>In the case of areas with soil sealing or soil removal recovering the capacity of soils to provide ecosystem services requires first to reconstruct the soil, aiming 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 reconstructing soil.</i></u></p> <p>Text Origin: Council Mandate</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			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 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	(42) To ensure synergies between the different measures adopted under other Union legislation that may have an impact on soil health, and the measures that are to be put in place to sustainably manage and regenerate soils in the Union, Member States should ensure that the sustainable soil management and regeneration practices are coherent with the national restoration plans adopted in accordance with Regulation (UE) .../... of the European Parliament and of the Council ¹⁺ ; <u>the national biodiversity strategies and action plans established in</u>	(42) To ensure synergies between the different measures adopted under other Union legislation that may have an impact on soil health, and the measures that are to be put in place to sustainably manage and regenerate soils in the Union, Member States should ensure that the sustainable soil management and regeneration practices are coherent with the national restoration plans adopted in accordance with Regulation (UE) .../... of the European Parliament and of the Council ¹⁺ ; the strategic plans to be drawn up by Member States under the Common		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	<p>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/EEC², the conservation measures and prioritized action framework established for Natura 2000 sites in accordance with Council Directive 92/43/EEC³, 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 Council⁴, the flood risk management measures established in accordance with Directive 2007/60/EC of the European Parliament and of the</p>	<p><u>accordance with Article 6 of the United Nations Convention on Biological Diversity</u>, 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/EEC², the conservation measures and prioritized action framework established for Natura 2000 sites in accordance with Council Directive 92/43/EEC³, 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</p>	<p>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/EEC², the conservation measures and prioritizedprioritised action framework established for Natura 2000 sites in accordance with Council Directive 92/43/EEC³, 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 Council⁴, the flood risk management measures established in accordance with Directive 2007/60/EC of the European</p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	<p>Council⁵, the drought management plans promoted in the Union Strategy on Adaptation to Climate Change⁶, 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 Council⁷ and Regulation (EU) 2018/842 of the European Parliament and of the Council⁸, the integrated national energy and climate plans established in accordance with Regulation (EU) 2018/1999 of the European Parliament and of the Council⁹, the national air pollution control programmes prepared under Directive (EU) 2016/2284 of the European Parliament and of the Council¹⁰, risk assessments and disaster</p>	<p>Council⁴, the flood risk management measures established in accordance with Directive 2007/60/EC of the European Parliament and of the Council⁵, the drought management plans promoted in the Union Strategy on Adaptation to Climate Change⁶, 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 Council⁷ and Regulation (EU) 2018/842 of the European Parliament and of the Council⁸, the integrated national energy and climate plans established in accordance with Regulation (EU) 2018/1999 of the European Parliament and of the Council⁹, the national air pollution</p>	<p>Parliament and of the Council⁵, the drought management plans promoted in the Union Strategy on Adaptation to Climate Change⁶, 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 Council⁷ and Regulation (EU) 2018/842 of the European Parliament and of the Council⁸, the integrated national energy and climate plans established in accordance with Regulation (EU) 2018/1999 of the European Parliament and of the Council⁹, the national air pollution control programmes prepared under Directive (EU) 2016/2284 of the European Parliament and of the Council¹⁰, risk</p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	<p>risk management planning established in accordance with Decision No 1313/2013/EU of the European Parliament and of the Council¹¹, and national action plans established in accordance with Regulation (UE) .../... of the European Parliament and of the Council¹²⁺. 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 Council¹³, should be</p>	<p>control programmes prepared under Directive (EU) 2016/2284 of the European Parliament and of the Council¹⁰, risk assessments and disaster risk management planning established in accordance with Decision No 1313/2013/EU of the European Parliament and of the Council¹¹, and national action plans established in accordance with Regulation (UE) .../... <u>Directive 2009/128/EC</u> of the European Parliament and of the Council¹²⁺. 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</p>	<p>assessments and disaster risk management planning established in accordance with Decision No 1313/2013/EU of the European Parliament and of the Council¹¹, and the [...] national action plans established in accordance with Regulation (UE) .../... of the European Parliament and of the Council¹²⁺, and the national actions plans adopted in accordance with Article 4 of Directive 2009/128/EC of the European Parliament and of the Council¹³, and the environmental impact assessments performed according to Directive 2011/92/EU of the European Parliament and of the Council¹⁴. Sustainable soil management and regeneration practices should be, as far as possible, integrated within these programmes, plans and measures to the extent</p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	<p>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.</p> <p>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</p> <p>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).</p> <p>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).</p>	<p>CAP Regulation and statistical data on agricultural input and output reported under Regulation (EU) 2022/2379 of the European Parliament and of the Council¹³, 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.</p> <p>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</p> <p>2. Council Directive 91/676/EEC of 12 December</p>	<p>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 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.</p> <p>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</p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	<p>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).</p> <p>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).</p> <p>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.</p> <p>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).</p> <p>8. Regulation (EU) 2018/842 of the European Parliament and of the Council of 30 May 2018 on binding annual greenhouse gas</p>	<p>1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (OJ L 375, 31.12.1991, p. 1).</p> <p>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).</p> <p>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).</p> <p>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).</p> <p>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.</p> <p>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</p>	<p>number, date, title and OJ reference of that Regulation in the footnote Regulation (EU) [... of the European Parliament and of the Council on nature restoration]</p> <p>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).</p> <p>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).</p> <p>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).</p> <p>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).</p> <p>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</p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	<p>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).</p> <p>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).</p> <p>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).</p> <p>11. Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December</p>	<p>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).</p> <p>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).</p> <p>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).</p> <p>10. Directive (EU) 2016/2284 of the European Parliament and of the Council of 14 December</p>	<p>Climate Change COM(2021)82 final.</p> <p>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).</p> <p>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).</p> <p>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</p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	<p>2013 on a Union Civil Protection Mechanism (OJ L 347, 20.12.2013, p. 924).</p> <p>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</p> <p>13. Regulation (EU) 2022/2379 on statistics on agricultural input and output.</p>	<p>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).</p> <p>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).</p> <p><i>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</i></p> <p>13. Regulation (EU) 2022/2379 on statistics on agricultural input and output.</p>	<p>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).</p> <p>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).</p> <p>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).</p> <p>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</p> <p>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</p>		

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			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	<p>(43) Contaminated sites are the legacy of decades of industrial 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</p>	<p>(43) Contaminated sites are the legacy of decades of industrial activity in the EU and may lead to risks for human <u>and animal</u> health and the environment now and in the future. <u>Building on existing knowledge</u>, 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 <u>them</u>. Soil investigation may prove that a potentially contaminated site is in fact</p>	<p>(43) Contaminated sites are often the legacy of decades of 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</p>		

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	<p>longer be labelled by the Member State as potentially contaminated, unless contamination is suspected based on new evidence.</p>	<p>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.</p>	<p>of contaminated sites on environmental media or matrices other than soil, such as groundwater or surface water. Some of those activities, as for instance underground storage facilities for dangerous substances, may have taken place in the parent material or bedrock. When such underground storage facility has leaked, contaminants may have moved into the bedrock or parent materials, but most likely will not be found in the soil. Yet they may spread and thus have an impact on human health or the environment. Therefore, in case such activities are present atSoil 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</p>		

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			<p>potentially contaminated, unless sites, also the parent material or bedrock in the vicinity of the activity will have to be investigated to verify whether the activity has caused contamination is suspected based on new evidence that has an impact on human health or the environment.</p>		
Recital 43a					
53a			<p>(43a) Soil investigation has to determine whether a potentially contaminated site is contaminated or not, and whether the contamination poses a risk to human health or the environment; it is not mandatory to analyse other soil descriptors than soil contamination in this investigation. As land use may change over time, it is relevant to keep information on contamination accessible to the public. For</p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			<p>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 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.</p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
Recital 43b					
53b			<p>(43b) As the number of potentially contaminated sites and contaminated sites may be very large and the level of risk a contaminated site poses may vary from very low to very high, it is logical to follow a risk-based and stepwise approach to identify and investigate potentially contaminated sites 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</p>	<p><i><u>(43a) As the number of potentially contaminated sites and contaminated sites may be very large and the level of risk a contaminated site poses may vary from very low to very high, it is logical to follow a risk-based and stepwise approach to identify and investigate potentially contaminated sites 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 to environment and human health, 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</u></i></p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			investigating a contaminated site.	<i>out when investigating a contaminated site.</i> Text Origin: Council Mandate	
Recital 44					
54	(44) To identify potentially contaminated sites, Member States should collect evidence among others through historical research, past industrial incidents and accidents, environmental permits and notifications by the public or authorities.	(44) To identify potentially contaminated sites, Member States should collect evidence among others through historical research, past industrial incidents and accidents, environmental permits, <u>health surveys</u> and notifications by the public or authorities.	(44) To identify potentially contaminated sites, Member States should collect evidence among others through historical research, past exploring information on industrial activities, 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 potential		(44) To identify potentially contaminated sites, Member States should collect evidence among others through historical research, past <u>exploring information on industrial activities, using old maps, archives, press articles,</u> environmental permits and notifications by the public or authorities <u>and human biomonitoring or environmental monitoring data from research projects.</u> <u>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</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			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.		<p><u>potential risk to human health or the environment, based on the type of activity, size of the potential contamination, indication of immediate risk or other relevant information. As the number of potentially contaminated sites may evolve through time, a first identification should be completed within a defined timeframe, based on the existing evidence, whilst the rest should be identified through a systematic approach.</u></p> <p>EP could accept Council' mandate (including "based on relevant evidence") in r 86b if reference to "human biomonitoring or environmental monitoring data from research projects" (cf. row 203) is added in recital 44</p>
Recital 45					
55	(45) In order to ensure that soil investigations on potentially contaminated	(45) In order to ensure that soil investigations on potentially contaminated	(45) In order to ensure that soil investigations on potentially contaminated		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	<p>sites are carried out timely and effectively, Member States should, in addition to the obligation to lay down the deadline by which those investigations should be carried out, be required to lay down specific events that also trigger such investigation. Such triggering events may include the request or review of an environmental or building permit or an authorisation required pursuant to Union legislation or national legislation, soil excavation activities, land use changes or land or real estate transactions. Soil investigations may follow different stages, such as a desk study, site visit, preliminary or exploratory investigation, more detailed or descriptive investigation, and field or laboratory testing. Baseline reports and monitoring measures implemented in</p>	<p>sites are carried out timely and effectively, <u>as requested in the European Parliament's resolution of 28 April 2021 on soil protection</u>, 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 exploratory investigation, more detailed or descriptive</p>	<p>sites are carried out timely and effectively, Member States should, in addition to the obligation to lay down the deadlinetimeframe 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 or accidents, site visit, preliminary or exploratory investigation,</p>		

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	<p>accordance with Directive 2010/75/EU of the European Parliament and of the Council¹ could also qualify as soil investigation where appropriate.</p> <p>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.</p>	<p>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 Council¹ could also qualify as soil investigation where appropriate.</p> <p>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.</p>	<p>more detailed or descriptive investigation, and field or laboratory testing, and may include a site-specific assessment of the risks the contamination poses to human health and the environment. In case contamination is found, the soil investigation should underpin the characterisation of the contamination and its environmental context and provide basic information for the site-specific risk assessment and the eventual design of the risk reduction measures. Baseline reports and monitoring measures implemented in accordance with Directive 2010/75/EU of the European Parliament and of the Council¹ could also qualify as soil investigation where appropriate.</p> <p>1. Directive 2010/75/EU of the European Parliament and of the</p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			Council of 24 November 2010 on industrial emissions (OJ L 334, 17.12.2010, p. 17.		
Recital 46					
56	(46) Flexibility for the management of potentially contaminated sites and contaminated sites is needed to take account of costs, benefits and local specificities. Member States should therefore at least adopt a risk-based approach for managing potentially contaminated sites and contaminated sites, taking into account the difference between these two categories, and which allows to allocate resources taking account of the specific environmental, economic and social context. Decisions should be taken based on the nature and extent of potential risks for human health and the environment resulting from exposure to soil contaminants (e.g. exposure of vulnerable	(46) Flexibility for the management of potentially contaminated sites and contaminated sites is needed to take account of costs, benefits and local specificities. Member States should therefore at least adopt a risk-based approach for managing potentially contaminated sites and contaminated sites, taking into account the difference between these two categories, and which allows to allocate resources taking account of the specific environmental, economic and social context. Decisions should be taken <u>in cooperation with local health practitioners, health authorities and the scientific community,</u> based on the nature and extent of potential risks for human health and the	(46) Flexibility for the management of potentially contaminated sites and contaminated sites is needed to take account of costs, benefits and local specificities. Member States should therefore at least adopt a risk-based and stepwise approach for managing potentially contaminated sites and contaminated sites, taking into account the difference between these two categories, and which allows to allocate resources taking account of the specific environmental, economic and social context. Decisions, including on the risk-based and stepwise approach, should be taken based on the nature and extent of potential risks for human health and the		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	<p>populations such as pregnant women, persons with disabilities, elderly people and children). The cost-benefit analysis of undertaking remediation should be positive. The optimum remediation solution should be sustainable and selected through a balanced decision-making process that takes account of the environmental, economic and social impacts. The management of potentially contaminated sites and contaminated sites should respect the polluter-pays, precautionary and proportionality principles. Member States should lay down the specific methodology for determining the site-specific risks of contaminated sites. Member States should also define what constitutes an unacceptable risk from a contaminated site based on scientific knowledge, the</p>	<p>environment resulting from exposure to soil contaminants (e.g. exposure of vulnerable populations such as pregnant women, persons with disabilities, elderly people and children), <u>including exposure, and cumulative effects on human health, soil ecosystems and associated ecosystem services</u>. The cost-benefit analysis of undertaking remediation should be <u>positive balanced, taking into account the advantages for future generations</u>. 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,</p>	<p>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, 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-</p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	<p>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.</p>	<p>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 <u>the opinion of health authorities and practitioners</u>, and current and future land use. In order to reduce the risks of contaminated sites to an acceptable level for human <u>and animal</u> health and the environment, Member States should take adequate risk reduction measures, <u>while prioritising in- or ex-situ</u> including remediation. It should be possible to qualify measures taken under other Union</p>	<p>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 effectively reduce risks posed by contaminated sites.</p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
		legislation as risk reduction measures under this Directive when those measures effectively reduce risks posed by contaminated sites.			
Recital 46a					
	56a		(46a) Natural and anthropogenic background levels should be taken into account in the risk assessment and could also help to set remediation or management objectives.		
Recital 46b					
	56b		(46b) The cost-benefit analysis of undertaking investigation, site-specific risk assessment or remediation should be positive. For instance, for small-scale contaminated sites, detailed site-specific risk assessment may be more expensive than immediate soil remediation, or the site could be clearly and	<u>(46b) The cost-benefit analysis of undertaking 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</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			<p>seriously contaminated that detailed site-specific risk assessment is not necessary to decide to remediate. In such cases, the number of steps in the risk-based approach can be reduced and detailed site-specific risk assessment brings little added value. Member States should lay down the specific methodology for determining the site-specific risks of contaminated sites. Member States should also define what constitutes an unacceptable risk from a contaminated site based on scientific knowledge, the precautionary principle, local specificities, and current and planned land use.</p>	<p><i><u>that detailed site-specific risk assessment is not necessary to decide to remediate. In such cases, the number of steps in the risk-based approach can be reduced and detailed site-specific risk assessment brings little added value. Member States should lay down the specific methodology for determining the site-specific risks of contaminated sites. Member States should also define what constitutes an unacceptable risk from a contaminated site based on scientific knowledge, the precautionary principle, local specificities, and current and planned land use.</u></i></p> <p><small>Text Origin: Council Mandate</small></p>	
Recital 46c					
G	56c		(46c) In order to reduce the risks of contaminated sites to an acceptable	<i><u>(46b) In order to reduce the risks of contaminated sites to an acceptable level</u></i>	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			<p>level for human health and the environment, Member States should ensure that adequate risk reduction measures including remediation are taken. The optimum risk reduction measures should be sustainable and selected through a balanced decision-making process that takes account of the environmental, economic and social impacts. The choice of the technique or measure depends on a combination of criteria such as the nature of the contaminants, the characteristics of the soil, the volume of the contamination, the time and space available, budgetary constraints, remediation objectives, current and planned land use, potential to improve soil health, road traffic, nuisance for the neighbourhood, current operation of activities,</p>	<p><i><u>for human health and the environment, Member States should ensure that adequate risk reduction measures including remediation are taken. The optimum risk reduction measures should be sustainable and selected through a balanced decision-making process that takes account of the environmental, economic and social impacts. The choice of the technique or measure depends on a combination of criteria such as the nature of the contaminants, the characteristics of the soil, the volume of the contamination, the time and space available, budgetary constraints, remediation objectives, current and planned land use or potential to improve soil health. The risk reduction measures should not have a negative impact on the</u></i></p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			<p>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 sites.</p>	<p><u><i>risk assessment and risk management of the catchment areas for abstraction points of water intended for human consumption set out in Article 8 of the Directive (EU)2020/2184. 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</i></u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
				<p><u><i>reduce risks posed by contaminated sites.</i></u></p> <p>Text Origin: Council Mandate</p>	
Recital 46d					
56d			<p>(46d) The management of potentially contaminated sites and contaminated sites should respect the polluter-pays, precautionary and proportionality principles. Member States should aim to identify the polluter and should establish a hierarchy or decision chain of responsibility, to decide who should bear the cost of the soil investigation, risk assessment and the risk reduction measures. Member States may decide to further distinguish between historically and newly contaminated sites and to apply a more stringent approach for</p>	<p><u><i>(46c) The management of potentially contaminated sites and contaminated sites should respect the polluter-pays, precautionary and proportionality principles. Member States should aim to identify the polluter and should establish a hierarchy or decision chain of responsibility, to decide who should bear the cost of the soil investigation, risk assessment and the risk reduction measures. Member States may decide to further distinguish between historically and newly contaminated sites and to apply a more stringent approach for contamination caused after a certain pivot date.</i></u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			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.	<u><i>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.</i></u> Text Origin: Council Mandate	
Recital 46e					
56e			(46e) Soil contamination is already dealt under existing relevant European legislation, such as in Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions or Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004 on environmental liability		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			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 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		<u>(46a) Land take mitigation principles should facilitate the</u>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
		<u>Union's food security while taking into account sustainable housing, essential infrastructure and renewable energy projects.</u>			
Recital 47					
57	<p>(47) Measures taken pursuant to this Directive should also take account of other EU policy objectives, such as the objectives pursued by [Regulation (EU) xxxx/xxxx¹⁺] that aim at ensuring secure and sustainable supply of critical raw materials for Europe's industry.</p> <p>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.</p>	<p>(47) Measures taken pursuant to this Directive should also take account of other EU policy objectives, such as the objectives pursued by [Regulation (EU) xxxx/xxxx¹⁺] that aim at ensuring secure and sustainable supply of critical raw materials for Europe's industry.</p> <p>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.</p>	<p>(47) Measures taken pursuant to this Directive should also take account of other EU policy objectives, such as the objectives pursued by [Regulation (EU) xxxx/xxxx¹⁺] that aim at ensuring secure and sustainable supply of critical raw materials for Europe's industry.</p> <p>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.</p>	<p>(47) Measures taken pursuant to this Directive should also take account of other EU policy objectives, such as the objectives pursued by [Regulation (EU) xxxx/xxxx¹⁺] that aim at ensuring secure and sustainable supply of critical raw materials for Europe's industry.</p> <p>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.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
				Text Origin: Commission Proposal	
Recital 48					
58	<p>(48) Transparency is an essential component of soil policy and ensures public accountability and awareness, fair market conditions and the monitoring of progress. Therefore, Member States should set up and maintain a national register of contaminated sites and potentially contaminated sites which contains site-specific information that should be made publicly accessible in an online georeferenced spatial database. The register should contain the information that is necessary for the public to be informed on the existence and on the management of potentially contaminated sites and contaminated sites. Because the presence of soil contamination is not yet confirmed but only</p>	<p>(48) Transparency is an essential component of soil policy and ensures public accountability and awareness, fair market conditions and the monitoring of progress. Therefore, Member States should set up and maintain a national register of contaminated sites and potentially contaminated sites which contains site-specific information that should be made publicly accessible in an online georeferenced spatial database. The register should contain the information that is necessary for the public to be informed on the existence and on the management of potentially contaminated sites and contaminated sites. Because the presence of soil contamination is not yet confirmed but only</p>	<p>(48) Transparency is an essential component of soil policy and ensures public accountability and awareness, fair market conditions and the monitoring of progress. Therefore, Member States should set up and maintain a national register of contaminated sites and potentially contaminated sites which contains site-specific information that should be made publicly accessible in an online georeferenced spatial database. In case registers are established at subnational level, Member States should foresee a coordinated national entry point to the different subnational registers, with for example a centralised national website with weblinks. The register should contain the</p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	<p>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.</p>	<p>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.</p>	<p>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.</p> <p>Registers that exist already at the time this Directive enters into force and that meet the requirements set out in this Directive, should be deemed appropriate to fulfill the requirements set out in this Directive.</p>		
Recital 48a					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
58a		<p><u><i>(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 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</i></u></p>			



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
		<u>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.</u>			
Recital 48b					
58b		<u>(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</u>		<u>(48a) Microplastics and nanoplastics are substances which can pose a risk to soil health and also to essential activities such as agricultural production. 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 allows the inclusion of both in the monitoring of soil contaminants.</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
		<u><i>framework for both substances and materials to be included in the monitoring of soil contaminants, and for the establishment of environmental quality standards and a set of measures to prevent and remediate soil contamination from known and emerging threats, where appropriate.</i></u>			
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),	(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),	(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),	(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),	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	<p>members of the public 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.</p> <p>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).</p>	<p>members of the public 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.</p> <p>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).</p>	<p>members of the public 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.</p> <p>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).</p>	<p>members of the public 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.</p> <p>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).</p> <p>Text Origin: Commission Proposal</p>	
Recital 49a					
59a			<p>(49a) As clarified by the case-law of the Court of Justice¹, Member States may not restrict legal standing to challenge a decision of a public authority to those members of the public concerned who participated in the preceding administrative procedure to adopt that decision. In addition, any</p>		

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			<p>review procedure should be fair, equitable, timely and not prohibitively expensive, and provide for adequate redress mechanisms, including injunctive relief as appropriate.</p> <p>Furthermore, in line with the case law of the Court of Justice² access to justice is as a minimum to be granted to the public concerned.</p> <p>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.</p> <p>2. Case C-237/07, Judgment of the Court (Second Chamber) 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</p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			June 2019; Craeynest and Others; paragraph 56; Case C-752/18, Judgment of the Court (Grand Chamber) of 19 December 2019, Deutsche Umwelthilfe eV v Freistaat Bayern, paragraph 56.		
Recital 50					
60	(50) Directive (EU) 2019/1024 of the European Parliament and of the Council ¹ mandates the release of public sector data in free and open formats. The overall objective is to continue the strengthening of the EU's data economy by increasing the amount of public sector data available for re-use, ensuring fair competition and easy access to public sector information, and 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	(50) Directive (EU) 2019/1024 of the European Parliament and of the Council ¹ mandates the release of public sector data in free and open formats. The overall objective is to continue the strengthening of the EU's data economy by increasing the amount of <i>interoperable</i> 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. <i>The main principle is that government data should be open by default and design.</i> Directive 2003/4/EC of the European Parliament and	(50) Directive (EU) 2019/1024 of the European Parliament and of the Council ¹ mandates the release of public sector data in free and open formats. The overall objective is to continue the strengthening of the EU's data economy by increasing the amount of 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		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	<p>guaranteeing the right of access to environmental information in the Member States in line with the Aarhus Convention. The Aarhus Convention and Directive 2003/4/EC encompass broad obligations related both to making environmental information available upon request and actively disseminating such information. Directive 2007/2/EC of the European Parliament and of the Council³ 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</p>	<p>of the Council² is aimed at guaranteeing the right of access to environmental information in the Member States in line with the Aarhus Convention. The Aarhus Convention and Directive 2003/4/EC encompass broad obligations related both to making environmental information available upon request and actively disseminating such information. Directive 2007/2/EC of the European Parliament and of the Council³ 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</p>	<p>guaranteeing the right of access to environmental information in the Member States in line with the Aarhus Convention. The Aarhus Convention and Directive 2003/4/EC encompass broad obligations related both to making environmental information available upon request and actively disseminating such information. Directive 2003/04/EC provides a restricted list of exemptions from dissemination or disclosure of environmental information, taking into account the public interest served by the dissemination, in case the dissemination or disclosure of the information would adversely affect certain interests such as public security or national defence; the confidentiality of</p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	<p>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.</p> <p>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).</p> <p>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).</p> <p>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).</p>	<p>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.</p> <p>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).</p> <p>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).</p> <p>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).</p>	<p>commercial or industrial information where such confidentiality is provided for by 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 Council³ 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</p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			<p>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.</p> <p>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).</p> <p>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).</p> <p>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</p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			(INSPIRE) (OJ L 108, 25.4.2007, p. 1).		
Recital 50a					
60a			<p>(50a) It is also important that provisions of this Directive related to data-sharing arrangements enable Member States to reuse already existing data infrastructures established pursuant to Directives (EU) 2019/1024 and 2007/2/EC to ensure an effective and timely exchange of information. For this reason the Member States and the Commission could make use of tools such as REPORTNET managed by the EEA. This approach follows the once-only principle and avoids additional burden on the Member States to setup a dedicated data infrastructure under this Directive.</p>		
Recital 51					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
61	<p>(51) In order to ensure the necessary adaptation of the rules on soil health monitoring, sustainable soil management and management of contaminated sites, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending this Directive to adapt to technical and scientific progress the methodologies for monitoring soil health, the list of sustainable soil management principles, the indicative list of risk reduction measures, the phases and requirements for the site-specific risk assessment and the content of the register of contaminated and potentially contaminated sites. It is of particular importance that the Commission carries out</p>	<p>(51) In order to ensure the necessary adaptation of the rules on soil health monitoring, sustainable soil management <u>assessment</u> and management of contaminated sites, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending <u>or supplementing</u> this Directive <u>to adopt a methodology for determining threshold values for soil descriptors to be established by Member States, and</u> 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</p>	<p>(51) In order to ensure the necessary adaptation of the rules on soil health monitoring, sustainable soil management and management of contaminated sites, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending this Directive to adapt to technical and scientific progress the methodologies for monitoring soil health, the list of sustainable soil management principles, the indicative list of risk reduction measures; and the phases and requirements for the site-specific risk assessment and the content of the register of contaminated and potentially contaminated sites. It is of particular importance that the Commission carries</p>		

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	<p>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 2016¹. 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.</p> <p><small>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).</small></p>	<p>for the site-specific risk assessment and the <u>establishment</u> of the register of <u>contaminated and potentially minimum tolerable values in relation to the definition of an unacceptable risk for health and the environment resulting from</u> 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 2016¹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same</p>	<p>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 2016¹. 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.</p> <p><small>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).</small></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
		<p>time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p> <p>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).</p>			
Recital 52					
62	(52) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission in order to set out the format, structure and detailed arrangements for reporting data and information electronically to the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European	(52) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission in order to set out the format, structure and detailed arrangements for reporting data and information electronically to the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European	(52) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission in order to set out the format, structure and detailed arrangements for reporting data and information electronically to the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European	(52) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission in order to set out the format, structure and detailed arrangements for reporting data and information electronically to the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	<p>Parliament and the Council¹.</p> <p>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).</p>	<p>Parliament and the Council¹.</p> <p>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).</p>	<p>Parliament and the Council¹.</p> <p>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).</p>	<p>Parliament and the Council¹.</p> <p>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).</p> <p>Text Origin: Commission Proposal</p>	
Recital 52a					
62a			<p>(52a) In order to provide support to Member States to carry out their obligations under this Directive, the Commission should provide for documents and scientific tools analysing, synthesizing and documenting, in an efficient and coordinated way, possible methodologies and procedures that could be applied. These non-binding documents and scientific tools would</p>	<p><u>(52a) To support Member States in carrying out their obligations under this Directive, the Commission should draw up and develop scientific tools and documents, including possible methodologies and procedures that could be applied. Those documents and scientific tools would provide in due time essential information for Member States, while ensuring the flexibility to</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			<p>provide in due time essential information for Member States, while ensuring the flexibility to continue using methodologies and procedures already in place. The documents and scientific tools should be established in cooperation with the Member States. These documents and scientific tools should be complemented with the necessary assistance and capacity building.</p>	<p><u>build on methodologies and procedures already in place. The documents and scientific tools should be drawn up and developed in cooperation with the Member States and other Stakeholders where relevant. These documents and scientific tools should be complemented with the necessary assistance and capacity building.</u></p> <p><u>(new) The Commission should provide to Member States the necessary capacity building, assistance and support multilateral harmonisation of methods and thereby eliminate existing data gaps and workflow bottlenecks by sharing expertise. To that end, the Commission shall build on existing mechanisms at Union and international level, including the Soil BON initiative, Global Soil</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
				<u>Partnership, SoilVer, Nicole, EUROSOLAN, Mission Soil Mirror Groups, EIONET. The Commission shall support cross-border cooperation between Member States to ensure a harmonised approach to soil monitoring is taken and that there is a level playing field between neighbouring soil districts.</u>	
Recital 52b					
62b			(52b) In addition to the documents and scientific tools, the Commission should organize regular exchange of information, experience and best practices on the application of this Directive. This forum could, in addition to the practical implementation of this Directive, be used to discuss for exemple the use of traffic light systems for the communication to the	<u>(52b) In addition to the documents and scientific tools, the Commission should organize regular exchanges of information, experience and best practices on the application of this Directive. This forum could, in addition , be used to discuss the communication to the public of the results of the assessments of soil health; practices that improve soil resilience;</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			<p>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 responsibility defining the responsible party or parties for the management of contaminated sites; orphan site management; remediation techniques for contaminated sites; the identification and evaluation of natural and anthropogenic background levels; different approaches for the identification of areas where individual criteria for healthy soil condition are not satisfied; the quality management system practices for laboratories; the soil sealing and soil</p>	<p><u>contamination other than anthropogenic point source contamination; the application of the hierarchy of responsibility 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; approaches for the identification of areas where individual criteria for healthy soil condition are not satisfied; the quality management system practices for laboratories; and the soil sealing and soil removal mitigation principles.</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			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 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	(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 to make sure unhealthy soils are regenerated and the objective gap and <u>measures needed</u> 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	(53) The Commission should carry out an evidence-based evaluation and, where relevant, a revision of this Directive, 67 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 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		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	<p>problem specific to a Member State arising from new environmental or climatic circumstances. Pursuant to paragraph 22 of the Interinstitutional Agreement on Better Law-Making, that evaluation should be based on the criteria of efficiency, effectiveness, relevance, coherence and EU value added and should provide the basis for impact assessments of possible further measures.</p>	<p>to the protection of soils or on the grounds of a problem specific to a Member State arising from new environmental or climatic circumstances. Pursuant to paragraph 22 of the Interinstitutional Agreement on Better Law-Making, that evaluation should be based on the criteria of efficiency, effectiveness, relevance, coherence and EU value added and should provide the basis for impact assessments of possible further measures.</p>	<p>problem specific to a Member State arising from new environmental or climatic circumstances. Pursuant to paragraph 22 of the Interinstitutional Agreement on Better Law-Making, that evaluation should be based on the criteria of efficiency, effectiveness, relevance, coherence and EU value added and should provide the basis for impact assessments of possible further measures.</p>		
Recital 54					
64	<p>(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</p>	<p>(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</p>	<p>(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</p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	<p>degradation is continuing and even deteriorating. Since the objectives of this Directive cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 TEU. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.</p>	<p>degradation is continuing and even deteriorating. Since the objectives of this Directive cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 TEU. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.</p>	<p>degradation is continuing and even deteriorating increasing. Since the objectives of this Directive cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 TEU. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.</p>		
Recital 55					
65	<p>(55) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents¹,</p>	<p>(55) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents¹,</p>	<p>(55) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents¹,</p>	<p>(55) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents¹,</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	<p>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.</p> <p>1. OJ C 369, 17.12.2011, p. 14.</p>	<p>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.</p> <p>1. OJ C 369, 17.12.2011, p. 14.</p>	<p>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.</p> <p>1. OJ C 369, 17.12.2011, p. 14.</p>	<p>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.</p> <p>1. OJ C 369, 17.12.2011, p. 14.</p> <p>Text Origin: Commission Proposal</p>	
Recital 55a					
65a		<p><u><i>(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</i></u></p>			

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		<p><u><i>directive, in accordance with Article 288 of the Treaty on the Functioning of the European Union, this Directive is binding as to the result to be achieved in the Member States to whom it is addressed, while leaving national authorities the power to choose the form and methods to achieve the result. It will therefore be up to Member States to devise their own laws on how to reach the goals laid down 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</i></u></p>			



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		<i>aspects. The nature of the instrument implies that principles laid down in this Directive do not entail direct obligations on individuals.</i>			
Formula					
G	66 HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE: Text Origin: Commission Proposal	
Chapter I					
G	67 Chapter I General provisions	Chapter I General provisions	Chapter I General provisions	Chapter I General provisions Text Origin: Commission Proposal	
Article 1					
G	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)					
Y	69 1. The objective of the Directive is to put in place a solid and coherent soil monitoring framework for	1. The objective of the Directive is to put in place a <i>clear</i> , solid and , coherent <i>and flexible</i>	1. The objective of the Directive is to put in place a solid and coherent soil monitoring framework for		1. The objective of the Directive is to put in place a solid and coherent soil monitoring framework for

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	<p>all soils across the EU and to continuously improve soil health in the Union with the view to achieve healthy soils by 2050 and maintain soils in healthy condition, so that they can supply multiple ecosystem services at a scale sufficient to meet environmental, societal and economic needs, prevent and mitigate the impacts of climate change and biodiversity loss, increase the resilience against natural disasters and for food security and that soil contamination is reduced to levels no longer considered harmful to human health and the environment.</p>	<p><u><i>framework for</i></u> soil monitoring <i>framework and assessment</i> for all soils across the EU <i>and in order</i> to continuously improve soil health in the Union with the view to achieve healthy soils by 2050 and maintain soils in healthy condition, <u><i>and prevent their deterioration</i></u> 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. <u><i>This Directive, therefore, establishes a framework within which Member States are required to put in place measures that are</i></u></p>	<p>all soils across the EU and Union, to continuously improve soil health in the Union, maintain soils in healthy condition and tackle all aspects of soil degradation, with the view to achieve healthy soils by 2050 and maintain soils in healthy condition, so that they can supply multiple ecosystem services at a scale sufficient to meet environmental, societal and economic needs, prevent and mitigate the impacts of climate change and biodiversity loss, increase the resilience against natural disasters and for food security and that soil contamination is reduced to levels no longer considered harmful to human health and the environment.</p>		<p>all soils across the <i>EU and Union</i>, to continuously improve soil health in the Union, <u><i>maintain soils in healthy condition and prevent and tackle all aspects of soil degradation</i></u>, with the view to achieve healthy soils by 2050 <i>and maintain soils in healthy condition</i>, 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. <u><i>[This Directive, therefore, establishes a framework within which Member States are required to put</i></u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
		<u><i>technically feasible and based on a cost-benefit analysis, with a view to achieving healthy soils by 2050.</i></u>			<u><i>in place measures that are technically and economically feasible, with a view to achieving healthy soils by 2050.</i></u>
Article 1(1a)					
69a		<u><i>1a. This Directive contributes to fulfilling international and Union-level commitments, objectives and goals, including those contained in:</i></u> <u><i>(a) the Kunming-Montreal Global Biodiversity Framework;</i></u> <u><i>(b) the Paris Agreement;</i></u> <u><i>(c) the UN Convention to Combat Desertification (UNCCD);</i></u> <u><i>(d) the 7th EU Environment Action Programme (Decision No 1386/2013/EU);</i></u> <u><i>(e) the 8th EU Environment Action Programme (Decision (EU) 2022/591);</i></u> <u><i>(f) the Roadmap to a Resource Efficient</i></u>			EP ready to drop point d) and open to move the rest to a recital

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
		Europe (COM/2011/0571)			
Article 1(2)					
G	70	2. This Directive lays down measures on:	2. This Directive lays down measures on:	2. This Directive lays down <u>a framework and</u> measures on: <small>Text Origin: Council Mandate</small>	2. This Directive lays down measures <u>provides a framework for soil monitoring, improving resilience of soils and management of contaminated sites.</u>
Article 1(2), point (a)					
Y	71	(a) monitoring and assessment of soil health;	(a) monitoring and assessment of soil health;		(a) monitoring and assessment of soil health <u>[based on its ecological status]</u> ; <small>Deletion of the text in square brackets pending agreement on the overall package</small>
Article 1(2), point (b)					
Y	72	(b) sustainable soil management;	(b) sustainable soil management;	(b) sustainable soil management <u>soil resilience</u> ; <small>Text Origin: Commission Proposal</small>	(b) sustainable soil management <u>soil resilience</u> ; <small>Green pending the acceptance of the definition in row 82</small>
Article 1(2), point (c)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
73	(c) contaminated sites.	(c) contaminated sites.	(c) management of contaminated sites.	(c) <u>management of</u> contaminated sites. <small>Text Origin: Council Mandate</small>	
Article 2					
74	Article 2 Scope	Article 2 Scope	Article 2 Scope	Article 2 Scope <small>Text Origin: Commission Proposal</small>	
Article 2, first paragraph					
75	This Directive applies to all soils in the territory of Member States.	This Directive applies to all soils in the territory of Member States.	This Directive applies to all soils in the territory of Member States.	This Directive applies to all soils in the territory of Member States. <small>Text Origin: Commission Proposal</small>	
Article 3					
76	Article 3 Definitions	Article 3 Definitions	Article 3 Definitions	Article 3 Definitions <small>Text Origin: Commission Proposal</small>	
Article 3, first paragraph					
77	For the purposes of this Directive, the following definitions shall apply:	For the purposes of this Directive, the following definitions shall apply:	For the purposes of this Directive, the following definitions shall apply:	For the purposes of this Directive, the following definitions shall apply: <small>Text Origin: Commission Proposal</small>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
Article 3, first paragraph, point (1)					
78	(1) 'soil' means the top layer of the Earth's crust situated between the bedrock and the land surface, which is composed of mineral particles, organic matter, water, air and living organisms;	(1) 'soil' means the top layer of the Earth's crust situated between the bedrock and the land surface, which is composed of mineral particles, organic matter, water, air and living organisms, <u>excluding raw material deposits</u> ;	(1) 'soil' means the top layer of the Earth's crust situated between the bedrock or parent material and the land surface, which is composed of mineral particles, organic matter, water, air and living organisms;	Text Origin: Council Mandate	(1) 'soil' means the top layer of the Earth's crust situated between the bedrock <u>or parent material</u> and the land surface, which is composed of mineral particles, organic matter, water, air and living organisms, <u>[excluding raw material deposits]</u> ; deletion of text in square brackets pre-agreed, pending agreement on Art 11 & related recitals; EP accepts addition of parent material
Article 3, first paragraph, point (1a)					
78a		<u>(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:</u>			EP acceptance to delete 78a & 78b pending agreement on the overall package

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
		<p><u>(a) 'high soil ecological status' refers to soils with high biological and functional activity;</u></p> <p><u>(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;</u></p> <p><u>(c) 'moderate ecological status' refers to soils with evidence of slight adverse impacts from degradation factors;</u></p> <p><u>(d) 'degraded soils' refers to soils with clear evidence of adverse impacts from one degradation factor; and</u></p> <p><u>(e) 'critically degraded soils' refers to soils with clear evidence of adverse impacts from more than one degradation factor;</u></p>			
Article 3, first paragraph, point (1b)					
y	78b	<u>(1b) 'soil ecological functions' means the set of interrelated processes</u>			cf row above

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
		<u>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;</u>			
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	(3) ‘ecosystem services’ means <u>direct and</u>	(3) ‘ecosystem services’ means direct or	(3) ‘ecosystem services’ means <u>direct or</u>	(3) ‘ecosystem services’ means <u>direct or</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	contributions of ecosystems to the economic, social, cultural and other benefits that people derive from those ecosystems;	indirect contributions of ecosystems to the <u>wellbeing of society as a whole, and</u> economic, social, cultural, <u>environmental</u> and other benefits that people derive from those ecosystems;	indirect contributions of ecosystems to the economic, social, cultural and other benefits that people derive from those ecosystems;	indirect contributions of ecosystems to the economic, social, cultural, <u>environmental</u> and other benefits that people derive from those ecosystems;	indirect contributions of ecosystems to the economic, social, cultural, <u>environmental</u> and other benefits that people derive from those ecosystems;
Article 3, first paragraph, point (3a)					
80a		<u>(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;</u>			To be considered in connection with row 165 (biodiversity descriptor), pending agreement on the overall package 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, <u>functional</u> and biological condition of the soil determining its capacity to function as a vital living system and to provide ecosystem services, <u>taking land use into account;</u>	(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 and biological condition of the soil determining its capacity to function as a vital living system and to provide ecosystem services; Text Origin: Council Mandate	EP could accept if Council accepts text in row 82
Article 3, first paragraph, point (5)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
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 <u>aim to</u> maintain or enhance the <u>soil</u> ecosystem services provided by the soil without impairing the functions enabling those services, or being detrimental to other properties of the environment <u>taking into account the socio-economic effects;</u>	(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;		(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; <u>Soil resilience’ means the ability of soil to preserve its functions and</u> soil management practices that maintain or enhance the <u>its capacity to provide</u> ecosystem services provided by the soil without impairing the functions enabling those services, or being detrimental to other properties of the environment; <u>and to withstand and recover from disturbances.</u> part of overall compromise package
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 <u>properties</u> of a soil; Text Origin: Council Mandate	
Article 3, first paragraph, point (7)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
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 <u>or several Member States</u> , as delimited by that Member State <u>or those Member States</u> 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	
Article 3, first paragraph, point (8a)					
85a			(8a) ‘soil unit’ means a spatially discrete area within a soil district resulting from the intersection of spatial data used as criteria for statistical homogeneity within that soil district;	<u>(8a) ‘soil unit’ means a spatially discrete area within a soil district resulting from the intersection of spatial data used as criteria for statistical homogeneity within that soil district;</u> Text Origin: Council Mandate	
Article 3, first paragraph, point (9)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
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; Text Origin: Commission Proposal	
Article 3, first paragraph, point (9a)					
G	86a		(9a) 'soil descriptor' means a parameter describing a physical, chemical, or biological characteristic of soil health;	<u>(9a) 'soil descriptor' means a parameter describing a physical, chemical, or biological characteristic of soil health;</u> Text Origin: Council Mandate	
Article 3, first paragraph, point (9b)					
Y	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;		<u>(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 based on relevant evidence;</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
					<p>EP can accepts Council's mandate in 86b & 87 (including "based on relevant evidence") in exchange for a reference to "human biomonitoring or environmental monitoring data from research projects" (cf. row 203) in recital 44; text in brackets pending political agreement on the contaminated sites/list of contaminants</p> <p>agreement on this row pending the overall package</p>
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 <u>the presence of a substance or material in the soil in a concentration that may be harmful to health or the environment</u> ;	(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;		<p>(10) 'contaminated site' means a delineated area of one or several plots with confirmed presence of soil contamination <u>or contamination of bedrock or parent material</u> [caused by point-source anthropogenic activities];</p> <p>EP can accept to drop the deletion of point-source anthropogenic activities in exchange of the list of contaminants which includes</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
					PFAS and pesticides - part of overall agreement On bedrock and parent material: GA agreed
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;	<i>deleted</i>	<i>deleted</i>	
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 <u>regularly</u> covered by water <u>bodies</u> ; Text Origin: Council Mandate	
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	
Article 3, first paragraph, point (14)					
91	(14) 'natural land' means an area where human	(14) 'natural land' means an area where human	(14) ' natural landunsealed soil ' means	<i>deleted</i>	<i>to be aligned</i>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	activity has not substantially modified an area's primary ecological functions and species composition;	activity has not substantially modified an area's primary ecological functions and species composition;	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;		
<i>Article 3, first paragraph, point (15)</i>					
92	(15) 'semi-natural land' means an area where ecological assemblages have been substantially modified in their composition, balance or function by human activities, but maintain potentially high value in terms of biodiversity and the ecosystem services it provides;	(15) 'semi-natural land' means an area where ecological assemblages have been substantially modified in their composition, balance or function by human activities, but maintain potentially high value in terms of biodiversity and the ecosystem services it provides;	(15) ' semi-natural land 'soil sealing' means an area where ecological assemblages have been substantially modified in their composition, balance or function by human activities, but maintain potentially high value in terms of biodiversity and the ecosystem services it provides the covering of soils by buildings, construction and layers of completely or partly impermeable material;	deleted Text Origin: Council Mandate	to be aligned Maintain GA
<i>Article 3, first paragraph, point (16)</i>					
93	(16) 'artificial land' means land used as a platform for constructions and infrastructure or as a	(16) 'artificial land' means land used as a platform for constructions and infrastructure or as a	(16) ' artificial land sealed soil' means land used as a platform for constructions and	(16) ' artificial land sealed soil' means land used as a platform for constructions and	to be aligned Maintain GA

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	direct source of raw material or as archive for historic patrimony at the expense of the capacity of soils to provide other ecosystem services;	direct source of raw material or as archive for historic patrimony at the expense of the capacity of soils to provide other ecosystem services;	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;	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; Text Origin: Council Mandate	
Article 3, first paragraph, point (17)					
94	(17) 'land take' means the conversion of natural and semi-natural land into artificial land;	(17) 'land take' means the conversion of natural and semi-natural land into artificial land;	(17) 'land take soil destruction ' means the conversion of natural and semi-natural land into artificial land temporary or long-term removal of soils;		(17) ' land take soil removal ' means the conversion of natural and semi-natural land into artificial land temporary or long-term total or partial removal of soil in an area; compromise linked to r 78 pending agreement on land take part of overall compromise package
Article 3, first paragraph, point (17a)					
94a			(17a) ' destroyed soil ' means an area of soil	<i>deleted</i>	deleted

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			that underwent soil destruction;		pending agreement on land take;
Article 3, first paragraph, point (17b)					
G	94b		(17b) 'de-sealing' means the conversion of sealed soil into unsealed soil;	<u>(17b) 'de-sealing' means the conversion of sealed soil into soil that is not sealed;</u> Text Origin: Council Mandate	to be aligned Maintain GA
Article 3, first paragraph, point (17c)					
G	94c	<u>(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;</u>		<u>(17c) 'soil sealing' means the covering of soil with completely or partially impermeable material</u> Text Origin: EP Mandate	to be aligned
Article 3, first paragraph, point (17d)					
G	94d	<u>(17b) 'de-sealing of soil' means the re-conversion of land that no longer performs its natural soil functions, such as infiltration, percolation and hydrological functionality, into functional soil;</u>		deleted	to be aligned
Article 3, first paragraph, point (18)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
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	
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	(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 <u>citizens</u> , land owners, <u>managers</u> and land users, as well as non-governmental organisations promoting the protection of human <u>or</u>	(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	(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, <u>managers</u> and land users, as well as non-governmental organisations promoting the protection of human health or the environment	EP agreement on this row depends on outcome on Art 22

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	requirements under national law.	<u>animal</u> health or the environment and meeting any requirements under national law.	requirements under national law.	and meeting any requirements under national law. <small>Text Origin: Council Mandate</small>	
Article 3, first paragraph, point (19a)					
96a		<u>(19a) 'public' means one or more natural or legal persons and, in accordance with national law or practice, associations, organisations or groups comprising such persons;</u>		deleted	To be aligned after agreement on art 22
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 <u>or material</u> in the soil in a concentration that may be <u>lead, directly or indirectly, to</u> harmful to <u>effects on</u> human <u>or animal</u> health or the environment;	(20) 'soil contamination' means the presence of a chemical or substance in the soil in a concentration <u>at a level</u> that may be harmful to human health or the environment;	(20) 'soil contamination' means the presence of a chemical or substance in the soil in a <u>at a level of</u> concentration that may be <u>directly or indirectly,</u> harmful to human health or the environment; <small>Text Origin: Comments</small>	
Article 3, first paragraph, point (21)					
98	(21) 'contaminant' means a substance liable	(21) 'contaminant' means a substance liable	(21) 'contaminant' means a substance liable to cause soil	(21) 'contaminant' means a substance liable to cause soil	to be aligned Maintain GA

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	to cause soil contamination;	to cause soil contamination;	contamination or contamination of bedrock or parent material;	contamination <u>or contamination of bedrock or parent material</u> ; <small>Text Origin: Council Mandate</small>	
Article 3, first paragraph, point (22)					
G	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)					
G	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;	<i>deleted</i>	
Article 3, first paragraph, point (23)					
G	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 <u>or animal</u> 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	(23) 'risk' means the possibility <u>likelihood</u> of harmful effects to human health or the environment resulting from exposure to soil contamination <u>or to contamination of bedrock or parent material</u> ;

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			bedrock or parent material;	Text Origin: Council Mandate	
Article 3, first paragraph, point (24)					
101	(24) ‘soil investigation’ means a process to assess the presence and concentration of contaminants in the soil which is usually performed in different stages;	(24) ‘soil investigation’ means a process to assess the presence and concentration of contaminants in the soil which is usually performed in different stages;	(24) ‘soil investigation’ means a process which can be performed in multiple and iterative phases to assess the presence and concentration level of contaminants in the soil which is usually performed in different stages, in the bedrock or parent material and, if relevant to characterise 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;	(24) ‘soil investigation’ means a process <u>which can be performed in multiple and iterative phases</u> to assess the presence and <u>levels of</u> concentration of contaminants in the soil which is usually performed in different stages, <u>in the bedrock or parent material and, if relevant to characterise and delineate the extent of a contaminated site;</u> Text Origin: Comments	Maintain GA
Article 3, first paragraph, point (25)					
102	(25) ‘geographically explicit’ means information referenced and stored in a manner that permits it to be mapped and localised with	(25) ‘geographically explicit’ means information referenced and stored in a manner that permits it to be mapped and localised with	<i>deleted</i>	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	specific precision and accuracy.	specific precision and accuracy.			
<i>Article 3, first paragraph, point (26)</i>					
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 <u>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.</u>	(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 <u>set of actions that reduce, isolate or immobilise contaminants</u> in the soil-, <u>the bedrock or the parent material, with the aim of improving soil health;</u> Text Origin: Council Mandate	(26) ‘soil remediation’ means a regeneration action that reduces, isolates or immobilizes contaminant concentrations <u>set of actions that reduce, isolate or immobilise contaminants</u> in the soil-, <u>the bedrock or the parent material, with the aim of improving soil health;</u>
<i>Article 3, first paragraph, point (27)</i>					
103a			(27) ‘risk reduction measures’ mean measures that aim to 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	<u>(26a) ‘risk reduction measures’ mean measures that aim to 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</u>	<u>(26a) ‘risk reduction measures’ mean measures that aim to 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</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			contamination itself or via soil remediation.	<u>contamination itself or via soil remediation.</u> Text Origin: Council Mandate	<u>contamination itself or by soil remediation.</u> Maintain GA
Article 4					
104	Article 4 Soil districts	Article 4 Soil districts	Article 4 Soil districts and soil units	Article 4 Soil districts <u>and soil units</u> Text Origin: Council Mandate	
Article 4(1), first subparagraph					
105	1. Member States shall establish soil districts throughout their territory.	1. Member States shall <u>in consultation with local, regional and cross-regional authorities,</u> establish soil districts, <u>based on, where appropriate, existing administrative units</u> throughout their <u>own territory and in cross-border territories together with neighbouring Member States.</u>	1. Member States shall establish soil districts, for administrative purposes, throughout their territory, one or more soil districts under the responsibility of one or more competent authorities as designated pursuant to Article 5.	1. Member States shall establish soil districts, for <u>administrative purposes,</u> throughout their territory, <u>one or more soil districts under the responsibility of one or more competent authorities as designated pursuant to Article 5.</u> Text Origin: Council Mandate	
Article 4(1), second subparagraph					
106	The number of soil districts for each Member State shall as a minimum correspond to the number of NUTS 1 territorial units	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	established under Regulation (EC) No 1059/2003.				
Article 4(2)					
107	2. When establishing the geographic extent of soil districts, Member States may take into account existing administrative units and shall seek homogeneity within each soil district regarding the following parameters:	2. When establishing the geographic extent of soil districts, Member States may take into account existing <u>land use, governance structures and administrative units</u> and shall <u>seek prioritise</u> homogeneity within each soil district regarding the following parameters:	2. When establishing the geographic extent of soil districts, Member States may take shall also establish soil units covering their entire territory for the purposes of monitoring design and reporting of soil health with a given level of uncertainty within that soil unit, taking into account existing administrative units and shall seek homogeneity within each soil district regarding the following parameters:	2. When establishing the geographic extent of soil districts, Member States may take shall also establish soil units covering their entire territory for the purposes of monitoring design and reporting of soil health with a given level of uncertainty within that soil unit, taking into account existing administrative units and shall seek homogeneity within each soil district regarding the following parameters:	
Article 4(2), point (a)					
108	(a) soil type as defined in the World Reference Base for Soil Resources ¹ ;	(a) soil type as defined in the World Reference Base for Soil Resources ¹ ;	(a) soil type as defined in the World Reference Base for Soil Resources¹ the geographical extent of	(a) soil type as defined in the World Reference Base for Soil Resources¹ the geographical extent of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	1. https://www.fao.org/soils-portal/data-hub/soil-classification/world-reference-base/en/	1. https://www.fao.org/soils-portal/data-hub/soil-classification/world-reference-base/en/	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/	<u>soil districts as established pursuant to the first paragraph of this Article;</u> 1. https://www.fao.org/soils-portal/data-hub/soil-classification/world-reference-base/en/ Text Origin: Council Mandate	
Article 4(2), point (b)					
109	(b) climatic conditions;	(b) climatic conditions;	(b) elimatie econditions 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/data-set/ae71ffee-1ae9-4624-ae3f-f49513fe9dcb	(b) elimatie econditions <u>the soil type as defined in the map of the soil regions of the European Union and Adjacent Countries¹;</u> 1. <u>'Soil Regions of the European Union and Adjacent Countries 1:5,000,000', 2005, accessed 2024-03-07, http://data.europa.eu/88u/data-set/ae71ffee-1ae9-4624-ae3f-f49513fe9dcb</u> Text Origin: Council Mandate	
Article 4(2), point (c)					
110	(c) environmental zone as described in Alterra Report 2281 ¹ ;	(c) environmental zone as described in Alterra Report 2281 ¹ ;	(c) environmental zone as described in Alterra Report 2281¹; the land use	(c) environmental zone as described in Alterra Report 2281¹; <u>the land use</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	<p>I. 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.</p>	<p>I. 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.</p>	<p>categories, excluding water bodies, as referred to in Regulation (EU) 2018/841 of the Parliament and the Council;</p> <p>I. 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. 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</p>	<p><u>categories, excluding water bodies, as referred to in Regulation (EU) 2018/841 of the Parliament and the Council¹;</u></p> <p>I. 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. <u>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</u></p> <p>Text Origin: Council Mandate</p>	
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.	<i>deleted</i>	<i>deleted</i>	
Article 4(2), point (da)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
G	111a	<u>(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.</u>			
Article 4(2), point (db)					
G	111b	<u>(db) the existence of remote archipelagic regions with islands scattered between them, with each island corresponding to a soil district;</u>			
Article 4(2), point (dc)					
G	111c	<u>(dc) use of Copernicus for the soil districts' delimitation.</u>			
Article 4(2), second subparagraph					
G	111d		Member States may use more detailed or updated equivalent data when available at the European, national or subnational level to establish their soil units.	<u>2a. Member States may use more detailed or updated equivalent data when available at the European, national or subnational level to establish their soil units.</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
				Text Origin: Council Mandate	
Article 4(2), third subparagraph					
111e			<p>Members States may take into account additional spatial data to establish their soil units, such as climate, environmental zone as described in Alterra Report 2281¹, or river basins.</p> <p>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.</p>	<p><u>Members States may take into account additional spatial data to establish their soil units, such as climate, environmental zone as described in Alterra Report 2281¹, or river basins.</u></p> <p><u>I. 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.</u></p> <p>Text Origin: Council Mandate</p>	
Article 4(2a)					
111f		<p><u>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</u></p>		deleted	<p>EP could agree to delete if the Council accepts the EP proposed changes in Art 23a</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
		<u>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.</u>			
Article 4(2b)					
111g		<u>2b. The Commission shall support Member States in ensuring that their soil districts cooperate on a cross-border basis and shall facilitate harmonisation of monitoring systems, transfer functions, monitoring design and classification of ecological status at the level of the soil descriptors listed in Annex I.</u>		deleted	EP could agree to delete if the Council accepts the EP proposed changes in Art 23a
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					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
G	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, <u>taking into account existing administrative divisions and responsibilities, including in the case of cross-border soil districts.</u>	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	
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. <u>Member States may designate one competent authority for several soil districts.</u>	<i>deleted</i>	<i>deleted</i>
Article 5, second paragraph a					
G	114a		<u>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</u>	<i>deleted</i>	EP can drop: first part accommodated in reporting; second part: include in Art 19 Compromise proposal by COM: after row 256 a new sub paragraph :

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
		<u>18(3), point (b). The Commission shall maintain an updated list of the competent authorities on its website.</u>			<i>"The Commission shall publish the list of the competent authorities as communicated by Member States in accordance with Article 18(3), point b) "</i>
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	
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		EP agreement on the GA approach pending overall package Maintain GA
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 of soil health is carried out in accordance with this	1. Member States shall establish a monitoring framework based on the soil districts established in accordance with Article 4(1), to ensure that regular and accurate monitoring of soil health is carried out in accordance with this	1. Member States shall establish a monitoring framework based on a level appropriate for the soil districts established in accordance with Article 4(1), descriptors and soil sealing and soil destruction indicators to		1. Member States shall establish a monitoring framework based on a level appropriate for the soil districts established in accordance with Article 4(1), descriptors and soil sealing and soil destruction indicators to

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	Article and Annexes I and II.	Article and Annexes I and II, <u>and is complementary to the assessment approach established by Directive 2000/60/EC.</u>	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.		ensure that regular, <u>coherent</u> and accurate monitoring of soil health <u>and soil sealing and soil destruction</u> is carried out in accordance with this Article and Annexes I and II. EP open to accept the GA text, pending decision on land take/soil sealing & soil removal EP AM not acceptable to be aligned Maintain GA
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.	<u>If necessary, Member States may adapt their monitoring framework for their outermost regions in order to take into account their specific characteristics.</u> Text Origin: Council Mandate	
Article 6(2)					
Y	118	2. Member States shall monitor soil health and	2. Member States shall monitor soil health and	2. Member States shall monitor soil health in each	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	land take in each soil district.	land take in each soil district. <u>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.</u>	soil unit within a soil district and soil sealing and soil destruction and land take in each soil district.		Proposed compromise to address the EP concerns on costs of monitoring to landowners - add recital: "Without prejudice to Member States competence on taxation [and to the polluter pays principle], the provisions concerning soil health monitoring under chapter II of this Directive should not be understood as creating any obligations or financial burden on landowners and land managers other than Member States and the designated competent authorities."
Article 6(3)					
G	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: Text Origin: Commission Proposal	
Article 6(3), point (a)					
G	120	(a) the soil descriptors and soil health criteria referred to in Article 7;	(a) the soil descriptors and soil health criteria referred to in Article 7;	(a) the soil descriptors and soil health criteria for healthy soil condition referred to in Article 7;	(a) the soil descriptors and soil health criteria <u>for healthy soil condition</u> referred to in Article 7;

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
				Text Origin: Council Mandate	
Article 6(3), point (b)					
G	121 (b) the soil sampling points to be determined in accordance with Article 8(2);	(b) the soil sampling points <u>and sampling depth</u> 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) ;	(b) the soil sampling points to be determined in accordance with Article 8(2) 8(1) ; Text Origin: Council Mandate	
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) ;		pending agreement on a compromise on LUCAS 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 <u>scientifically robust</u> remote sensing data and products referred to in paragraph 5 of this Article, if any;	(d) the remote sensing data and products referred to in paragraph 5 of this Article, if any;	(d) the <u>scientifically robust</u> remote sensing data and products referred to in paragraph 5 of this Article, if any; Text Origin: EP Mandate	
Article 6(3), point (e)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
G	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). Text Origin: Council Mandate	pending agreement on land take to be aligned
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 paragraph, it shall ensure that the Commission can carry out such in-situ soil sampling.	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
Article 6(4a)					
Y	125a		<u>4a. The Commission shall ensure that the first soil measurement referred</u>		EP could agree with deletion if CSL and COM agree with

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
		<p><i>to in paragraph 4 is performed by ... [OP: please insert the date = three years from the entry into force of this Directive].</i></p> <p><i>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.</i></p> <p><i>The Commission shall, at the request of a Member State, provide further assistance with up to 50% of the sampling during the first national monitoring round.</i></p>			<p>mandatory soil archive in Ispra/JRC. part of overall compromise package</p>
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	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	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	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	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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	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.	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.	established by Regulation (EU) 2021/696 to explore and develop, together with Member States , soil remote sensing products, to provide the Member States with the necessary data on soil sealing and soil destruction indicators and to support the Member States in monitoring the relevant soil descriptors.	established by Regulation (EU) 2021/696 to explore and develop, <u>in cooperation with Member States</u> , soil remote sensing products, <u>to provide the Member States with the necessary data on soil sealing and soil removal indicators</u> and to support the Member States in monitoring the relevant soil descriptors.	established by Regulation (EU) 2021/696 to explore and develop, <u>in cooperation with Member States</u> , soil remote sensing products, <u>to provide the Member States with the necessary data on [soil sealing and soil destruction] indicators</u> and to support the Member States in monitoring the relevant soil descriptors.
Article 6(6)					
127	6. The Commission and the EEA shall, on the basis of existing data and within two years of the entry into force of this Directive, establish a digital soil health data portal that shall provide access in georeferenced spatial format to at least the available soil health data 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, <u>in line with Regulation (EC) No 223/2009 of the European Parliament and of the Council^{1a}</u> , 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 to at least the available soil health data aggregated at the soil unit level or a more detailed level , resulting from:		<p>The EP open to drop its AMs in rows 170, 127, 132 and 130a in exchange of rec 36</p> <p>Maintain GA</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
		<u>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).</u>			
Article 6(6), point (a)					
G	128	(a) the soil measurements referred to in Article 8(2);	(a) the soil measurements referred to in Article 8(2);	(a) the soil measurements referred to in Article 8(2) and (2a) ; Text Origin: Council Mandate	to be aligned
Article 6(6), point (b)					
Y	129	(b) the soil measurements referred to in paragraph 4 of this Article;	deleted		to be aligned
Article 6(6), point (c)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
G	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. Text Origin: Commission Proposal	
Article 6(6), point (c) subparagraph					
Y	130a		The treatment of these data as well as their access shall be done in accordance with relevant Union legislation.		GA text + recital clarifying that the directive doesn't deal with personal data EP can accept GA if rec 36 accepted by the Council Maintain GA
Article 6(6b)					
Y	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		<u>6b. The Commission and the EEA shall ensure that the Member States are given, in an early, timely and effective manner, the opportunity to review 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</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			paragraph 6. This shall also apply to any other report based on the monitoring framework established under this Directive.		<p><i>also apply to any other report published in the digital soil health data portal and based on the monitoring framework established under this Directive.</i></p> <p>compromise proposal to address the EP concern that the last sentence has too broad scope</p>
Article 6(6c)					
Y	130c	<u>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.</u>			EP AM could be accepted, with modifications, as part of a compromise
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	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	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	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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	with the formats or methods established by the Commission pursuant to paragraph 8.	with the formats or methods established by the Commission pursuant to paragraph 8.	with the formats or methods established by the Commission pursuant to paragraph 8.	with the formats or methods established by the Commission pursuant 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.		EP acceptance of GA pending overall agreement Maintain GA
Article 6(7b)					
Y	131b	<u><i>7a. The digital soil health data portal shall include the Sustainable Soil Management Toolbox referred to in Article 10a.</i></u>			to be discussed together with art 10 and 10a, EP flexible
Article 6(8)					
Y	132	8. The Commission shall adopt implementing acts to establish formats or methods for sharing or	8. The Commission shall adopt implementing acts to establish formats or methods for sharing or	8. The Commission shall adopt implementing acts to establish formats or methods for sharing or	The EP open to drop its AMs in rows 170, 127, 132 and 130a in exchange of rec 36

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	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.	collecting the data referred to in paragraph 7 or for integrating those data in the digital soil health data portal, <u>ensuring compliance with Union law on the protection of personal data</u> . Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21.	collecting the data referred to in paragraph 7 this Article or for integrating those data in the digital soil health data portal. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21.		
Article 6(8a)					
g 132a		<u>8a. The Commission shall provide to Member States the necessary capacity building, assistance and consulting services and support their monitoring initiatives, multilateral harmonisation of regulations, methods and archives, and thereby close existing data gaps and workflow bottlenecks by sharing common expertise. To that end, the Commission shall build on existing mechanisms,</u>		deleted	EP could drop AM if Council accepts its proposal on Art 23a

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
		<u>including the Soil BON initiative.</u>			
Article 6a (new)					
y	132b	<u>Article 6a Efficient use and preservation of soil samples</u>			part of overall compromise package EP AM not acceptable
Article 6a(1)					
y	132c	<u>1. The Commission, together with Member States and the European Soil Observatory, shall put in place measures to ensure that the physical archives of soils, DNA extracts and the digital archive of raw data, at both Union and national level, remain available for further research and innovation. The Commission and Member States shall ensure that samples are stored in a manner appropriate to their long-term sustainable use.</u>			EP AM not acceptable
Article 6a(2)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
y	132d		<u>2. By ... [OP: please insert the date = 12 months from the date of entry into force of this Directive], the Commission shall provide guidelines with protocols of reference to use soil samples in the most cost-efficient way.</u>		EP AM not acceptable
Article 7					
y	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, <u>and soil ecological status,</u> 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	to be aligned
Article 7(1), first subparagraph					
y	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 <u>may</u> apply the soil descriptors and soil health criteria <u>that best illustrate the soil characteristics of each soil type at national level</u> 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 and soil health criteria listed in Annex I, <u>[Parts A, B and C].</u> EP accepts GA text with bracketed text pending agreement on the monitoring

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
					part of overall compromise package
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 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 . 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 part of overall compromise package to be aligned
Article 7(2)					
136	2. Member States may adapt the soil descriptors and the soil health criteria referred to in part A of Annex I, in accordance	2. Member States may adapt the soil descriptors and shall select the adequate tier for the soil health criteria referred to	2. When assessing soil health , Member States may adapt the soil descriptors and the soil health shall use criteria		EP acceptance of GA pending overall agreement part of overall compromise package

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	with the specifications referred to in the second and third columns in part A of Annex I.	in part A of Annex I <u>monitoring design for which they qualify</u> in accordance with the specifications referred to in the second and third columns <u>conditions of Annex I, and shall ensure that they include at least all soil descriptors</u> in Part A of Annex I.	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:		Maintain GA
Article 7(2a)					
y	136a		(a) non-binding sustainable target values listed in Annex I, Parts A and B; and		Maintain GA
Article 7(2b)					
y	136b		(b) operational trigger values.		Maintain GA
Article 7(3)					
y	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 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		<u>see row 139a</u> Maintain GA

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			watch list referred to in paragraph 5a.		
Article 7(4)					
y	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.	<i>deleted</i>	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.	to be aligned Maintain GA
Article 7(4a)					
y	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.		Linked to discussion on art 10 part of overall compromise package to be aligned Maintain GA
Article 7(4a) subparagraph					
y	138b		Member States may set the operational trigger value for one or		Maintain GA

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			more soil degradations at the same level as the non-binding sustainable target value for these soil degradations.		
Article 7(5)					
139	5. Member States may set additional soil descriptors and land take indicators, including but not limited to the optional descriptors and indicators listed in part C and D of Annex I, for monitoring purposes ('additional soil descriptors' and 'additional land take indicators').	5. Member States may set additional soil descriptors and land take indicators, including but not limited to the <i>optional</i> 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').		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		pendin overall agreement, in particular on the list of contaminants

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			soil contaminants, having a high potential to affect soil health, human health or the environment, and shall update the list according to the latest scientific knowledge. Member States may adapt their soil contamination descriptor accordingly.		
Article 7(6)					
140	6. Member States shall inform the Commission when soil descriptors, land take indicators and soil health criteria are set or adapted in accordance with paragraphs 2 to 5 of this Article.	6. Member States shall inform the Commission when soil descriptors, land take indicators and soil health criteria are set or adapted in accordance with paragraphs 2 to 5 of this Article <u>and with Article 9.</u>	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)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
Y	142	1. Member States shall determine sampling points by applying the methodology set out in part A of Annex II.	1. Member States shall determine sampling points by applying the methodology set out in part A of Annex II <u>according to the selected tier for soil monitoring design, taking into account risk assessments based on existing monitoring systems.</u>	1. Member States shall determine sampling points by applying the methodology set out in Part A.1 of Annex II.	EP agreement pending overall package EP AM not acceptable
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.		r142a-142d: part of compromise package on monitoring & assessment
Article 8(1a) first subparagraph					
Y	142b		1a. After determination of the sampling points and prior to the sampling survey, Member States		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			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					
y	142c		The Commission shall assess the needs and set the appropriate level of support in coordination with the Member States concerned.		
Article 8(1a) third subparagraph					
y	142d		In case of support by the Commission, the Member State concerned shall adapt the sampling survey accordingly and the practical organisation between the Commission and the competent authority of the Member State is covered by a written agreement. In the event of support for the field		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			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 referred to in paragraph 1 and collect, process and analyse data as relevant in order to determine the following:		to be aligned
Article 8(2), point (a)					
144	(a) the values of the soil descriptors as set in Annex I;	(a) the values of the soil descriptors <u>according to the selected tier for soil monitoring design</u> as set in Annex I;	(a) the values of the soil descriptors as set listed in Annex I;		EP open to drop tiers in an overall package to be aligned EP AM not acceptable
Article 8(2), point (b)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
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;	(b) where relevant, the values of the additional soil descriptors; Text Origin: Commission Proposal	
Article 8(2), point (c)					
146	(c) the values of the land take and soil sealing indicators listed in part D of Annex I.	(c) the values of the land take and soil sealing indicators listed in part D of Annex I.	<i>deleted</i>	<i>deleted</i>	Maintain GA
Article 8(2), first subparagraph					
146a			Member States are exempted from taking soil samples from sealed and destroyed soils.	<u>Member States are exempted from taking soil samples from sealed and removed soils.</u> Text Origin: Council Mandate	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.	<u>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</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
				<p><u>and provide explanation thereof.</u></p> <p>Text Origin: Council Mandate</p>	
Article 8(2), third subparagraph					
146c			<p>The in-situ soil sampling shall be carried out in accordance with the minimum criteria for the methodology of field sample survey defined in Part A.2 of Annex II.</p>	<p><u>The in-situ soil sampling shall be carried out in accordance with the minimum criteria for the methodology of field sample survey defined in Part A.2 of Annex II.</u></p> <p>Text Origin: Council Mandate</p>	<p>The EP could accept GA as part of the package on monitoring and assessment</p>
Article 8(2a), first subparagraph					
146d			<p>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:</p>	<p><u>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:</u></p>	<p>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)</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
				Text Origin: Council Mandate	
Article 8(2a), first subparagraph, point (i)					
G	146e		(i) Member States in accordance with existing national or sub-national soil monitoring networks and surveys;	(a) <u>Member States in accordance with existing national or sub-national soil monitoring networks and surveys;</u> Text Origin: Council Mandate	
Article 8(2a), first subparagraph, point (ii)					
G	146f		(ii) Member States under Union legislation and international law;	(b) <u>Member States under Union legislation and international law;</u> Text Origin: Council Mandate	
Article 8(2a), first subparagraph, point (iii)					
G	146g		(iii) private actors, research organisations and other parties, where available.	(c) <u>private actors, research organisations and other parties, where available.</u> Text Origin: Council Mandate	
Article 8(2a), second subparagraph					
Y	146h		For the first cycle of soil measurements to be performed in accordance with paragraph 4, the		agreement pending overall package

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			period referred in the first subparagraph of this paragraph starts on ... (OP: please insert date = one year before date of entry into force of the Directive).		Maintain GA
Article 8(2b)					
G	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.	<u>2b. Member States shall collect, process and analyse data in order to determine the values of the soil sealing and soil removal indicators listed in Part D of Annex I.</u> Text Origin: Council Mandate	linked to r 146
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 estimating the values of the soil descriptors set out in part B of Annex II;	(a) the methodologies for determining or estimating the values of the soil descriptors set out in <i>part B of</i> Annex II;	(a) the methodologies for determining or estimating the values of the soil descriptors set out in Part B of Annex II;	linked to LUCAS - issue of data comparability and quality part of overall compromise package

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
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;	(b) the minimum methodological criteria for determining the values of the land take and soil sealing and soil removal indicators set out in Part C of Annex II; Text Origin: Council Mandate	
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 the ones listed in the first subparagraph, points (a) and (b), provided that validated transfer functions are available, as required in Annex II, part B, fourth column.	Member States may apply other methodologies than the ones listed in the first subparagraph, points (a) and (b), provided that validated transfer functions are available <u>or may be estimated by comparing data taken at national level with in-situ monitoring coordinated by the Commission</u> , as	Member States may apply other methodologies than the ones listed in the first subparagraph, points (a) and (b), provided that validated transfer functions are made available, as required in Annex II, Part B, fourth column.	Member States may apply other methodologies than the ones listed in the first subparagraph, points (a) and (b), provided that validated transfer functions are available, as required in Annex II, part B, fourth column. Text Origin: Commission Proposal	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
		required in Annex II, part B, fourth column.			
Article 8(3a), first subparagraph					
151a			<p>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 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.</p>	<p><u>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 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.</u></p> <p>Text Origin: Council Mandate</p>	
Article 8(3a), second subparagraph					
151b			<p>When assessing compliance with quality management system practices, Member States</p>	<p><u>When assessing compliance with quality management system practices, Member States</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			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.	<u>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.</u> Text Origin: Council Mandate	
Article 8(3a), third subparagraph					
g	151c		Member States shall ensure that laboratories, or parties contracted by laboratories, performing the soil measurements demonstrate their competences in analysing relevant measurands by:	<u>Member States shall ensure that laboratories, or parties contracted by laboratories, performing the soil measurements demonstrate their competences in analysing relevant measurands by:</u> Text Origin: Council Mandate	
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;	<u>(a) participation in proficiency testing programmes covering the methods of analysis at levels of concentration that are representative of soil monitoring programmes, if available;</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
				Text Origin: Council Mandate	
Article 8(3a), third subparagraph, point (b)					
G	151e		(b) analysis of reference materials that are representative of collected samples which contain appropriate levels of concentrations, if available.	<u>(b) analysis of reference materials that are representative of collected samples which contain appropriate levels of concentration, if available.</u> Text Origin: Council Mandate	
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.	<u>Where the Commission carries out soil measurements in accordance with this Article, this paragraph shall apply to Commission.</u> Text Origin: Council Mandate	
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	4. Member States shall ensure that the first soil measurements are performed at the latest by... (OP: please insert the date = 4 <u>3</u> years after date	4. Member States and, in case of support by the Commission, the Commission shall ensure that the first soil measurements are	Maintain GA

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	entry into force of the Directive).	of entry into force of the Directive).	performed at the latest by... <i>(OP: please insert the date = 5 years after date of entry into force of the Directive)</i> 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 <i>or earlier, whenever soil status modification is suspected. Member States shall also facilitate in-situ soil monitoring coordinated by the Commission.</i>	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.		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, not to carry out new soil measurements for a soil descriptor in part or in		<i>By way of derogation from the first subparagraph, Member States may decide, before the second and subsequent sampling campaigns, not to carry out new soil measurements for a soil</i>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			<p>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.</p>		<p><u>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 without undue delay notify the Commission of any such decision. A derogation should not be granted for the same measurement over two consecutive sampling campaigns, without a clear justification based on the above mentioned conditions from the Member State that the</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
					<p><u>values of that soil descriptor has not evolved significantly since the last sampling cycle where it was included. A new evaluation and justification is needed for each sampling campaign.</u></p> <p>pending agreement on overall compromise package</p>
Article 8(5), second subparagraph					
Y	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 <u>two years</u> .	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.	Maintain GA
Article 8(6)					
G	155	6. The Commission is empowered to adopt delegated acts in accordance with Article 20 to amend Annex II in order to adapt the reference methodologies mentioned in it to scientific and technical progress, in particular	6. The Commission is empowered to adopt delegated acts in accordance with Article 20 to amend Annex II in order to adapt the reference methodologies mentioned in it to scientific and technical progress, in particular	6. The Commission is empowered to adopt delegated acts in accordance with Article 20 to amend Annex II, Part B in order to adapt the reference methodologies mentioned in it to scientific and technical progress, in particular	6. The Commission is empowered to adopt delegated acts in accordance with Article 20 to amend Annex II, <u>Part B</u> in order to adapt the reference methodologies mentioned in it to scientific and technical progress, in particular

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	where values of soil descriptors can be determined by remote sensing referred to in Article 6(5).	where values of soil descriptors can be determined by remote sensing referred to in Article 6(5).	where values of soil descriptors can be determined by remote sensing products referred to in Article 6(5).	where values of soil descriptors can be determined by remote sensing <u>products</u> referred to in Article 6(5). Text Origin: Council Mandate	
Article 9					
G	156	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					
Y	157	1. Member States shall assess the soil health in all their soil districts based on the data collected in the context of the monitoring referred to in Articles 6, 7 and 8 for each of the soil descriptors referred to in Parts A and B of Annex I.	1. Member States shall assess the soil health in all their soil districts based on the data collected in the context of the monitoring referred to in Articles 6, 7 and 8 for each of the soil descriptors referred to in Parts A and B of Annex I <u>according to the selected tier for soil monitoring design, while taking into account the historical and natural circumstances of the soil.</u>	1. Member States shall assess the soil health in all their soil districts and associated soil units based on the data collected in the context of the monitoring referred to in Articles 6, 7 and 8 for each of the soil descriptors referred to listed in Parts A and B of Annex I.	1. Member States shall assess the soil health in all their soil districts <u>and associated soil units</u> based on the data collected in the context of the monitoring referred to in Articles 6, 7 and 8 for each of the soil descriptors referred to listed in Parts A and B of Annex I <u>according to the selected tier for soil monitoring design.</u> Part of the EP AM ("while taking into account...") could

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions	
					be accepted in exchange of concession on other issues	
Article 9(1), second subparagraph						
G	158	Member States shall also take into account the data collected in the context of soil investigations referred to in Article 14.	<u><i>For the assessment of the soil ecological status,</i></u> Member States shall also take into account the data collected in the context of soil investigations referred to in Article 14.	<i>deleted</i>	<i>deleted</i>	Maintain GA
Article 9(1), third subparagraph						
Y	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: please insert the date = 5 years after date of entry into force of the Directive).	Member States shall ensure that soil health assessments <u>of soil ecological status</u> are performed at least every 5 6 years and that the first soil health assessment is performed by ... (OP: please insert the date = 5 years after date of entry into force of the Directive), <u>accompanied by reports on relative improvement, trends, progress or regression.</u>	Member States shall ensure that soil health assessments <u>of soil health</u> are performed at least every 5 6 years and that the first soil health assessment is performed by ... (OP: please insert the date = 6 years after date of entry into force of the Directive)(OP: please insert the date = 5 years after date of entry into force of the Directive).		Member States shall ensure that soil health assessments <u>of [soil ecological status]</u> are performed at least every 5 6 years and that the first soil health assessment is performed by ... (OP: please insert the date = 5 6 years after date of entry into force of the Directive). Maintain GA
Article 9(2), first subparagraph						
Y	160	2. A soil is considered healthy in accordance with this Directive where the	2. A soil is considered healthy in accordance with this Directive where the	2. A soil is considered Soil health is assessed with respect to		2. A soil is considered <u>[Soil health is assessed with respect to</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	following cumulative conditions are fulfilled:	following cumulative conditions are fulfilled: <u>soil is classified either with good or high ecological status.</u>	each aspect of soil degradation using the non-binding sustainable target value and the operational trigger values for the related criterion for healthy soil condition set in accordance with this Directive where the following cumulative conditions are fulfilled: Article 7(2), 7(4) and 7(4a).		<p><u>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</u> in accordance with this Directive where the following cumulative conditions are fulfilled: <u>Article 7(2), 7(4) and 7(4a).</u></p> <p>EP acceptance of GA pending overall package</p> <p>Maintain GA</p>
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;	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>	
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	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>	

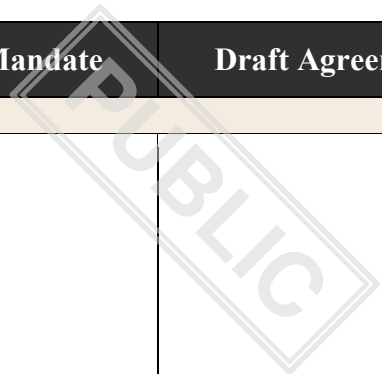
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	with Article 7 ('healthy soil').				
<i>Article 9(2), second subparagraph</i>					
163	By way of derogation from the first subparagraph the assessment of soils within a land area listed in the fourth column of Annex I, shall not take into account the values set out in the third column for that land area.	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>	
<i>Article 9(2), third subparagraph</i>					
164	Soil is unhealthy where at least one of the criteria referred to in subparagraph 1 is not met ('unhealthy soil').	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>	
<i>Article 9(3), first subparagraph</i>					
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, <u>according to the selected tier for soil monitoring design</u> , and assess whether there is a critical loss of <u>soil biodiversity and</u>	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		3. <u>Member States</u> shall analyse the values for the soil descriptors listed in Part C of Annex I and assess <u>with a view to identify</u> whether there is a critical loss of ecosystem services, taking into account the relevant data

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
		ecosystem services, taking into account the relevant data and available scientific knowledge.	and available scientific knowledge. Member States shall analyse the values of soil sealing and soil destruction indicators listed in Part D of Annex I with a view to assess their impact on the loss of ecosystem services and on the objectives and targets established under Regulation (EU) 2018/841.		and available scientific knowledge. <u><i>Member States shall analyse the values of soil sealing and soil removal 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.</i></u> Issue of tiers & soil removal pending overall agreement
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.		
Article 9(3), second subparagraph					
G	166	Member States shall analyse the values of land take and soil sealing indicators listed in part D of Annex I and assess their impact on the loss of ecosystem services and on	Member States shall analyse the values of land take and soil sealing indicators listed in part D of Annex I and assess their impact on the loss of ecosystem services and on	<i>deleted</i>	<i>deleted</i> Maintain GA

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	the objectives and targets established under Regulation (EU) 2018/841.	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 <u>soils of soil that are not of high soil ecological status or good ecological status</u> and inform the public in accordance with Article 19.	4. Based on the assessment assessments of soil health carried out in accordance with this Article, the competent authority authorities as referred to in Article 5 shall, where relevant in coordination with local, regional, national authorities, identify, in each soil district, the areas which present unhealthy soils where individual criteria for healthy soil condition are not satisfied and where measures are required to improve the soil health and inform the public, on an aggregated level , in accordance with Article 19.		Linked to Art 10 discussion; part of overall compromise; EP: issue with assessment at aggregated level & measures are required Maintain GA
Article 9(4a), first subparagraph					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
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 based on technical feasibility, cost-efficiency and achievable level of soil health improvement.	<p><u>4a. 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 with high potential for improvement of soil health through de-sealing or soil reconstruction. The potential of areas of sealed and removed soil shall be assessed based on technical feasibility, cost-efficiency and achievable level of soil health improvement.</u></p> <p>Text Origin: Comments</p>	<p>EP to consider together with CLS mandate in row 135; EP issue with the terms used (renaturation)</p> <p>Maintain GA</p>
Article 9(4b)					
167b		<u>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</u>			<p>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.</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
		<p><u>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.</u></p>			<p>Text proposal to be added in Art 25(2):</p> <p>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. The communication of the sustainable target values and operational trigger values for soil descriptors in Annex I shall be accompanied by a justification .</p> <p>A new subpoint to be added in Article 24(1)(e):</p> <p>(iv) the 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 taking into account, inter alia, the objective to ensure a level playing field within internal market;</p> <p>EP AM not acceptable</p>



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
Article 9(4c)					
g	167c	<u><i>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.</i></u>			
Article 9(4d)					
g	167d	<u><i>4c. Within 6 months of the date of the submission of the draft threshold values referred to in paragraph 4b, the Commission shall make observations on the draft threshold values, assessing the scientific justification and ensuring a level playing field within the internal market. Upon request from the Commission, Member States shall provide to the</i></u>			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
		<u>Commission all necessary additional information and, where appropriate, revise the proposed threshold values.</u>			
Article 9(4e)					
G	167e	<u>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.</u>			
Article 9(4f)					
Y	167f	<u>4f. When applying a Tier 2 for soil monitoring design, Member States may benefit from variation of up to 20% in comparison to the threshold values set in accordance with paragraph 4d.</u>			EP accepts to drop this AM EP AM not acceptable
Article 9(5), first subparagraph					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions	
G	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.	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>	
Article 9(5), second subparagraph						
G	169	The Commission may adopt implementing acts to harmonise the format of soil health certification. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21.	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>	
Article 9(6)						
Y	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 <u>and make them available free of charge</u> , in particular to support the development of the advice referred to in	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		<p>The EP open to drop its AMs in rows 170, 127, 132 and 130a in exchange of rec 36</p> <p>Maintain GA EP AM not acceptable</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
		Article 10(3). <u>Member States shall ensure that research institutions have easy and continuous access to samples, DNA extracts and raw data free of charge.</u>	development of the advice referred to in Article 10(3)10(2).		
Chapter III					
G	171 Chapter III Sustainable soil management	Chapter III Sustainable soil management	Chapter III Sustainable soil management	Chapter III Sustainable soil management Text Origin: Commission Proposal	to be aligned
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	to be aligned
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:	<i>deleted</i>	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		Art 10 - part of overall package EP AM not acceptable

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions	
			at least the following measures, taking into account the type, use and condition of soil, and the geographical and climatic conditions:			
Article 10(1), first subparagraph, point (a)						
y	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;	<i>deleted</i>	(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;		EP AM not acceptable
Article 10(1), first subparagraph, point (b)						
y	175	(b) defining soil management practices and other practices affecting negatively the soil health	<i>deleted</i>	(b) defining soil management practices and other practices affecting negatively the soil health		EP AM not acceptable

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	to be avoided by soil managers.		to be avoided by soil managers.		
Article 10(1), second subparagraph					
176	When defining the practices and measures referred to in this paragraph, Member States shall take into account the programmes, plans, targets and measures listed in Annex IV as well as the latest existing scientific knowledge including results coming out of the Horizon Europe Mission a Soil Deal for Europe.	<i>deleted</i>	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’.		EP AM not acceptable
Article 10(1), third subparagraph					
177	Member States shall identify synergies with the programmes, plans and measures set out in Annex IV. The soil health monitoring data, the results of the soil health assessments, the analysis referred to in Article 9 and the sustainable soil management measures shall inform the development of the	<i>deleted</i>	Member States shall identify synergies with the programmes, plans and measures set out in Annex IV. The soil health monitoring data, the results of the soil health assessments, the analysis referred to in Article 9 and the sustainable soil management measures practices shall inform the development of		EP AM not acceptable

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	programmes, plans and measures set out in Annex IV.		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.	<i>deleted</i>	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.		EP AM not acceptable
Article 10(2), first subparagraph					
179	2. Member States shall ensure easy access to impartial and independent advice on sustainable soil management, training activities and capacity building for soil managers, landowners and relevant authorities.	2. Member States shall ensure easy <u>and equal</u> access to impartial and independent advice on sustainable soil management, training activities and capacity building for soil managers, landowners, <u>land managers</u> and relevant authorities, <u>in all their soil districts</u> .	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.		EP AM not acceptable

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
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	to be aligned
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 in a sustainable manner;	(a) promoting awareness on the medium- and long-term multiple benefits of sustainable soil management and the need to manage soils in a sustainable manner;	(a) promoting awareness on the medium- and long-term multiple benefits of sustainable soil management and the need to manage soils in a sustainable manner; Text Origin: Commission Proposal	to be aligned
Article 10(2), second subparagraph, point (b)					
Y	182	(b) promoting research and implementation of holistic soil management concepts;	(b) promoting research, <u>innovation, citizens science and encourage</u> and implementation of holistic <u>sustainable</u> soil management concepts;	(b) promoting research and implementation of holistic soil management concepts;	EP AM could be accepted if concession on sth else, keep 'holistic' EP AM not acceptable
Article 10(2), second subparagraph, point (c)					
Y	183	(c) making available a regularly updated mapping of available funding instruments and activities to support the	(c) making available a regularly updated mapping of available funding instruments and activities to support the	(c) making available a regularly updated mapping of available funding instruments and activities to support the	Compromise on rows 183 and 206 (citizens input). - new recital on citizen science:

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	implementation of sustainable soil management.	implementation of sustainable soil management, <u>and other activities to support the implementation of this Directive, including research and citizen science.</u>	implementation of sustainable soil management.		<p>„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 the area of environmental protection where information provided by civil or the scientific communities can be helpful 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.”</p> <p>*Exploring Citizen Science over Time: Sensing, Technology and the Law by Suman, Alblas, Joint</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions	
					<p>Research Centre, 21027 Ispra, Italy Law Group, Wageningen University, 6706KN Wageningen, The Netherlands (Sustainability 2023, 15(5), 4496; https://doi.org/10.3390/su15054496)</p> <p>EP AM not acceptable</p>	
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.	<i>deleted</i>	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.	EP AM not acceptable	
Article 10(4)						
G	185	4. The Commission is empowered to adopt delegated acts in accordance with Article 20 to amend Annex III in order to adapt the sustainable soil	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>	EP AM not acceptable

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	management principles to take into account scientific and technical progress.				
<i>Article 10(4a)</i>					
G	185a	<u>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.</u>		deleted	EP can drop AM if its proposal on art 23a accepted EP AM not acceptable
<i>Article 10a (new)</i>					
Y	185b	<u>Article 10a</u> <u>Article 10a</u> <u>Sustainable Soil Management Toolbox</u>			EP flexible, could be replaced by repository of knowledge in art 23a(1)(k) EP AM not acceptable
<i>Article 10a, first paragraph</i>					
Y	185c	<u>1. In order to support the implementation of this Directive, the Commission shall establish a sustainable soil management toolbox that provides soil managers with practical</u>			EP AM not acceptable

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
		<u>information on the use of sustainable soil management practices, which includes information provided by the Member States.</u>			
Article 10a, second paragraph					
y 185d		<p><u>2. The toolbox shall contain:</u></p> <p><u>(a) recommendations and examples of best practices from the Member States' competent authorities which monitor the impact of soil management practices, and information about the impact of such practices on various ecosystem services and soil threats;</u></p> <p><u>(b) the context-specific information related to combinations of soil type, land use and climatic conditions;</u></p> <p><u>(c) new knowledge from research and innovation, including from the Horizon Europe mission 'A Soil Deal for Europe';</u></p>			EP AM not acceptable

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
		<u>(d) other relevant information collected by the Commission or provided to the Commission by the Member States.</u>			
Article 10a, third paragraph					
y	185e	<u>3. The toolbox shall be publicly available free of charge, and be included in the digital soil health data portal established in accordance with Article 6(6). The Commission shall actively update and take all appropriate measures to promote the content of the toolbox to land managers.</u>			EP AM not acceptable
Article 11					
y	186	Article 11 Land take mitigation principles	Article 11 Land take mitigation principles	Article 11 Land take mitigation principles	Art 11 - part of overall package Maintain GA EP AM not acceptable
Article 11, first paragraph					
y	187	Member States shall ensure that the following	<u>In case of land take,</u> Member States shall	Without impinging on the autonomy of the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	principles are respected in case of land take:	ensure that <u>consider</u> the following principles are respected in case of land take <u>actions, while taking into account local specificities and socio-economic impacts:</u>	Member States with regards to spatial planning , Member States shall ensure that the following principles are taken into consideration respected in case of new soil sealing and soil destruction as part of land take, at the appropriate spatial level within their territory:		Maintain GA EP AM not acceptable
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 <u>avoiding or reducing</u> as much as technically, <u>socially</u> and economically possible the loss of the capacity of the soil to provide multiple ecosystem <u>and other</u> services, including <u>agriculture</u> , food production, <u>and sustainable forest management</u> 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:		Maintain GA EP AM not acceptable
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	(i) reducing, as much as possible , the area of soil affected by the land		Maintain GA EP AM not acceptable

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
		to the extent <u>as much as possible</u> and;	take to the extent possible and soil sealing and soil destruction , in particular by encouraging the reuse and repurposing of sealed soils, such as existing buildings, and		
Article 11, first paragraph, point (a)(ii)					
190	(ii) selecting areas where the loss of ecosystem services would be minimized and	(ii) selecting <u>prioritising</u> 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		Maintain GA EP AM not acceptable
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 <u>is aligned with sustainable development, including preserving soil fertility, biodiversity, water permeability, filtration and retention to the extent possible;</u>	(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;		Maintain GA EP AM not acceptable
Article 11, first paragraph, point (b)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
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; <u>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.</u>	(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.		(b) compensate as much as possible aim to offset to a reasonable extent the loss of soil capacity to provide multiple ecosystem services, <u>including with the return of services by encouraging the de-sealing of sealed soils and the reconstruction of areas with removed soils.</u> to be aligned with def of removed soil r94a Council to get back with a modified text to address the issue of "return of services" (COM proposal: incl with reconstructing soils... Maintain GA EP AM not acceptable
Article 11, first paragraph, point (ba)					
192a		<u>(ba) adopting measures to ensure fair compensation of landowners in case of land take;</u>			EP open to drop its AM if a recital (r40f) on fair compensation of landowners is added: "Without prejudice to national rules regarding the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
					<p>system of property ownership, the implementation of the land take mitigation principle under this Directive should also be beneficial to the parties directly affected by the loss of soil ecosystem services due to land take, such as the agricultural and forestry sectors since land take predominantly takes place at the expense of agricultural land.”</p> <p>EP AM not acceptable Maintain GA</p>
Article 11, first paragraph, point (bb)					
Y	192b	<i><u>(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.</u></i>			Maintain GA EP AM not acceptable
Chapter IV					
G	193	Chapter IV Contaminated sites	Chapter IV Contaminated sites	Chapter IV Management of contaminated sites	Chapter IV <u>Management of</u> contaminated sites

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
				Text Origin: Council Mandate	
Article 12					
194	Article 12 Risk-based approach	Article 12 Risk-based approach	Article 12 Risk-based and stepwise approach	Article 12 Risk-based <u>and stepwise</u> approach Text Origin: Council Mandate	
Article 12(1)					
195	1. Member States shall manage the risks for human health and the environment of potentially contaminated sites and contaminated sites, and keep them to acceptable levels, taking account of the environmental, social and economic impacts of the soil contamination and of the risk reduction measures taken pursuant to Article 15 paragraph 4.	1. Member States shall manage <u>and reduce</u> the risks for human <u>and animal</u> health and the environment of potentially contaminated sites and contaminated sites, and keep them to acceptable levels <u>considering the intended use of the soil,</u> taking account of the environmental, social and economic impacts of the soil contamination and of the risk reduction measures taken pursuant to Article 15 paragraph 4.	1. Member States shall ensure that manage the risks for human health and the environment of potentially contaminated sites and contaminated sites are identified, managed, and kept, and keep them to acceptable levels, taking account of the environmental, social and economic impacts of the soil contamination and of the risk reduction measures taken pursuant to Article 15 (4). The risks may be evaluated taking account of the land use during each step referred to in paragraph 42.	1. Member States shall <u>ensure that</u> manage the risks for human health and the environment of potentially contaminated sites and contaminated sites <u>are identified, managed, and kept,</u> 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). <u>The risks may be evaluated taking into account the current and planned land use during each step referred to in paragraph 42.</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
				Text Origin: Council Mandate	
Article 12(1) subparagraph					
195a			Member States shall establish a hierarchy of responsibility to determine the responsible party or parties for the site-specific implementation of points (b) and (c) of paragraph 2.	<u>Member States shall establish a hierarchy of responsibility to determine the responsible party or parties for the site-specific implementation of points (b) and (c) of paragraph 2.</u> Text Origin: Council Mandate	
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 <u>and stepwise</u> approach for the following: Text Origin: Council Mandate	
Article 12(2), point (a)					
197	(a) the identification of potentially contaminated	(a) the identification of potentially contaminated	(a) the identification of potentially contaminated	(a) the identification of potentially contaminated	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	sites in accordance with Article 13;	sites in accordance with Article 13;	sites in accordance with Article 13;	sites in accordance with Article 13; Text Origin: Commission Proposal	
Article 12(2), point (b)					
198	(b) the investigation of potentially contaminated sites in accordance with Article 14;	(b) the investigation of potentially contaminated sites in accordance with Article 14;	(b) the investigation of potentially contaminated sites in accordance with Article 14;	(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 <u>site-specific risk assessment and</u> management of contaminated sites in accordance with Article 15. Text Origin: Council Mandate	
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.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
				Text Origin: 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:	4. The public concerned shall be given early and effective opportunities:	
Article 12(4), point (a)					
202	(a) to participate in the establishment and concrete application of the risk-based approach as defined in this Article;	(a) to participate in the establishment and concrete application of the risk-based approach as defined in this Article, <u>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;</u>	(a) to participate in comment on the establishment and concrete application of the risk-based and stepwise approach as defined in this Article;	(a) to participate in <u>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;</u> the establishment and concrete application of the risk-based approach as defined in this Article;	
Article 12(4), point (b)					
203	(b) to provide information relevant for	(b) to provide information <u>and evidence</u>	(b) to provide information relevant for	(b) to provide information relevant for	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	the identification of potentially 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;	relevant for the identification of potentially 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 <u>activities referred to in point (a) at any time, such as human biomonitoring or environmental monitoring data;</u>	the identification of potentially contaminated sites in 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;	the identification of potentially 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 <u>activities referred to in point (a) such as human biomonitoring or environmental monitoring data from research projects;</u>	
Article 12(4), point (c)					
204	(c) to request correction of information contained in the register for contaminated sites and potentially contaminated sites in accordance with Article 16.	(c) to request correction of information contained in the register for contaminated sites and potentially contaminated sites in accordance with Article 16.	(c) to provide information in view of the request correction of information contained in the register for of contaminated sites and potentially contaminated sites in accordance with Article 16.	(c) to <u>provide information in view of the request</u> correction of information contained in the register for <u>of</u> contaminated sites and potentially contaminated sites in accordance with Article 16. Text Origin: Council Mandate	
Article 12(4a)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
G	204a			<p><u>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.</u></p> <p>Text Origin: EP Mandate</p>	
Article 12(4b)					
G	204b			deleted	
Article 12(4c)					
G	204c			deleted	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
		<p><u>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.</u></p>			
Article 12(4d)					
204d		<p><u>4d. Member States 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.</u></p>		deleted	
Article 13					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
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	
Article 13(1)					
206	1. Member States shall systematically and actively identify all sites where a soil contamination is suspected based on evidence collected through all available means ('potentially contaminated sites').	1. Member States shall systematically and actively identify all sites where a soil contamination is suspected based on evidence collected through all available <u>appropriate</u> means, <u>including citizens' input and set procedures</u> ('potentially contaminated sites').	1. Member States shall systematically and actively identify all sites where a soil contamination is suspected based on evidence collected through all available means ('the potentially contaminated sites').	1. Member States shall systematically and actively identify all sites where a soil contamination is suspected based on evidence collected through all available means ('the potentially contaminated sites'). Text Origin: Council Mandate	see compromise in r 183
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	2. <u>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</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			<p>soil contamination based on scientific evidence. When identifying the potentially contaminated sites, Member States shall take into account the following criteria where relevant:</p>	<p><u>on scientific evidence.</u> When identifying the potentially contaminated sites, Member States shall take into account the following criteria <u>where relevant</u>:</p> <p>Text Origin: Council Mandate</p>	
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	
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	(c) operation of an establishment referred to in Directive 2012/18/EU of the European	(c) operation of an establishment referred to in Directive 2012/18/EU of the European	(c) operation of an establishment referred to in Directive 2012/18/EU of the European	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	<p>Parliament and of the Council¹;</p> <p>1. Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC (OJ L 197, 24.7.2012, p. 1).</p>	<p>Parliament and of the Council¹;</p> <p>1. Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC (OJ L 197, 24.7.2012, p. 1).</p>	<p>Parliament and of the Council¹;</p> <p>1. Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC (OJ L 197, 24.7.2012, p. 1).</p>	<p>Parliament and of the Council¹;</p> <p>1. Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC (OJ L 197, 24.7.2012, p. 1).</p> <p>Text Origin: Commission Proposal</p>	
Article 13(2), first subparagraph, point (d)					
211	<p>(d) operation of an activity referred to in Annex III to Directive 2004/35/CE of the European Parliament and of the Council¹;</p> <p>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)</p>	<i>deleted</i>	<p>(d) operation of an activity referred to in Annex III to Directive 2004/35/CE of the European Parliament and of the Council¹;</p> <p>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)</p>	<p>(d) operation of an activity referred to in Annex III to Directive 2004/35/CE of the European Parliament and of the Council¹;</p> <p>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)</p> <p>Text Origin: Council Mandate</p>	
Article 13(2), first subparagraph, point (e)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
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 <u>event</u> , accident, calamity, disaster, incident or spill; <u>liable to cause soil contamination</u> 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.	(f) any other event liable to cause soil contamination; <u>relevant information resulting from the soil health monitoring carried out in accordance with Articles 6, 7 and 8.</u> Text Origin: Council Mandate	(f) any other (e) <u>occurrence of a potentially contaminating event, accident, calamity, disaster, incident or spill</u> liable to cause soil contamination; Compromise on point (e) and (f) (merged under (e), (f) deleted
Article 13(2), first subparagraph, point (fa)					
213a		<u>(fa) any areas used for the abstraction of drinking water;</u>		<i>deleted</i>	
Article 13(2), first subparagraph, point (g)					
214	(g) any information resulting from the soil health monitoring carried	(g) any information resulting from the soil health monitoring carried	<i>deleted</i>	<i>deleted</i>	<u>see row 213</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	out in accordance with Articles 6, 7 and 8.	out in accordance with Articles 6, 7 and 8.			
<i>Article 13(2), first subparagraph, point (ga)</i>					
G	214a	<u>(ga) occurrence of any disease that is presumed to be linked to exposure to contamination via the soil;</u>		deleted	
<i>Article 13(2), first subparagraph, point (gb)</i>					
G	214b	<u>(gb) any information provided by the public or Member State authorities.</u>		deleted	
<i>Article 13(2), second subparagraph</i>					
G	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	deleted
<i>Article 13(3)</i>					
Y	216	3. Member States shall ensure that all potentially contaminated sites are identified by (OP: please	3. Member States shall ensure that all potentially contaminated sites are identified by (OP: please	3. Member States shall ensure that all the potentially contaminated sites are identified by (OP:	Deadline pending agreement on the overall package

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	insert date = 7 years after date of entry into force of the Directive) and are duly recorded in the register referred to in Article 16 by that date.	insert date = 7 years after date of entry into force of the Directive) and are duly recorded in the register referred to in Article 16 by that date.	please insert date = 7 years after existing before or at the date of entry into force of the this Directive) and are identified and duly recorded in the register referred to in Article 16 by that date by (OP: please insert date = 10 years after date of entry into force of the Directive.:		
Article 14					
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
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 <u>according to order of priority</u> .	1. Member States shall ensure that all the potentially contaminated sites identified in accordance with pursuant to Article 13 are subject to soil investigation, in accordance with paragraph 2 of this Article and the risk-	1. Member States shall ensure that <u>all the</u> all the potentially contaminated sites identified in accordance with pursuant to Article 13 are subject to soil investigation, <u>in accordance with paragraph 2 of this Article and the risk-based</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			based and stepwise approach referred to in Article 12.		<u>and stepwise approach referred to in Article 12.</u> GA could be accepted by the EP, pending agreement on row 216
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, <u>taking into account environmental, social and economic aspects</u> . 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.	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. Text Origin: Council Mandate	Open to consider EP AM if the EP open to consider Council AMs on other issues; EP can accept GA
Article 14(2), first subparagraph a (new)					
219a		<u>Potentially contaminated sites located in areas used for the abstraction of water for human</u>		<u>Potentially contaminated sites located in areas used for the abstraction of water for human</u>	<u>Potentially contaminated sites located in areas used for the abstraction of water for human</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
		<u><i>consumption shall be prioritised for soil investigation.</i></u>		<u><i>consumption shall be taken into account in the prioritisation for the purpose of soil investigation.</i></u> Text Origin: Comments	<u><i>consumption shall be taken into account in the prioritisation for the purpose of soil investigation.</i></u> Council accepts the compromise if the EP flexible on its other AMs relating to drinking water areas
Article 14(2), second subparagraph					
220	Member States may consider baseline reports and monitoring measures implemented in accordance with the Directive 2010/75/EU as soil investigation where appropriate.	Member States may consider baseline reports and monitoring measures implemented in accordance with the Directive 2010/75/EU as soil investigation where appropriate.	Member States may consider baseline reports and monitoring measures implemented in accordance with the Directive 2010/75/EU as well as other investigations as soil investigation where appropriate , when they fulfill the requirements of this Directive.	Member States may consider baseline reports and monitoring measures implemented in accordance with the Directive 2010/75/EU as <u><i>well as other investigations as</i></u> soil investigation where appropriate , <u><i>when they fulfill the requirements of this Directive.</i></u> Text Origin: Council Mandate	
Article 14(3)					
221	3. Member States shall also establish specific events that trigger an investigation before the	3. Member States shall also establish specific events that trigger an investigation before the	3. Member States shall also establish specific events that trigger an investigation before the	3. Member States shall also establish specific events that trigger an investigation before the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	deadline set in accordance with paragraph 2.	deadline set in accordance with paragraph 2.	deadline set in accordance with within the time frame referred to in paragraph 2.	deadline set in accordance with within the time frame referred to in paragraph 2. Text Origin: Council Mandate	
Article 15					
222	Article 15 Risk assessment and management of contaminated sites	Article 15 Risk assessment and management of contaminated sites	Article 15 Site-specific risk assessment and management of contaminated sites	Article 15 Site-specific risk assessment and management of contaminated sites Text Origin: Council Mandate	
Article 15(1)					
223	1. Member States shall lay down the specific methodology for determining the site-specific risks of contaminated sites. Such methodology shall be based on the phases and requirements for site-specific risk assessment listed in Annex VI.	1. Member States shall lay down the specific methodology for determining the site-specific risks of contaminated sites. Such methodology shall be based on the phases and requirements for site-specific risk assessment listed in Annex VI.	1. Member States shall lay down the specific methodology for determining assessing the site-specific risks of contaminated sites. Such methodology shall may be based on the indicative principles for site-specific risk assessment listed in Annex VI.	1. Member States shall lay down the specific methodology for determining assessing the site-specific risks of contaminated sites. When establishing such methodology, Member States shall be based on ensure that the phases and requirements for site-specific risk assessment listed principles mentioned in Annex VI are taken into consideration .	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
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 <u>and animal</u> health and the environment resulting from contaminated sites by taking into account existing scientific knowledge, the <u>opinion of health professionals and health authorities, the</u> 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.	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 <u>opinion of health authorities, the</u> precautionary principle, local specificities, and current and future <u>planned</u> land use. Text Origin: EP Mandate	
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	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	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	3. For each contaminated site identified <u>established</u> pursuant to Article 14 or by any other means, the responsible competent authority <u>Member States</u> shall carry out <u>ensure that</u> a site-specific assessment <u>is carried out</u> for the current and planned land uses <u>use</u> to determine whether the contaminated	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	human health or the environment.	human <u>and animal</u> health or the environment.	site poses unacceptable risks for human health or the environment. If the information gathered pursuant to Article 14 is sufficient to conclude that the soil contamination poses no unacceptable risk to human health or the environment or to conclude that soil remediation is needed, site specific risk assessment does not have to be carried out.	site poses unacceptable risks for human health or the environment. <u>If the information gathered pursuant to Article 14 is sufficient to conclude that the soil contamination poses no unacceptable risk to human health or the environment or to conclude that soil remediation is needed, site specific risk assessment does not have to be carried out.</u> Text Origin: Council Mandate	
Article 15(3a)					
G	225a	<u>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.</u>		deleted	
Article 15(4)					
G	226	4. On the basis of the outcome of the assessment	4. On the basis of the outcome of the assessment	4. On the basis of the outcome of the assessment	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	referred to in paragraph 3, the responsible competent authority shall take the appropriate measures to bring the risks to an acceptable level for human health and the environment ('risk reduction measures').	referred to in paragraph 3, the responsible competent authority shall take <u>ensure</u> that the appropriate measures <u>are taken</u> to bring the risks to an acceptable level for human health and the environment ('risk reduction measures').	referred to in paragraph 3, the responsible competent authority Member States shall ensure that <u>take</u> the appropriate measures are taken and implemented to bring the risks to an acceptable level for human health and the environment ('risk reduction measures') within an appropriate timescale.	referred to in paragraph 3, the responsible competent authority Member States shall <u>ensure that</u> take the appropriate measures <u>are taken and implemented</u> to bring the risks to an acceptable level for human health and the environment ('risk reduction measures') <u>without undue delay.</u> Text Origin: Council Mandate	
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 <u>shall be based on</u> 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 <u>in the short and long term. Member States shall always aim for</u>	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.	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, <u>while aiming for soil decontamination including the prevention of further contamination,</u> take into consideration the costs, benefits, effectiveness, durability, and technical feasibility of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
		<u>prevention and soil decontamination.</u>		available risk reduction measures <u>in the long term.</u>	
Article 15(5), second subparagraph					
227a		<u>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.</u>		deleted	<p><u>5a. The risk reduction measures affecting surrounding water bodies used for abstraction of water intended for human consumption shall not have a negative impact on the risk assessment and risk management of the catchment areas for abstraction points of water intended for human consumption set out in Article 8 of the Directive (EU)2020/2184.</u></p> <p>EP agreed to delete its AM and move the text to recital 46c, but Council will get back with a redraft adapting the wording to dir 2020/2184</p>
Article 15(5a(new))					
227b		<u>5a. The Commission is empowered to adopt delegated acts in accordance with Article 20 to supplement this Directive by establishing</u>			moved to Article 18 row 252b

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
		<u>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.</u>			
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 for site-specific risk assessment to scientific and technical progress.	<i>deleted</i>	
Article 16					
229	Article 16 Register	Article 16 Register	Article 16 Register	Article 16 Register Text Origin: Commission Proposal	
Article 16(1)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
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 ... <i>(OP : please insert date = 4 years after entry into force of the Directive...</i> (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.	1. By ... <i>(OP : please insert date = 4 years after entry into force of the Directive...</i> (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. Text Origin: Council Mandate	
Article 16(2)					
231	2. The register shall contain the information set out in Annex VII.	2. The register shall contain the information set out in Annex VII.	2. The register shall contain the information set out in Annex VII, except the information the disclosure of which would adversely affect public security or national defence.	2. The register shall contain the information set out in Annex VII, <u>except the information the disclosure of which would adversely affect public security or national defence.</u> Text Origin: Council Mandate	Maintain GA
Article 16(3)					
232	3. The register shall be managed by the	3. The register shall be managed by the	3. Member States shall manage or	3. <u>Member States shall manage or supervise</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	responsible competent authority and shall be regularly kept under review and up to date.	responsible competent authority and shall be regularly kept under review and up to date.	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 .	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	
Article 16(4), first subparagraph					
233	<p>4. Member States shall make public the register and information referred to in paragraphs 1 and 2. Disclosure of any information may be refused or restricted by the competent authority where the conditions laid down in Article 4 of Directive 2003/4/EC of the European Parliament and of the Council¹ are fulfilled.</p> <p>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</p>	<p>4. Member States shall make public, <u>accessible in a user-friendly manner and free of charge</u> 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 Council¹ are fulfilled.</p> <p>¹ Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental</p>	<p>4. Member States shall make public the register and information referred to in paragraphs 1 and 2, in accordance with Article 19. Disclosure of any information may be refused or restricted by the competent authority where the conditions laid down in Article 4 of Directive 2003/4/EC of the European Parliament and of the Council¹ are fulfilled.</p> <p>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</p>	<p>4. Member States shall make public, <u>free of charge</u>, 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 Council¹ are fulfilled.</p> <p>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</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	Council Directive 90/313/EEC (OJ L 41, 14.2.2003, p. 26).	information and repealing Council Directive 90/313/EEC (OJ L 41, 14.2.2003, p. 26).	Council Directive 90/313/EEC (OJ L 41, 14.2.2003, p. 26).	Council Directive 90/313/EEC (OJ L 41, 14.2.2003, p. 26). Text Origin: EP Mandate	
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 <u>the form of</u> an online georeferenced spatial database. Text Origin: Council Mandate	
Article 16(5)					
235	5. The Commission shall adopt implementing acts establishing the format of the register. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21.	5. The Commission shall <u>by ... [OP : please insert date = 1 year from the entry into force of this Directive]</u> 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.	<i>deleted</i>	<i>deleted</i>	Maintain GA
Chapter V					
236	Chapter V	Chapter V	Chapter V	Chapter V	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	Financing, information to the public and reporting by Member States	Financing, information to the public and reporting by Member States	Financing, information to the public and reporting by Member States	Financing, information to the public and reporting by Member States Text Origin: Commission Proposal	
Article 17					
237	Article 17 Union financing	Article 17 Union <u>and Member States'</u> financing	Article 17 Union financing	Article 17 Union financing Text Origin: Council Mandate	
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, <u>by ...</u> <u>[OP: please insert date = 12 months from the entry into force of this Directive], the Commission shall submit a report to the European Parliament and to the Council evaluating the financial resources available at Union level for the implementation of this Directive</u> shall be supported by existing	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.	Given the priority inherently attached to the establishment of soil monitoring, <u>soil resilience</u> , and sustainable management and regeneration of soils of <u>contaminated sites</u> , the implementation of this Directive shall be supported by existing Union financial programmes in accordance with their applicable rules and conditions. Text Origin: Comments	20.3: soil resilience pending overall compromise

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
		<i>Union financial programmes in accordance with their applicable rules and conditions.</i>			
Article 17(1), first subparagraph a (new)					
G	238a	<u><i>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.</i></u>		<u><i>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.</i></u>	
Article 17(1), first paragraph b					
G	238b	<u><i>Additional financial 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.</i></u>		<i>deleted</i>	
Article 17(1a(new))					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
238c		<u><i>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.</i></u>		<u><i>1a When implementing this Directive, the Commission and Member States shall be encouraged to 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.</i></u> Text Origin: EP Mandate	
Article 17(1b(new))					
238d		<u><i>1b The Commission shall monitor the capacity of Member States to absorb Union funds related to soil protection, sustainable management and regeneration. The Commission shall provide training and technical support to increase the absorption capacity of the Member States.</i></u>		<i>deleted</i>	
Article 17(1c(new))					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
238e		<u><i>1c</i> 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.</u>		deleted	
Article 17(1d(new))					
238f		<u><i>1d</i> 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.</u>		deleted	
Article 18					
239	Article 18 Reporting by Member States	Article 18 Reporting by Member States	Article 18 Reporting by Member States	Article 18 Reporting by Member States Text Origin: Commission Proposal	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
Article 18(1), first subparagraph					
G	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 <u>at least</u> every 5 <u>6</u> years:	1. Member States shall electronically report the following data and information to the Commission and to the EEA every 5 <u>6</u> years: Text Origin: Council Mandate	Maintain GA
Article 18(1), first subparagraph, point (a)					
G	241	(a) the data and results of the soil health monitoring and assessment carried out in accordance with Articles 6 to 9;	(a) the data and results of the soil health monitoring and assessment carried out in accordance with Articles 6 to 9;	(a) the data and results of the soil health monitoring and assessment carried out in accordance with Articles 6 to 9; Text Origin: Commission Proposal	
Article 18(1), first subparagraph, point (b)					
Y	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) <u>the supporting data, metadata and</u> a trend analysis of the soil health for the descriptors listed in parts A, B, and C of Annex I, <u>according to the selected tier for soil monitoring design</u> and for the land take and soil sealing 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 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, <u>according to the selected tier for soil monitoring design</u> and for the land take and soil sealing <u>and soil removal</u> indicators listed in part D of Annex I in accordance with Article 9;

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
		<i><u>including the extended descriptors indicated by individual Member States;</u></i>			text pre-agreed (bracketed text to be removed), pending overall agreement
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: Text Origin: Commission Proposal	(c) a summary of the progress on: <u>[the support to soil resilience] in accordance with Article 10;</u> linked to Art 10
Article 18(1), first subparagraph, point (c)(i)					
Y	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; Text Origin: Commission Proposal	(i) implementing sustainable soil management principles <u>the support to soil resilience</u> in accordance with Article 10, <u>including the assessment referred to in the third indent of Article 10(2);</u> linked to Art 10, pending overall agreement
Article 18(1), first subparagraph, point (c)(ii)					
G	245	(ii) the registration, identification, investigation, and management of	(ii) the registration, identification, and the investigation of potentially contaminated	(ii) the registration, identification, <u>and the investigation of potentially contaminated sites, the,</u>	add a point after (i) on strengthened

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	contaminated sites in accordance with Articles 12 to 16;	contaminated sites in accordance with Articles 12 to 16;	sites, the, and management of contaminated sites, and the registration of potentially contaminated sites and contaminated sites , in accordance with Articles 12 to 16;	and management of contaminated sites, <u>and the registration of potentially contaminated sites and contaminated sites</u> , in accordance with Articles 12 to 16; <small>Text Origin: Council Mandate</small>	communication bw MS and COM: MSs shall inform the COM on the outcome of the establishment of 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)					
G	246	(d) the data and information contained in the register referred to in Article 16.	<i>deleted</i>	<i>deleted</i>	Maintain GA
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 <u>6</u> years and 6 months after entry into force of the Directive).	The first reports shall be submitted by ... (OP: please insert date = 5 <u>6</u> years and 6 months after entry into force of the Directive). <small>Text Origin: Council Mandate</small>	The first reports shall be submitted by ... (OP: please insert date = 5 <u>6</u> years [and 6 months] after entry into force of the Directive). pending overall agreement Maintain GA
Article 18(2)					
G	248	2. Member States shall ensure that the Commission and the EEA	2. Member States shall ensure that the Commission and the EEA	2. Member States shall ensure that <u>and the Commission</u> and, with <u>the support of the EEA</u>	2. Member States shall ensure that <u>and the Commission</u> and, with <u>the support of the EEA</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	have permanent access to the information and data referred to in paragraph 1.	have permanent access to the information and data referred to in paragraph 1.	the support of the EEA have permanent access to shall ensure effective exchange of the information and data referred to in paragraph 1, respecting the statistical confidentiality. Member States shall also ensure that the Commission and the EEA have timely and effective access to the data and information contained in the register referred to in Article 16.	shall ensure that the Commission and the EEA have permanent access to <u>there is a mutual exchange of</u> the information and data referred to in paragraph 1 <u>and that such exchange is effective and respects the statistical confidentiality.</u> <u>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.</u> Text Origin: Council Mandate	<u>the support of</u> the EEA have permanent access to <u>shall [effectively] exchange</u> the information and data referred to in paragraph 1, <u>respecting the statistical confidentiality.</u> <u>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.</u> Legal services to improve the drafting of the first part Maintain GA
Article 18(2a)					
y	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,		<u>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,</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			exchange nor ensure access to such data and information.		<p><u>exchange nor ensure access to such data and information.</u></p> <p>EP acceptance of GA pending overall agreement</p> <p>Maintain GA</p>
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: 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 <u>years and 3 12</u> months after date of entry into force of the Directive) <u>and, where available, their respective soil district plans;</u>	(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 <u>3</u> years and 3 months after date of entry into force of the Directive);	(a) an up-to-date list and spatial data <u>the information on the geographical extent</u> of their soil districts <u>and soil units</u> referred to in Article 4 by ... (OP: please insert the date = 2 <u>13</u> years and 3 months <u>l</u> after date of entry into force of the Directive);

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
					text agreed, except text in brackets which is pending overall agreement Maintain GA
Article 18(3), point (b)					
251	(b) an up-to-date list of the competent authorities referred to in Article 5 by ... (OP: please insert the date = 2 years and 3 months after date of entry into force of the Directive);	(b) an up-to-date list of the competent authorities referred to in Article 5 by ... (OP: please insert the date = 2 years and 3 <u>12</u> months after date of entry into force of the Directive);	(b) an up-to-date list of the competent authorities referred to in Article 5 by ... (OP: please insert the date = 2 <u>3</u> years and 3 months after date of entry into force of the Directive);		(b) an up-to-date list of the competent authorities referred to in Article 5 by ... (OP: please insert the date = 2 <u>13</u> years and 3 months/ after date of entry into force of the Directive); pending overall agreement Maintain GA
Article 18(3), point (c)					
252	(c) the measures and sustainable soil management practices referred to in Article 10 by... (OP: please insert the date = 4 years and 3 months after date of entry into force of the Directive).	(c) the measures and sustainable soil management practices referred to in Article 10 by... (OP: please insert the date = 4 years and 3 months after date of entry into force of the Directive).	(c) the measures and sustainable soil management practices referred to in Article 10 by... (OP: please insert the date = 4 <u>5</u> years and 3 months after date of entry into force of the Directive).		Linked to Art 10, pending overall agreement
Article 18(3), point (ca)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
252a		<u>(ca) the measurements of the soil descriptors at the level of the sampling point.</u>		deleted	EP could drop this AM
Article 18(3), point (cb)					
252b				<u>(d) Member States shall inform the Commission on the outcome of the establishment of the risk based and stepwise approach and the definition of the unacceptable risk and methodology defined and laid down by the Member States as set out in Article 15 paragraph 1 and 2.</u>	
Article 18(4)					
253	4. The Commission is empowered to adopt implementing acts establishing the format and the modalities for submitting the information referred to paragraph 1 of this Article. Those implementing acts shall be adopted in accordance with the examination	4. The Commission is empowered to adopt implementing acts establishing the format and the modalities for submitting the information referred to paragraph 1 of this Article. Those implementing acts shall be adopted in accordance with the examination	4. The Commission is empowered to adopt implementing acts establishing the format and the modalities for submitting the information referred to paragraph 1 of this Article. Those implementing acts shall be adopted in accordance with the examination	4. The Commission is empowered to adopt implementing acts establishing the format and the modalities for submitting the information referred to paragraph 1 of this Article. Those implementing acts shall be adopted in accordance with the examination	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	procedure referred to in Article 21.	procedure referred to in Article 21.	procedure referred to in Article 21.	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 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. Member States shall make public the data generated by the monitoring carried out under Article 8 and the assessment <u>assessments</u> carried out under Article 9 <u>and Article 10(3)</u> 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. Member States shall make accessible to the public the data results generated by the monitoring carried out under Article 8- and the assessment <u>assessments</u> 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 Council¹ for geographically explicit data and Article 5 of	1. Member States shall make public the data <u>results</u> generated by the monitoring carried out under Article 8- and the assessment <u>assessments</u> carried out under Article 9 <u>in the form of aggregated data, and the register under Article 16</u> 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 Council¹ for geographically explicit data and Article 5 of	Maintain GA

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	<p>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).</p>	<p>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).</p>	<p>Directive (EU) 2019/1024 for other data.</p> <p>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).</p>	<p>Directive (EU) 2019/1024 for other data.</p> <p>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).</p> <p>Text Origin: Council Mandate</p>	
Article 19(2)					
256	<p>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 Council¹ and Regulation (EC) No 1367/2006 of the European Parliament and of the Council².</p> <p>1. Regulation (EU) 2018/1725 of the European Parliament and of</p>	<p>2. The Commission shall ensure that <u>relevant</u> soil health data made accessible through the digital soil health data portal referred to in Article 6 is available to the public <u>only with the express permission of the landowner and land manager, in an aggregated and anonymised form</u>, in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the</p>	<p>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 Council¹ and Regulation (EC) No 1367/2006 of the European Parliament and of the Council².</p>	<p>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.</p> <p><u>The Commission shall publish the list of the competent authorities as communicated by Member States</u> in accordance with Regulation (EU) 2018/1725 of the</p>	<p>To address the EP AM in r 114a add (after row 256) a new sub paragraph :</p> <p>“The Commission shall publish the list of the competent authorities as communicated by Member States in accordance with Article 18(3), point b) “</p> <p>EP AMs in 256 and 257 : see compr in row 118</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	<p>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).</p> <p>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).</p>	<p>Council¹ and Regulation (EC) No 1367/2006 of the European Parliament and of the Council².</p> <p>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).</p> <p>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).</p>	<p>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).</p> <p>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).</p>	<p><i>European Parliament and of the Council¹ and Regulation (EC) No 1367/2006 of the European Parliament and of the Council²: Article 18(3), point b).</i></p> <p><i>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).</i></p> <p><i>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).</i></p> <p>Text Origin: Council Mandate</p>	
Article 19(3)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
257	<p>3. Member States shall ensure that the information referred to in Article 18 of this Directive is available and accessible to the public in accordance with Directive 2003/4/EC, Directive 2007/2/EC and Directive (EU) 2019/1024 of the Parliament and of the Council¹.</p> <p>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).</p>	<p>3. Member States shall ensure that the <u>relevant</u> information referred to in Article 18 of this Directive is available and accessible to the public <u>only with the express permission of the landowner and land manager, in an aggregated and anonymised form</u>, in accordance with Directive 2003/4/EC, Directive 2007/2/EC and Directive (EU) 2019/1024 of the Parliament and of the Council¹.</p> <p>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).</p>	<i>deleted</i>	<i>deleted</i>	
Article 19(4)					
258	<p>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.</p>	<p>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.</p>	<p>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.</p>	<p>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.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
				Text Origin: Commission Proposal	
Article 19(4a)					
y 258a			<p>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.</p>		<p><u>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 confidential data before its disclosure.]</u></p> <p>text on confidential data linked to Art 21(3) of Reg 223/2009 Proposal by LLs (acceptable for the EP) to reshuffle the last sentence as follows to make the text clearer: "Before its disclosure, the Commission or the EEA shall require the explicit authorisation of the</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
					<p>authority that collected the confidential data."</p> <p>Maintain GA</p>
Article 19(4a(new))					
258b		<p><u>4a. Member States shall adopt measures to ensure that soil related information collected through the implementation of this Directive is made available to the potential buyer or potential tenant of the relevant land plot.</u></p>			<p>EP will drop this AM if Council accepts recital 36 (r 46)</p> <p>EP AM not acceptable</p>
Chapter VI					
259	Chapter VI Delegation and Committee procedure	Chapter VI Delegation and Committee procedure	Chapter VI Delegation and Committee procedure	Chapter VI Delegation and 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)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
G	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. Text Origin: Commission Proposal	
Article 20(2)					
Y	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 indeterminate period of time from the date of entry into force of this Directive.	2. The power to adopt delegated acts referred to in Articles 8, 10, 15 and 16 <u>8(6) and 15(6)</u> shall be conferred on the Commission for an indeterminate period of time from the date of entry into force of this Directive.		2. The power to adopt delegated acts referred to in Articles 8, 10, 15 and 16 <u>8(6), 19] and 15(6)</u> shall be conferred on the Commission for an indeterminate period of time from the date of entry into force of this Directive. 20.3: ref to art 9 in brackets; its deletion pending overall agreement to be aligned
Article 20(3)					
Y	263	3. The delegation of power referred to in Articles 8, 10, 15 and 16 may be revoked at any time by the European	3. The delegation of power referred to in Articles 8, 10, 15 and 16 <u>8(6) and 15(6)</u> may be revoked at any time by the European		3. The delegation of power referred to in Articles 8, 10, 15 and 16 <u>8(6), 19] and 15(6)</u> may be revoked at any time by the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	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.	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.	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.		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. 20.3: ref to art 9 in brackets; its deletion pending overall agreement to be aligned
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	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	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	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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	2016 on Better Law-Making.	2016 on Better Law-Making.	2016 on Better Law-Making.	2016 on Better Law-Making. <small>Text Origin: Commission Proposal</small>	
Article 20(5)					
G	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. <small>Text Origin: Commission Proposal</small>	
Article 20(6)					
Y	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	6. A delegated act adopted pursuant to Articles 8, 10, 15 and 16 <u>and 15</u> 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	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	6. A delegated act adopted pursuant to Articles 8, 10, 15 and 16 <u>8(6), 19 and 15(6)</u> 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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	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.	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.	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.		<p>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.</p> <p>20.3: ref to art 9 in brackets; its deletion pending overall agreement</p> <p>to be aligned</p>
Article 21					
267	Article 21 Committee	Article 21 Committee	Article 21 Committee	Article 21 Committee <small>Text Origin: Commission Proposal</small>	
Article 21(1)					
268	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011. <small>Text Origin: Commission Proposal</small>	
Article 21(2)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
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	
Chapter VII					
270	Chapter VII Final provisions	Chapter VII Final provisions	Chapter VII Final provisions	Chapter VII Final provisions Text Origin: Commission Proposal	
Article 22					
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					
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	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	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	1. Member States shall ensure that, <u>in accordance with the national legal system</u> , members of the public, in accordance with national law, that have a sufficient interest or that maintain the impairment of a right <u>concerned</u> , have access to a review	To align Art 22 to AQD in an overall compromise

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	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.	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.	procedure before a court of law, or an another independent and impartial body established by law, to challenge the substantive or procedural legality of the assessment of soil health, the measures taken pursuant to this Directive and any failures to act of the competent authorities- when one of the following conditions is met:	procedure before a court of law, or an <u>another</u> independent and impartial body established by law, to challenge the substantive or procedural legality of the assessment of soil health, the measures taken pursuant to this Directive and any failures to act of the competent authorities- <u>when one of the following conditions is met:</u> Text Origin: Council Mandate	
Article 22, first paragraph a					
G	272a		a) they have a sufficient interest;	<u>a) they have a sufficient interest;</u> Text Origin: Council Mandate	G
Article 22, first paragraph b					
G	272b		b) they maintain the impairment of a right, where administrative procedural law of a Member State requires this as a precondition.	<u>b) they maintain the impairment of a right, where administrative procedural law of a Member State requires this as a precondition.</u>	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
				Text Origin: Council Mandate	
Article 22, second paragraph					
273	Member States shall determine what constitutes a sufficient interest and impairment of a right, consistently with the objective of providing the public with wide access to justice. For the purposes of paragraph 1, any non-governmental organisation promoting environmental protection and meeting any requirements under national law shall be deemed to have rights capable of being impaired and their interest shall be deemed sufficient.	Member States shall determine what constitutes a sufficient interest and impairment of a right, consistently with the objective of providing the public with wide access to justice. For the purposes of paragraph 1, any non-governmental organisation promoting environmental protection and meeting any requirements under national law <u>in line with Article 9 of the Aarhus Convention. The recognition of standing shall not be conditional on the member of the public concerned having played a role during a participatory phase of the decision-making procedures under this Directive</u> be deemed to have rights capable of being impaired and their	<i>deleted</i>	<u>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.</u> <u>To that end, the interest of any non-governmental organisation promoting environmental protection and meeting any requirements under national law shall be deemed sufficient for the purposes of the first subparagraph, point (a). Such organisations shall also be deemed to have rights capable of being impaired for the purpose of the first subparagraph, point (b).</u> Member States shall determine what constitutes a sufficient interest and impairment of a right, consistently with	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
		<i>interest shall be deemed sufficient.</i>		<i>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.</i>	
Article 22, second paragraph					
G	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.	<u>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.</u> Text Origin: Council Mandate	
Article 22, third paragraph					
G	274	Review procedures referred to in paragraph 1	3. Review procedures referred to in paragraph 1	3. Review procedures referred to in paragraph 1	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	shall be fair, equitable, timely and free of charge or not prohibitively expensive, and shall provide adequate and effective remedies, including injunctive relief where necessary.	shall be fair, equitable, timely and free of charge or not prohibitively expensive, and shall provide adequate and effective remedies, including injunctive relief where necessary.	procedure shall be fair, equitable, timely and free of charge or not prohibitively expensive, and shall provide adequate and effective redress mechanisms remedies , including injunctive relief where necessary as appropriate .	<u>procedure</u> shall be fair, equitable, timely and free of charge or not prohibitively expensive, and shall provide adequate and effective <u>redress mechanisms</u> remedies , including injunctive relief where necessary <u>as appropriate</u> . Text Origin: Council Mandate	
Article 22, fourth paragraph					
275	Member States shall ensure that practical information is made available to the public on access to the administrative and judicial review procedures referred to in this Article.	Member States shall ensure that practical information is made available to the public on access to the administrative and judicial review procedures referred to in this Article.	<i>deleted</i>	<i>deleted</i> Text Origin: Comments	
Article 23					
276	Article 23 Penalties	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>	
Article 23(1)					
277	1. Without prejudice to the obligations of Member States under	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	Directive 2008/99/EC of the European Parliament and of the Council, Member States shall lay down the rules on penalties applicable to violations by natural and legal persons, of the national provisions adopted pursuant to this Directive and shall ensure that those rules are implemented. The penalties provided for shall be effective, proportionate and dissuasive.				
<i>Article 23(2)</i>					
278	2. The penalties referred to in paragraph 1 shall include fines proportionate to the turnover of the legal person or to the income of the natural person having committed the violation. The level of the fines shall be calculated in such a way as to make sure that they effectively deprive the person responsible for	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	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).				
<i>Article 23(3)</i>					
279	3. Member States shall ensure that the penalties established pursuant to this Article give due regard to the following, as applicable:	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>	
<i>Article 23(3), point (a)</i>					
280	(a) the nature, gravity, and extent of the violation;	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>	
<i>Article 23(3), point (b)</i>					
281	(b) the intentional or negligent character of the violation;	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>	
<i>Article 23(3), point (c)</i>					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
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.	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>	
Article 23(4)					
283	4. Member States shall without undue delay notify the Commission of the rules and measures referred to in paragraph 1 and of any subsequent amendments affecting them.	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>	
Article 23a					
283a			Article 23a Support by the Commission		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	<u>1. The Commission shall provide Member States with the necessary support, assistance and capacity building in order to help them carry out</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			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:	<u><i>their obligations under this Directive. In particular, the Commission shall, in cooperation with the Member States, draw up documents and develop scientific tools that may be used by Member States to facilitate them to:</i></u>	
Article 23a(1), first subparagraph, point (a)					
G	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 ;	<u><i>(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 ;</i></u> Text Origin: Council Mandate	
Article 23a(1), first subparagraph, point (b)					
G	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;	<u><i>(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;</i></u> Text Origin: Council Mandate	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
Article 23a(1), first subparagraph, point (c)					
G	283e		(c) determine their list of organic contaminants to be monitored pursuant to Article 7(3) and Part B of Annex I with the possibility to take into account the indicative watch list of soil contaminants to be established by the Commission pursuant to Article 7(5a);	<u>(c) determine their list of organic contaminants to be monitored pursuant to Article 7(3) and Part B of Annex I;</u>	
Article 23a(1), first subparagraph, point (d)					
G	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;	<u>(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;</u> Text Origin: Council Mandate	
Article 23a(1), first subparagraph, point (e)					
G	283g		(e) carry out in-situ sampling of soil descriptors pursuant to Article 8(2) and Part A.2 of Annex II;	<u>(e) carry out in-situ sampling of soil descriptors pursuant to Article 8(2) and Part A.2 of Annex II;</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
				Text Origin: Council Mandate	
Article 23a(1), first subparagraph, point (f)					
G	283h		(f) determine the values of the soil sealing and soil destruction indicators pursuant to Article 8(2b) and Part C of Annex II;	<u>(f) determine the values of the soil sealing and soil removal indicators pursuant to Article 8(2b) and Part C of Annex II;</u>	G
Article 23a(1), first subparagraph, point (g)					
G	283i		(g) determine or estimate the values of the soil descriptors pursuant to Article 8(3) and Part B of Annex II;	<u>(g) determine or estimate the values of the soil descriptors pursuant to Article 8(3) and Part B of Annex II;</u> Text Origin: Council Mandate	G
Article 23a(1), first subparagraph, point (h)					
G	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;	<u>(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 removal on the loss of ecosystem services pursuant to Article 9(3) subparagraph 2;</u>	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
				Text Origin: Council Mandate	
Article 23a(1), first subparagraph, point (i)					
G	283k		(i) identify the potentially contaminated sites and to lay down a list of potentially contaminating activities pursuant to Article 13; and	<u>(i) identify the potentially contaminated sites and to lay down a list of potentially contaminating activities pursuant to Article 13; and</u> Text Origin: Council Mandate	
Article 23a(1), first subparagraph, point (j)					
G	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.	<u>(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.</u> Text Origin: Council Mandate	
Article 23a(1), second subparagraph					
G	283m		The documents and scientific tools referred to in the first	<u>The documents and scientific tools referred to in the first subparagraph</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			subparagraph shall be provided for, as regards:	<u>shall be provided for, as regards:</u> Text Origin: Council Mandate	
Article 23a(1), second subparagraph, point (i)					
G	283n		(i) point a), within 1 year after the entry into force of this Directive;	<u>(i) point a), within 1 year after the entry into force of this Directive;</u> Text Origin: Council Mandate	G
Article 23a(1), second subparagraph, point (ii)					
G	283o		(ii) points b), c), e) and j), within 18 months after the entry into force of this Directive;	<u>(ii) points b), c), e) and j), within 18 months after the entry into force of this Directive;</u> Text Origin: Council Mandate	G
Article 23a(1), second subparagraph, point (iii)					
G	283p		(iii) point i), within 2 years after the entry into force of this Directive;	<u>(iii) point i), within 2 years after the entry into force of this Directive;</u> Text Origin: Council Mandate	G
Article 23a(1), second subparagraph, point (iv)					
G	283q		(iv) points d), f) and g), within 3 years after the	<u>(iv) points d), f) and g), within 3 years after the</u>	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			entry into force of this Directive;	<u>entry into force of this Directive;</u> Text Origin: Council Mandate	
Article 23a(1), second subparagraph, point (v)					
G	283r		(v) point h), within 4 years after the entry into force of this Directive.	<u>(v) point h), within 4 years after the entry into force of this Directive.</u> Text Origin: Council Mandate	G
Article 23a(1), third subparagraph					
G	283s		Those documents and scientific tools may take the form of guidelines.	<u>deleted</u>	G
Article 23a(2), first subparagraph					
G	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	<u>2. The Commission shall organize regular exchanges of information, experience and best practices between Member States and, where relevant, other stakeholders on the application of this Directive. The first exchange shall take place by... [three months from the entry into force of this Directive].</u>	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			health assessments. The first exchange shall take place within three months after entry into force of the Directive.		
Article 23a(2), second subparagraph					
G 283u			The Commission 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.	<p><u>The Commission shall publish the results of the exchanges of information, experience and best practices , and where relevant, provide recommendations or guidelines to Member States.</u></p> <p><u>3. The Commission shall facilitate cooperation between Member States to ensure, where appropriate, that neighbouring soil districts in which there are transboundary effects on soil, or with comparable soil type and land use across the border, exchange best practices, and strive to achieve coherent approach in the</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
				<u>application of this Directive.</u>	
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 objectives and the need to amend its provisions in order to set more specific requirements to ensure that unhealthy soils are regenerated and that all soils will be healthy by 2050. This evaluation shall take into account, inter alia, the following elements:	1. By (OP :please insert the date = 6 years after the date of entry into force of the Directive), the Commission shall carry out an evaluation of this Directive to assess the progress towards its objectives and the need to amend its provisions in order to set more specific <u>adapt the requirements laid down in this Directive</u> to ensure that unhealthy soils are regenerated and that <u>continuous progress towards</u> all soils will be <u>being</u> healthy by 2050. This evaluation shall take into account, inter alia, the following elements:	1. By (OP :please insert the date = 6 7 years and 6 months after the date of entry into force of the Directive), the Commission shall carry out an evaluation of this Directive to assess the progress towards its objectives and the need to amend its provisions in order to set more specific requirements to ensure that unhealthy soils are regenerated and that all soils will be healthy by 2050 achieve the objectives of this Directive . This evaluation shall take into account, inter alia, the following elements:	1. By (OP :please insert the date = 6 <u>17</u> years <u>and 6 months</u>) after the date of entry into force of the Directive), the Commission shall carry out an evaluation of this Directive to assess the progress towards its objectives and the need to amend its provisions in order to set more specific requirements to ensure that unhealthy soils are regenerated and that all soils will be healthy by 2050 <u>achieve the objectives of this Directive</u> . This evaluation shall take into account, inter alia, the following elements:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
				Text Origin: Comments	
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; 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 <u>and by Member States</u> ;	(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; Text Origin: Council Mandate	
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 <u>and measures needed to</u>	(d) an analysis of the gap towards achieving healthy soils by 2050;	(d) an analysis of the gap towards achieving healthy soils by 2050;	(d) <u>A new point to be added after (d):</u> <u>da)</u> An analysis of the gap <u>towards achieving healthy</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
		<u>achieve</u> healthy soils by 2050;		Text Origin: Council Mandate	soils by 2050 ; <u>effectiveness of the measures taken by Member States to support soil resilience</u> linked to Article 10, pending agreement on soil resilience
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: 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	(ii) the establishment of criteria for soil descriptors listed in Part C of Annex I <u>and soil sealing and soil removal indicators listed in Part D of Annex I;</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			listed in Part D of Annex I;	Text Origin: Council Mandate	
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- <u>or the adjustment of existing soil descriptors and criteria in Annex I;</u>	(iii) the addition of new soil descriptors for monitoring purposes.	(iii) the addition of new soil descriptors for monitoring purposes- <u>or the adjustment of existing soil descriptors and criteria in Annex I;</u> Text Origin: EP Mandate	26.3: add after (iii) the following text: (iv) the 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 taking into account, inter alia, the objective to ensure a level playing field within internal market;”
Article 24(1), point e a (new)					
293a		<u>(ea) an analysis of the monitoring designs provided for and threshold values set by Member States under this Directive;</u>		<u>(iv) the 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 taking into account, inter alia, the objective to ensure a level playing field within internal market;</u>	
Article 24(1), point e b (new)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
G	293b		<u>(eb) the socioeconomic impact of this Directive.</u>	deleted	<p><u>a new point (f) to be added after (eb):</u> <u>f) an analysis of the contribution of the Directive towards no net land take by 2050</u></p> <p>EP drops the AM in 293b - green adding new point (f) yellow</p>
Article 24(2)					
G	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, <u>accompanied, where appropriate, by a legislative proposal.</u>	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. <u>accompanied, where appropriate, by a legislative proposal.</u>	<p>Text Origin: EP Mandate</p>
Article 24(2a(new))					
Y	294a		<u>2a. From ... [OP: please insert the date = eight years from the date</u>		alignment with better regulation will go to recital

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
		<i><u>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.</u></i>			
Article 24(2b(new))					
y 294b		<i><u>2b. By ... [OP: please insert the date = 6 years from the date of entry into force of the Directive], the Commission shall assess, as part of the assessment referred to in paragraph 1, the information collected in Member States regarding the occurrence, dispersion and values of soil contaminants, with a view</u></i>			discussed together with the watchlist and indicative list of contaminants - no mentioning of a list of priority substances (Recital 48a?)

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
		<i><u>to establishing a list of priority substances, followed by a watch list on soil contaminants, where appropriate.</u></i>			
Article 24a (new)					
G	294c	<i><u>Article 24a European Union Soil Observatory (EUSO) Forum</u></i>		<i>deleted</i>	<i>EP could accept including part of art 24a under art 23a</i>
Article 24a(1)					
G	294d	<i><u>1. The Commission shall, through the EUSO Forum, facilitate the cooperation at 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</u></i>		<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
		<u>and good practices, including on sustainable soil management and regeneration practices, as well as exchange of experience on soil management practices to be avoided.</u>			
Article 25					
G	295	Article 25 Transposition	Article 25 Transposition	Article 25 Transposition Text Origin: Commission Proposal	
Article 25(1), first subparagraph					
Y	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. Text Origin: Council Mandate	timeline package, pending overall agreement Maintain GA
Article 25(1), second subparagraph					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
297	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made. 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. <u>The communication of the sustainable target values and operational trigger values for soil descriptors in Annex I shall be accompanied by a justification.</u> Text Origin: Commission Proposal	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. <u>The communication of the threshold values for soil descriptors in Annex I shall be accompanied by a justification.</u> linked to row 167b

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
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					
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,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
				Text Origin: Commission Proposal	
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	
Annex I, first paragraph					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
309	SOIL DESCRIPTORS, CRITERIA FOR HEALTHY SOIL CONDITION, AND LAND TAKE AND SOIL SEALING INDICATORS	SOIL DESCRIPTORS, CRITERIA <u>AND METHODS FOR THE DETERMINATION OF SOIL ECOLOGICAL STATUS FOR HEALTHY SOIL CONDITION</u> , AND LAND TAKE AND SOIL SEALING INDICATORS	SOIL DESCRIPTORS, CRITERIA FOR HEALTHY SOIL CONDITION, AND LAND TAKE AND SOIL SEALING AND SOIL DESTRUCTION INDICATORS	SOIL DESCRIPTORS, CRITERIA FOR HEALTHY SOIL CONDITION, AND LAND TAKE AND SOIL SEALING <u>AND SOIL REMOVAL</u> INDICATORS Text Origin: Council Mandate	Maintain GA
Annex I, second paragraph					
310	For the purposes of this Annex, the following definitions shall apply	For the purposes of this Annex, the following definitions shall apply	For the purposes of this Annex, the following definitions shall apply	For the purposes of this Annex, the following definitions shall apply Text Origin: Commission Proposal	
Annex I, third paragraph					
311	(1) 'reverse land take' means the conversion of artificial land into natural or semi-natural land;	(1) 'reverse land take' means the conversion of artificial land into natural or semi-natural land;	(1) ' reverse land take natural land ' means the conversion of artificial land into an area of land in which the natural process is dominant and human intervention is minimal or non-existent, with the primary ecological functions and species composition not substantially modified or semi-natural land;	(1) ' reverse land take natural land ' means the conversion of artificial land into an area of land in which the natural processes are dominant and human intervention is minimal or non-existent, with the primary ecological functions and species composition not substantially modified or semi-natural land;	Maintain GA

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
				Text Origin: Council Mandate	
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;	(2) 'net- land take sealing ' means the result of land take soil sealing minus reverse land take . de-sealing; Text Origin: Council Mandate	Maintain GA
Annex I, 2 paragraph					
312a			(3) 'Settlement area' as defined in the 2006 IPCC Guidelines for National Greenhouse Gas Inventories;	(3) ' <u>Settlement area</u> ' as defined in the 2006 IPCC Guidelines for National Greenhouse Gas Inventories; Text Origin: Council Mandate	Maintain GA
Annex I, 2 paragraph 3a					
312b			(3a) 'Organic soils' and 'mineral soils' as defined in the 2006 IPCC Guidelines for National Greenhouse Gas Inventories.	(3a) ' <u>Organic soils</u> ' and ' <u>mineral soils</u> ' as defined in the 2006 IPCC Guidelines for National Greenhouse Gas Inventories. Text Origin: Council Mandate	Maintain GA
Annex I, Table 1					



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
313	Table 1				<p>Annex I - part of an overall package on monitoring and assessment</p> <p>Poss compromise on the biodiversity descriptors and selected contaminants (PFAS, pesticides): see row 165</p> <p>Changes in the table dependent on the compromise proposal on biodiversity descriptor and the list of contaminants, incl PFAS, pesticides.</p> <p>Maintain GA</p>
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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
				Text Origin: 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	Methodology for determining sampling points <u>and for the sample survey</u> Text Origin: Council Mandate	Maintain GA
Annex II, Table 2					
318	Table 2				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	
Annex II, fourth paragraph					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
y	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 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.		<p>linked to LUCAS - data comparability & quality - EP acceptance pending overall agreement</p> <p>Maintain GA</p>
Annex II, fourth paragraph a					
y	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.	<p><u><i>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.</i></u></p> <p>Text Origin: Council Mandate</p>	<p>EP could agree to the Council text in exchange of a recital in r45a - pending the overall agreement</p> <p>Maintain GA</p>
Annex II, Table 3					
y	322	Table 3			<p>EP could accept the Council text as a basis (if includes the EP suggestions on contaminants and bdv</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
					descriptor) - pending overall agreement 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	minimum methodological criteria for determining the values of land take and the soil sealing and soil removal indicators Text Origin: Council Mandate	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.	<i>deleted</i>	<i>deleted</i>	Maintain GA
Annex II, -a paragraph					
326	- Soil sealing shall be expressed as a percentage	- Soil sealing shall be expressed as a percentage	<i>deleted</i>	<i>deleted</i>	Maintain GA

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	of sealed area per total area.	of sealed area per total area.			
Annex II, eighth paragraph					
326a			<p>- 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.</p>	<p><u><i>- 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.</i></u></p> <p>26.3.2025</p> <p>Text Origin: Council Mandate</p>	Maintain GA
Annex II, ninth paragraph					
326b			<p>- For the settlement area indicator, Member states may use data collected under Regulation (EU) 2018/841, provided that</p>	<p><u><i>- For the settlement area indicator, Member states may use data collected under Regulation (EU) 2018/841, provided that</i></u></p>	Maintain GA

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			such data are reported at district level.	<u>such data are reported at district level.</u> 26.3.2025 Text Origin: Council Mandate	
Annex II, -a paragraph					
G	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. Text Origin: Commission Proposal	
Annex III					
Y	328	Annex III	<i>deleted</i>	Annex III Annex III	Linked to discussion on art 10 pending overall agreement
Annex III, first paragraph					
Y	329	SUSTAINABLE SOIL MANAGEMENT PRINCIPLES	<i>deleted</i>	SUSTAINABLE SOIL MANAGEMENT PRINCIPLES	
Annex III, second paragraph					
Y	330	The following principles shall apply:	<i>deleted</i>	The following principles shall apply:	
Annex III, second paragraph, point (a)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions	
Y	331 (a) avoid leaving soil bare by establishing and maintaining vegetative soil cover, especially during environmentally sensitive periods;	<i>deleted</i>	(a) avoid leaving soil bare by establishing and maintaining vegetative soil cover, especially during environmentally sensitive periods;			Y
Annex III, second paragraph, point (b)						
Y	332 (b) minimise physical soil disturbance;	<i>deleted</i>	(b) minimise physical soil disturbance;			Y
Annex III, second paragraph, point (c)						
Y	333 (c) avoid inputs or release of substances into soil that may harm human health or the environment, or degrade soil health;	<i>deleted</i>	(c) avoid inputs or release of substances into soil that may harm human health or the environment, or degrade soil health;			Y
Annex III, second paragraph, point (d)						
Y	334 (d) ensure that machinery use is adapted to the strength of the soil, and that the number and frequency of operations on soils are limited so that they do not compromise soil health;	<i>deleted</i>	(d) ensure that machinery use is adapted to the strength of the soil, and that the number and frequency of operations on soils are limited so that they do not compromise soil health;			Y
Annex III, second paragraph, point (e)						
Y	335 (e) when fertilization is applied, ensure adaptation to the needs of the plant	<i>deleted</i>	(e) when fertilization is applied, ensure adaptation to the needs of the plant			Y

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	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;		and trees at the given location and in the given period, and to the condition of soil and prioritize circular solutions that enrich the organic content;		
Annex III, second paragraph, point (f)					
336	<p>(f) in case of irrigation, maximise efficiency of irrigation systems and irrigation management and ensure that when recycled wastewater is used, the water quality meets the requirements set out in Annex I of Regulation (EU) 2020/741 of the European Parliament and of the Council¹ and when water from other sources is used, it does not degrade soil health;</p> <p>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).</p>	<i>deleted</i>	<p>(f) in case of irrigation, maximise efficiency of irrigation systems and irrigation management and ensure that when recycled wastewater is used, the water quality meets the requirements set out in Annex I of Regulation (EU) 2020/741 of the European Parliament and of the Council¹ and when water from other sources is used, it does not degrade soil health;</p> <p>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).</p>		
Annex III, second paragraph, point (g)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
Y	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	<i>deleted</i>	(g) ensure soil protection by the creation and maintenance of adequate landscape features at the landscape level; ¹ _____ 1. This principle does not apply to forest soils		
Annex III, second paragraph, point (h)					
Y	338 (h) use site-adapted species in the cultivation of crops, plants or trees where this can prevent soil degradation or contribute to improving soil health, also taking into consideration the adaptation to climate change;	<i>deleted</i>	(h) use site-adapted species in the cultivation of crops, plants or trees where this can prevent soil degradation or contribute to improving soil health, also taking into consideration the adaptation to climate change;		
Annex III, second paragraph, point (i)					
Y	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	<i>deleted</i>	(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		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
Annex III, second paragraph, point (j)					
y	340	(j) in the case of crop cultivation, ensure crop rotation and crop diversity, taking into consideration different crop families, root systems, water and nutrient needs, and integrated pest management;	<i>deleted</i>	(j) in the case of crop cultivation, ensure crop rotation and crop diversity, taking into consideration different crop families, root systems, water and nutrient needs, and integrated pest management;	
Annex III, second paragraph, point (k)					
y	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;	<i>deleted</i>	(k) adapt livestock movement and grazing time, taking into consideration animal types and stocking density, so that soil health is not compromised and the soil's capacity to provide forage is not reduced;	
Annex III, second paragraph, point (l)					
y	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 regenerate those soil functions.	<i>deleted</i>	(l) in case of known disproportionate loss of one or several functions that substantially reduce the soils capacity to provide ecosystem services, apply targeted measures to regenerate	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			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		<u>The following indicative list of programmes, plans, targets and measures shall be taken into account:</u>		deleted	
Annex IV, second paragraph					
345	(1) The national restoration plans prepared in accordance with Regulation .../... ¹⁺ . 1. + OP : please insert in the text the number of Regulation on nature restoration contained in document COM(2022) 304	(1) The national restoration plans prepared in accordance with Regulation .../... ¹⁺ . 1. + OP : please insert in the text the number of Regulation on nature restoration contained in document COM(2022) 304	(1) The national restoration plans prepared in accordance with Regulation .../... ¹⁺ . 1. + OP : please insert in the text the number of Regulation on nature restoration contained in document COM(2022) 304	(1) The national restoration plans prepared in accordance with Regulation .../... ¹⁺ . 1. + OP : please insert in the text the number of Regulation on nature restoration contained in document COM(2022) 304	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
				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 adopted in accordance with Directive 91/676/EEC.	(3) The Code of Good Agricultural Practice and the action programmes for designated vulnerable zones adopted in accordance with Directive 91/676/EEC.	(3) The Code of Good Agricultural Practice and the action programmes for designated vulnerable zones adopted in accordance with Directive 91/676/EEC.	(3) The Code of Good Agricultural Practice and the action programmes for designated vulnerable zones 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	(4) The conservation measures and prioritized action framework established for Natura	(4) The conservation measures and prioritized action framework established for Natura	(4) The conservation measures and prioritized action framework established for Natura	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	2000 sites in accordance with Directive 92/43/EEC.	2000 sites in accordance with Directive 92/43/EEC.	2000 sites in accordance with Directive 92/43/EEC.	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 management plans prepared in accordance with Directive 2000/60/EC.	(5) The measures for achieving good ecological and chemical status of surface water bodies and good chemical and quantitative status of groundwater bodies included in river basin management plans prepared in accordance with Directive 2000/60/EC.	(5) The measures for achieving good ecological and chemical status of surface water bodies and good chemical and quantitative status of groundwater bodies included in river basin management plans prepared in accordance with Directive 2000/60/EC.	(5) The measures for achieving good ecological and chemical status of surface water bodies and good chemical and quantitative status of groundwater bodies included in river basin management plans prepared in accordance with Directive 2000/60/EC. 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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
Annex IV, 7 paragraph					
G	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. Text Origin: Commission Proposal	
Annex IV, 8 paragraph					
G	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. Text Origin: Commission Proposal	
Annex IV, 8 paragraph a					
G	352a		<u><i>(8a) The national biodiversity strategies and action plans established in accordance with Article 6 of the United Nations Convention on Biological Diversity.</i></u>	<u><i>(8a) The national biodiversity strategies and action plans established in accordance with Article 6 of the United Nations Convention on Biological Diversity.</i></u> Text Origin: EP Mandate	
Annex IV, 9 paragraph					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
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. 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 established in accordance with	(12) The integrated national energy and climate plan established in accordance with	(12) The integrated national energy and climate plan established in accordance with	(12) The integrated national energy and climate plan established in accordance with	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	Regulation (EU) 2018/1999.	Regulation (EU) 2018/1999.	Regulation (EU) 2018/1999.	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 of plant protection products and amending Regulation (EU) 2021/2115 contained in document COM(2022)305	(14) The national actions plans adopted in accordance with Article 8 <i>of Regulation .../...¹⁺ +4 of Directive 2009/128/EC.</i> <i>1. + OP : please insert in the text the number of Regulation of the European Parliament and of the Council the sustainable use of plant protection products and amending Regulation (EU) 2021/2115 contained in document COM(2022)305</i>	(14) The national actions plans adopted in accordance with Article 8 of Regulation .../... ¹⁺ . 1. + OP : please insert in the text the number of Regulation of the European Parliament and of the Council the sustainable use of plant protection products and amending Regulation (EU) 2021/2115 contained in document COM(2022)305	(14) The national actions plans adopted in accordance with Article 8 <i>of Regulation .../...¹⁺ +4 of Directive 2009/128/EC.</i> <i>1. + OP : please insert in the text the number of Regulation of the European Parliament and of the Council the sustainable use of plant protection products and amending Regulation (EU) 2021/2115 contained in document COM(2022)305</i> Text Origin: EP Mandate	
Annex IV, 15 paragraph					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
G 358a			(15) The national actions plans adopted in accordance with Article 4 of Directive 2009/128/EC.	<i>deleted</i>	
Annex IV, 16 paragraph					
G 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.	<u>(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.</u> Text Origin: Council Mandate	
Annex V					
G 359	Annex V	Annex V	Annex V	Annex V Text Origin: Commission Proposal	
Annex V, first paragraph					
G 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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
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 extraction, air sparging;	(a) Vapor extraction, air sparging;	(a) Vapor extraction, air sparging;	(a) Vapor 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;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions	
				Text Origin: Commission Proposal		
Annex V, CI paragraph						
G	366	(d) Electrokinetic extraction;	(d) Electrokinetic extraction;	<i>deleted</i>	(d) Electrokinetic extraction;	G
Annex V, DI paragraph						
G	367	(e) Liquid layer removal;	(e) Liquid layer removal;	(e) Liquid layer removal;	(e) Liquid layer removal; Text Origin: Commission Proposal	G
Annex V, f paragraph						
G	368	(f) Dig and dump.	(f) Dig and dump.	<i>deleted</i>	(f) Dig and dump.	G
Annex V, g paragraph						
G	369	(b) Biological remediation techniques:	(b) Biological remediation techniques:	(b) Biological remediation techniques:	(b) Biological remediation techniques: Text Origin: Commission Proposal	G
Annex V, g paragraph(a)						
G	370	(a) Stimulation of aerobic or anaerobic degradation: bioremediation, biostimulation,	(a) Stimulation of aerobic or anaerobic degradation: bioremediation, biostimulation,	(a) Stimulation of aerobic or anaerobic degradation: bioremediation, biostimulation,	(a) Stimulation of aerobic or anaerobic degradation: bioremediation, biostimulation,	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	bioaugmentation, bioventing, biosparging;	bioaugmentation, bioventing, biosparging;	bioaugmentation, bioventing, biosparging;	bioaugmentation, bioventing, biosparging; Text Origin: Commission Proposal	
Annex V, g paragraph(b)					
371	(b) Phytoextraction, phytovolatilization, phytodegradation;	(b) Phytoextraction, phytovolatilization, phytodegradation;	(b) Phytoextraction, phytovolatilization, phytodegradation;	(b) 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.	(e) <u>Monitored</u> natural attenuation. Text Origin: Council Mandate	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
Annex V, c paragraph					
375	(c) Chemical remediation techniques:	(c) Chemical remediation techniques:	(c) Chemical remediation techniques:	(c) Chemical 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 techniques for isolation, containment and monitoring:	(d) Remediation techniques for isolation, containment and monitoring:	(d) Remediation techniques to reduce the transfer of contaminants (through- for isolation, containment and monitoring):	(d) Remediation techniques <u>to reduce the transfer of contaminants</u> (through-<i>for</i> isolation, containment and monitoring):	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
				Text Origin: Council Mandate	
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 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					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
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:	(2) Risk reduction measures other than remediation <u>to reduce exposure:</u> Text Origin: Council Mandate	
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	
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)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
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 construction on the site;	(e) Restriction on the demolition, de-sealing, or construction on the site;	(e) Restriction on the demolition, de-sealing, or construction on the site (e.g. constructive measures for ventilation, tanking, etc.);	(e) Restriction on the demolition, de-sealing, or construction on the site <u>(e.g. constructive measures for ventilation, tanking, etc.);</u> Text Origin: Council Mandate	
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);	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
				Text Origin: Commission Proposal	
Annex V, f paragraph, point (g)					
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	G
Annex V, f paragraph, point (h)					
G	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	G
Annex V, f paragraph, point (i)					
G	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	G
Annex V, 3 paragraph					
G	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.	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
				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 2012/18/EU.	(4) Measures taken by competent authorities and industrial operators following a major accident, in accordance with Directive 2012/18/EU.	(4) Measures taken by competent authorities and industrial operators following a major accident, in accordance with Directive 2012/18/EU.	(4) Measures taken by competent authorities and industrial operators following a major accident, in accordance with Directive 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	PHASES AND REQUIREMENTS PRINCIPLES FOR SITE-SPECIFIC RISK ASSESSMENT Text Origin: Commission Proposal	
Annex VI, point 1.					
399	1. Characterization of the contamination requires identifying the	1. Characterization of the contamination requires identifying the	1. Characterization Characterisation of the	1. Characterization Characterisation of the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	<p>contaminants present at the site and determining their source, concentration, chemical form, and distribution in the soil and groundwater. The presence and concentration of contaminants is determined through soil sampling and investigation.</p>	<p>contaminants present at the site and determining their source, concentration, chemical form, and distribution in the soil and groundwater. The presence and concentration of contaminants is determined through soil sampling and investigation.</p>	<p>contamination requires identifying the nature of the contaminants (e.g. heavy metals, organic contaminants, etc.) present at the site and determining their source, concentration, chemical form, and distribution in the soil, parent material and groundwater. The presence and concentration of contaminants in the different media is determined through soil sampling and investigation on-site and off-site, if a transfer of contaminants is suspected. Contaminants associated with the potentially contaminating activities are sampled in the relevant media on the basis of the environmental context and the physico-chemical properties of the contaminants that influence their behaviour in the environment.</p>	<p>contamination requires identifying the <u>nature of the contaminants (e.g. heavy metals, organic contaminants, etc.)</u> present at the site and determining their source, concentration, chemical form, and distribution in the soil, <u>parent material</u> and groundwater. The presence and concentration of contaminants <u>in the different media</u> is determined through soil sampling and investigation <u>on-site and off-site, if a transfer of contaminants is suspected.</u> <u>Contaminants associated with the potentially contaminating activities are sampled in the relevant media on the basis of the environmental context and the physico-chemical properties of the contaminants that influence their behaviour in the environment.</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			Natural and anthropogenic background concentrations should be considered.	<u>Natural and anthropogenic background concentrations should be considered.</u> Text Origin: Council Mandate	
Annex VI, point 2.					
400	2. Exposure assessment identifies the path by which soil contaminants may reach receptors. Exposure pathways may include inhalation, ingestion, dermal contact, plant uptake, migration to groundwater or others. This information is combined with the frequency and duration of exposure and receptor characteristics such as age, gender, and health status to estimate the contaminant uptake. The source-pathway-receptor linkages are summarized in a graphic, schematic and simplified	2. Exposure assessment identifies the path by which soil contaminants may reach receptors. Exposure pathways may include inhalation, ingestion, dermal contact, plant uptake, migration to groundwater or others. This information is combined with the frequency and duration of exposure and receptor characteristics such as age, gender, and health status to estimate the contaminant uptake. The source-pathway-receptor linkages are summarized in a graphic, schematic and simplified	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 exposure media are combined with the exposure parameters (e.g. frequency and duration of exposure, soil ingestion rate, etc.) and receptor characteristics such as age, gender, and health status to estimate	2. Exposure assessment <u>requires to identify</u> 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 <u>The concentrations of the exposure media are combined with the exposure parameters (e.g. frequency and duration of exposure, soil ingestion rate, etc.)</u> and receptor characteristics such as age, gender, and health status to estimate	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	representation: the conceptual site model.	representation: the conceptual site model.	<p>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.</p> <p>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.</p>	<p>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.</p> <p><u>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.</u></p> <p>Text Origin: Council Mandate</p>	
Annex VI, point 3.					
401	3. Toxicity or hazard assessment involves the evaluation of the potential health and environmental effects of the contaminants, based on the dose and duration of exposure. The toxicology or hazard assessment takes into account the inherent toxicity of the contaminants and the susceptibility of different populations, such as	3. Toxicity or hazard assessment involves the evaluation of the potential health and environmental effects of the contaminants, based on the dose and duration of exposure. The toxicology or hazard assessment takes into account the inherent toxicity of the contaminants and the susceptibility of different populations, such as	3. Toxicity or hazard assessment involves the evaluation of the potential human health and environmental adverse effects of the contaminants, based on the dose and duration of exposure. The toxicology or hazard assessment takes into account the inherent toxicity of the contaminants and the susceptibility of different	3. Toxicity or hazard assessment involves the evaluation of the potential human health and environmental adverse effects of the contaminants, based on the dose and duration of exposure. The toxicology or hazard assessment takes into account the inherent toxicity of the contaminants and the susceptibility of different	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	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.	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.	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.	populations exposed receptors (humans and ecosystems), 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 characterisation. Text Origin: Commission Proposal	
Annex VI, point 4.					
402	4. Risk characterization requires integrating the information from the previous steps to estimate the magnitude and probability of adverse effects of the contaminated site for human health and the environment, including from migration of the contamination to other environmental media. The risk characterization helps to prioritize the need for	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	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	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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	risk reduction and remediation measures. It can also help to define remediation or management objectives for a site, e.g. to achieve maximum acceptable limits or site-specific risk-based screening values.	risk 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.	characterisation helps to assess and prioritise prioritize the need for risk reduction and remediation measures, and to ensure that the condition of the soil is compatible with the current and planned land use . It can also help to define remediation or management objectives for a site, e.g. to achieve maximum acceptable limits or site-specific risk-based screening values. Risk assessment involves a large number of hypotheses and uncertainties. It is therefore essential to evaluate these uncertainties to fully understand the significance of the results obtained and to make well-informed decisions.	<u><i>characterisation</i></u> helps to <u><i>assess and prioritise</i></u> prioritize the need for risk reduction and remediation measures, <u><i>and to ensure that the condition of the soil is compatible with the current and planned land use</i></u> . 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. <u><i>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.</i></u> Text Origin: Council Mandate	
Annex VI, first paragraph a					
G	402a		The assessment of risk for human health or		G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
			environment should be proportionate to the complexity of the contaminated site.		
Annex VII					
G 403	Annex VII	Annex VII	Annex VII	Annex VII Text Origin: Commission Proposal	
Annex VII, first paragraph					
G 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					
G 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	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	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	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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	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:	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:	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:	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: 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; Text Origin: Commission Proposal	
Annex VII, second paragraph, point (c)					
408	(c) contaminating or potentially contaminating risk activities that have	(c) contaminating or potentially contaminating risk activities that have	(c) contaminating or potentially contaminating risk activities that have		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
	taken or are taking place on the site;	taken or are taking place on the site;	taken or are taking place on the site;		
Annex VII, second paragraph, point (d)					
G	409	(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)					
Y	410	(e) conclusion on the presence or absence, concentration, type and risk of the contamination (or residual contamination after remediation) where information on those elements is already available from the soil investigations and risk assessment referred to in Articles 14 and 15;	(e) conclusion on the presence or absence, concentration, type and risk of the contamination (or residual contamination after remediation) where information on those elements is already available from the soil investigations and risk assessment referred to in Articles 14 and 15;	(e) conclusion on the presence or absence, concentration, type and risk of the contamination (or residual contamination after remediation) where information on those elements is already available from the soil investigations and risk assessment referred to in Articles 14 and 15;	
Annex VII, second paragraph, point (f)					
Y	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					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	PRES comments/suggestions
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: 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)					

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