EUROPEAN GREEN DEAL RISK RADAR | NEW

What to watch out for in the EU's new legislative term 2024-2029



SOIL MONITORING LAW

Proposal for a Directive on Soil Monitoring and Resilience (COM(2023)416)

The Directive aims at a coherent soil monitoring framework that will provide data on soil health in all EU Member States, including on contaminated sites. This should ensure that EU soils are in healthy condition by 2050 at the latest. The Directive thus contributes to preventing and mitigating the impacts of climate change, increasing resilience against natural disasters and ensuring food security.

WHAT'S IN IT?

OBJECTIVE

Climate ambition

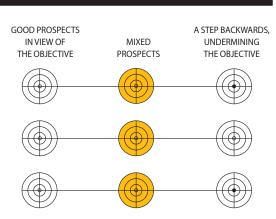
In view of respecting the limit of 1.5°C global warming under the Paris Agreement

Biodiversity

Preserving biodiversity in the EU and beyond

Zero pollution

Achieving zero pollution and a circular economy in the EU and beyond



WHAT'S NEXT?

STATUS

MILESTONES

Pending



April 2025
Trilogue
negotiations closed.

5.5 years after entry into force
EU Member States

LIMITED RISK

reporting due.

6 years after entry into force
European Commission

European Commission evaluation of the Directive.

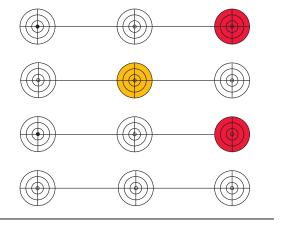
WHAT TO WATCH OUT FOR?

Speed. Slowing down the EU law's progress or implementation.

Money. Conflict on distributional effects or lack of finance for making this EU law impactful.

Licence for polluters. Undermining the polluter-pays principle, increasing global pollution.

Inequalities. Allowing for practices that deepen global inequality.



MEDIUM RISK



(N/A) NOT APPLICABLE

HIGH RISK



Soil Monitoring Law

WHAT'S IN IT?

Climate ambition

The Soil Monitoring Law does recognise the importance of healthy soils for climate mitigation and adaptation, and its implementation will thus definitely contribute to both. However, it does not include binding targets or measures. Its implementation depends on Member States' engagement in view of ambitious climate action.

Biodiversity

The Soil Monitoring Law does recognise the importance of healthy soils for biodiversity protection. However, no binding targets or measures apply to Member States. When it comes to the implementation, national governments will not be bound to very ambitious provisions on biodiversity protection.

Zero pollution

The Soil Monitoring Law does recognise the importance of healthy soils for achieving zero pollution. However, the Law does not include binding targets or measures, and implementation depends on Member States' engagement.

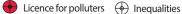
WHAT TO WATCH OUT FOR? RISKS











While the overall objective of the Soil Monitoring Law (achieving 100% healthy soils by 2050) is great, its adoption, let alone its implementation, is far from guaranteed. Besides obliging Member States to set up a monitoring framework, the Law is very soft and leaves all responsibility to Member States to decide what they will do. This brings serious risks for achieving the objective. Furthermore, funding for specific activities and/or for compensation of vulnerable households (who could be impacted by higher prices for food products that might result from implementation of the Law) is far from guaranteed. The Law assumes Common Agricultural Policy (CAP) funding will be available but avoids creating a clear link to specific CAP funds. Moreover, the Directive does not prescribe which harmful activities should not receive funding or which are to be particularly promoted.

The Directive states that it supports the 'polluter-pays principle' but contains no mechanisms to hold polluters accountable.

'Humans and our ecosystems depend on soil as a source of food, clean water, and habitat. But it is a non-renewable resource which needs to be protected and restored. Today, we are taking an important step towards healthy soils in the EU by 2050.' Alain Maron, Brussels minister for the Environment (then president of the Environment EU Council), 17 June 2024

WHAT'S NEXT?



STATUS

Pending. Trilogues were closed under the Polish Council presidency in April 2025. The Council and the European Parliament still need to endorse the agreement.

Transposition by EU Member States

Will need to happen within two years after entry into force of the Directive

Revision clauses and reporting duties

Member States will have to report 5.5 years after entry into force of the Directive (and every five years thereafter) on their monitoring framework, their sustainable soil management principles and the identification and management of contaminated

Six years after its entry into force, the European Commission (EC) will evaluate the Law in order to assess progress towards its objectives and the need to amend its provisions.

Delegated acts and other related legislative action

The EC may develop delegated acts, in particular in relation to the definition of sustainable management principles, on the reporting format for Member States and the harmonisation of soil health certification formats.

HOW TO IMPROVE IT? OPPORTUNITIES

The current proposal lacks ambition, and implementation is far from achieved. The objectives and content of the EU Soil Strategy for 2030 are much more demanding. They should find their way into the Directive.

In order to improve the Directive, both intermediate 2030 and 2040 objectives for occurrence of healthy soils and binding targets at Member State levels need to be set. This improvement should be front and central in the preparation of the Commission's evaluation.

FURTHER READING

European Environmental Bureau (EEB): Soil Monitoring Law assessment, September 2023