

COMENVI PUBLISHES ITS DRAFT AMENDMENTS TO THE SOIL MONITORING AND RESILIENCE DIRECTIVE

SUMMARY

- Inclusion of binding target for healthy soils and net land take by 2050.
- Flexible soil monitoring design.
- Staged approach to soil health assessment.
- EU Commission in charge of establish harmonised format for soil certificates.
- Creation of a toolbox for sustainable soil management practices.
- Inclusion of 'polluter pays principle' in contaminated soil remediation.
- Establish dedicated budget line within the Multiannual Financial Framework.

On 31 October, MEP Hojsik from Renew Europe and appointed rapporteur on the Soil Monitoring Law SML, has submitted his draft report with amendments to the Commission's proposal. The ENVI committee (COMENVI) of the European Parliament – of which MEP Hojsik is part – is the leading committee on the file, but shared competencies were granted to the AGRI committee (COMAGRI) on provisions related to sustainable soil management included in the SML after a strong fight from agriculture MEPs. The COMAGRI is yet to publish its opinion on the proposal, therefore this policy brief will provide a summary of the most relevant draft amendments tabled by the COMENVI.

Inclusion of binding target of healthy soils and net land take by 2050 (art. 1, 11)

Contrary to the lack of binding health objectives in the Commission's proposal, the rapporteur's draft report sets a binding target of healthy soils across the Union by 2050, and proposes the inclusion of an intermediate 2040 target – if necessary – at a second stage, during the review period of the Directive. Furthermore, Member States shall aim to reduce land take in order to achieve the objective of zero net land take by 2050.

Flexible soil monitoring design (art. 7, 8, Annex I)

Member States benefits from a certain degree of flexibility in selecting the most appropriate soil descriptors and criteria for their soil monitoring and assessment, by choosing one out of

three different tiers (Tier I, Tier II, Tier III). These three levels encompass a gradual range of soil descriptors and Member States shall ensure that the conditions laid down in Annex I for the Tier that they choose to apply are met. The introduction of a three-option proposal revises the one-size (with flexibilities) approach put forward by the Commission. The sampling points are determined by applying the methodology according to the selected Tier for soil monitoring design.

Staged approach to soil health assessment based on “soil ecological status” (art. 3, 8, 9, Annex I)

According to the draft report of the COMENVI, the assessment of soil health is grounded on soils ecological status, taking a more nuanced and gradual approach compared to the Commission’s binary approach which would rank soils either healthy or unhealthy. In this sense, the amendment comprises five different classes of ecological conditions, from “high soil ecological status” to “critically degraded soils”. The draft report mandates the Commission to establish threshold values to be differentiated for all five soil ecological status groups, considering local conditions, and soils falling under the two most virtuous classes will be considered as healthy. For soils falling into the last three categories, a timeline for regeneration is being proposed (10 years for critically degraded soils, 6 years for degraded soils and moderate soil ecological status). Member States applying a Tier II for soil monitoring design may establish their own thresholds up to a variation of 20 % compared to the values set at EU level.

EU Commission in charge of establish harmonised format for soil certificates (art. 9)

The Rapporteur proposes to reverse the logics of the proposed actions whereby the Commission is appointed the task to propose a harmonized format of soil health certification. According to the initial Commission’s proposal, Member States were obliged to set up a voluntary mechanism for soil health certification, while the version proposed by MEP Hojsik aims at facilitating the implementation in the Member States and preventing incompatibility through common principles for minimum quality standards set at European level by the Commission.

Creation of a toolbox for sustainable soil management practices (art. 10, annex III)

The timeframe for defining sustainable soil management (SSM) practices has been reduced, proposing to start two years from the entry into force of the Directive instead of four. The Good Agricultural and Environmental Conditions (GAEC) are included as a basis to define SSM practices, to provide a better link with the Common Agricultural Policy. The draft report promotes the creation of an open access repository with a list of soil management and regeneration practices. Finally, according to the draft amendments, the Commission shall establish a sustainable soil management toolbox providing practical information on the use

of SSM practices, containing examples of best practices, context-specific information, new knowledge from research and other relevant data, all publicly available and free of charge.

Inclusion of 'polluter pays principle' in contaminated soil remediation (art. 15, 24)

For each identified contaminated site, the competent authority shall identify the legal person responsible for the contamination. That legal person shall bear the cost of the implementation of the risk reduction measures, regardless of whether the contamination occurred in the framework of a legally valid permit. In such manner, there would be an incentive to avoid damaging the environment at its source and holding polluters accountable. The draft report indicates that the Commission shall carry out an assessment on the information collected on soil contamination by six years after the entry into force, with a view to establishing a list of priority substances and a watch list on soil contaminants (monitoring mechanism to improve available information on substances of greatest concern).

Establish dedicated budget line within the Multiannual Financial Framework (art. 17)

When it comes to financial resources, the rapporteur mandates the Commission to provide training and technical support to increase the absorption capacity of the MSs with regards to EU funds, while also requiring the EU executive to identify potential gaps and if necessary, to establish a permanent dedicated budget within the ceilings of the Multiannual Financial Framework.

Next steps...

The shadow rapporteurs in the COMENVI and the rapporteur for opinion in the COMAGRI will now prepare their amendments to the Commission proposal, in view of adopting compromise amendments based on the draft report released by MEP Hojsik. The aim is to have a negotiating position adopted in the European Parliament Plenary by February.

About the ECN

The ECN is the leading European membership organisation promoting sustainable recycling practices by composting and anaerobic digestion of organic resources and guarding over the quality and safe use of the recovered organic fertilisers and soil improvers. With 66 members from 28 European Countries ECN represents more than 4500 experts and plant operators with more than 45 million tonnes of biological waste treatment capacity.