



Council of the European Union
General Secretariat

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

Brussels, 28 November 2023

WK 15890/2023 ADD 1

LIMITE

**ENV
CLIMA
AGRI
FORETS
RECH
TRANS
CODEC**

This is a paper intended for a specific community of recipients. Handling and further distribution are under the sole responsibility of community members.

CONTRIBUTION

From:	General Secretariat of the Council
To:	Working Party on the Environment
N° Cion doc.:	ST 11566/23 + ADD 1
Subject:	Soil Monitoring Law Directive: Follow up to the WPE on 20 and 21 November 2023 – comments from a delegation

Following the above WPE meeting and the call for comments (WK 15564/23 INIT), delegations will find attached comments from Hungary.

HUNGARY

Directive on Soil Monitoring and Resilience

Recitals

(1) Soil is a vital, limited, conditionally renewable and irreplaceable resource that is crucial for the economy, the environment and the society.

(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/xxxx66+] that aim at ensuring secure and sustainable supply of critical raw materials for Europe's industry. The apply of such raw materials can not endanger the ecological services of the soil.

Chapter I Article 3

(3) 'ecosystem services' means indirect contributions of ecosystems to the economic, social, cultural and other benefits that people derive from those ecosystems; and direct contributions are e.g. water filtration and storage, food and fibre supply, matter and energy cycling, buffering environmental effects.

(21) 'contaminant' any substance that degrades soil health and ecosystem services if it is not released into the soil from natural causes, such as human activity.

Chapter II Article 9

2. A soil is considered healthy in accordance with this Directive where the following cumulative conditions are fulfilled:

(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;

(b) the values for all soil descriptors listed in part B of Annex I meet the criteria set in accordance with Article 7 ('healthy soil').

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.

The measurement values or intervals of the indicators given in Annex I should be defined on a scale of degrees, taking into account the environmental factors in the Member States. For example, good; medium, poor, unhealthy values or intervals.

Chapter IV Article 15

4. On the basis of the outcome of the assessment referred to in paragraph 3, the responsible competent authority shall take the appropriate measures to bring the risks to an acceptable level for human health and the environment ('risk reduction measures') if it does not conflict with the application of the polluter pays principle.

ANNEX

<i>Part B: soil descriptors with criteria for healthy soil condition established at Member States level</i>			
Excess nutrient content in soil	Extractable phosphorus + calcium (mg per kg)	< "maximum value"; The "maximum value" shall be laid down by the Member State within the range 30-50 mg kg ⁻¹	No exclusion
Minimum nutrient content in soil		The "minimum value" shall be laid down by the Member State within the range(?) mg kg ⁻¹	