



2023/0232(COD)

6.12.2023

AMENDMENTS

304 - 631

Draft opinion

Maria Noichl

(PE754.699v01-00)

on the proposal for a directive of the European Parliament and of the Council
on Soil Monitoring and Resilience (Soil Monitoring Law)

Proposal for a directive

(COM(2023)416 – C9-0234/2023 – 2023/0232(COD))

AM_Com_LegOpinion

Amendment 304
Daniel Buda

Proposal for a directive
Article 7 – paragraph 1 – subparagraph 1

Text proposed by the Commission

When monitoring and assessing soil health, Member States shall apply the soil descriptors and soil health criteria listed in Annex I.

Amendment

When monitoring and assessing soil health, Member States shall apply ***minimum of five*** the soil descriptors and soil health ***that best illustrate soil characteristics in each soil type on a national level health*** criteria listed in Annex I.

Or. en

Amendment 305
José Manuel Fernandes

Proposal for a directive
Article 7 – paragraph 1 – subparagraph 1

Text proposed by the Commission

When monitoring and assessing soil health, Member States shall apply ***the*** soil descriptors and soil health criteria listed in Annex I.

Amendment

When monitoring and assessing soil health, Member States shall apply ***a minimum of five*** soil descriptors and soil health criteria ***that best illustrate the soil characteristics in each soil type at national level criteria*** listed in Annex I.

Or. en

Amendment 306
Nicola Procaccini

Proposal for a directive
Article 7 – paragraph 1 – subparagraph 1

Text proposed by the Commission

When monitoring and assessing soil health, Member States shall apply ***the*** soil descriptors and soil health criteria listed in

Amendment

When monitoring and assessing soil health, Member States shall apply ***a minimum of five*** soil descriptors and soil health criteria

Annex I.

that best illustrate soil characteristics in each soil type on a national level listed in Annex I.

Or. en

Amendment 307

Annie Schreijer-Pierik

Proposal for a directive

Article 7 – paragraph 1 – subparagraph 1

Text proposed by the Commission

When monitoring and assessing soil health, Member States ***shall*** apply the soil descriptors and soil health criteria listed in Annex I.

Amendment

When monitoring and assessing soil health, Member States ***may*** apply ***a mix of*** the soil descriptors and soil health criteria listed in Annex I ***depending on the type of soil and usage***.

Or. en

Amendment 308

Elsi Katainen, Jan Huitema, Ulrike Müller, Asger Christensen, Emma Wiesner

Proposal for a directive

Article 7 – paragraph 1 – subparagraph 1

Text proposed by the Commission

When monitoring and assessing soil health, Member States shall apply the soil descriptors and soil health criteria listed in Annex I.

Amendment

When monitoring and assessing soil health, Member States shall apply the ***relevant*** soil descriptors and soil health criteria, ***based on their needs***, listed in Annex I.

Or. en

Justification

In line with the change in art 9.2.

Amendment 309

José Manuel Fernandes

Proposal for a directive
Article 7 – paragraph 2

Text proposed by the Commission

2. Member States may adapt the soil descriptors and the soil health criteria ***referred to*** in part A of Annex I, in accordance with the specifications ***referred to in the second and third columns in part A of Annex I.***

Amendment

2. Member States may adapt the soil descriptors and the soil health criteria in part A of Annex I, in accordance with the ***national specifications on soil health.***

Or. en

Amendment 310
Daniel Buda

Proposal for a directive
Article 7 – paragraph 2

Text proposed by the Commission

2. Member States may adapt the soil descriptors and the soil health criteria referred to in part A of Annex I, in accordance with the specifications ***referred to in the second and third columns in part A of Annex I.***

Amendment

2. Member States may adapt the soil descriptors and the soil health criteria referred to in part A of Annex I, in accordance with the ***national specifications on soil health.***

Or. en

Amendment 311
Elsi Katainen, Jan Huitema, Ulrike Müller, Asger Christensen, Emma Wiesner

Proposal for a directive
Article 7 – paragraph 2

Text proposed by the Commission

2. Member States may adapt the soil descriptors and the soil health criteria referred to in ***part A of*** Annex I, in accordance with the specifications referred to ***in the second and third columns in part***

Amendment

2. Member States may adapt the soil descriptors and the soil health criteria referred to in Annex I, in accordance with the specifications referred to ***local needs and further justified in line with Article***

Justification

In line with the change in art 9.2.

Amendment 312

Sarah Wiener

on behalf of the Verts/ALE Group

Proposal for a directive

Article 7 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall strengthen the soil descriptors and render more precise the soil health criteria referred to in part A of Annex I, in accordance with the specifications referred to in the second and third columns in part A of Annex I.

Or. en

Amendment 313

Maria Noichl

Proposal for a directive

Article 7 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The Commission shall establish a list of key contaminants with thresholds at EU-level, including those substances identified as ecotoxic, persistent, bioaccumulative, mobile and toxic by any Union law. This list is to be included in part A of Annex I at the latest during the first evaluation of this Directive.

Or. en

Amendment 314

Elsi Katainen, Jan Huitema, Ulrike Müller, Asger Christensen, Emma Wiesner

Proposal for a directive

Article 7 – paragraph 4

Text proposed by the Commission

Amendment

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.***

4. Member States shall set soil health criteria for the soil descriptors listed in part B of Annex I ***based on the local needs***

Or. en

Justification

In line with the change in art 9.2.

Amendment 315

Marlene Mortler, Lena Düpont, Peter Jahr, Christine Schneider, Norbert Lins

Proposal for a directive

Article 7 – paragraph 5

Text proposed by the Commission

Amendment

(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').

deleted

Or. de

Amendment 316

Maria Noichl

Proposal for a directive

Article 7 – paragraph 5

Text proposed by the Commission

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').

Amendment

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'), **as well as for land concentration** ^{1a}.

^{1a} 1. Measured by land owned by the same parent structure as per recital (82) and Articles 59(4) and 98(1) of regulation (EU) 2021/2116 on the financing, management and monitoring of the CAP, and point 11 of Article 2 of Directive 2013/34/EU.

Or. en

Amendment 317

Petros Kokkalis

Proposal for a directive

Article 7 – paragraph 5

Text proposed by the Commission

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').

Amendment

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') **including concentration of land** ^{1b}.

^{1b} UAA land under the ownership of the same group or parent structure

Or. en

Amendment 318
Sarah Wiener

Proposal for a directive
Article 7 – paragraph 5

Text proposed by the Commission

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’).

Amendment

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’) ***as well as for land concentration.***

Or. en

(Land owned by the same parent structure: Articles 59 and 98 Reg.2021/2116 and Article 2(11) Dir.2013/34/EU)

Amendment 319
Sarah Wiener

on behalf of the Verts/ALE Group

Proposal for a directive
Article 7 – paragraph 5

Text proposed by the Commission

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’).

Amendment

5. Member States ***shall*** 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’).

Or. en

Amendment 320
Maria Noichl

Proposal for a directive
Article 7 – paragraph 5

Text proposed by the Commission

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’).

Amendment

5. Member States may set additional soil descriptors and land take indicators, including but not limited to the descriptors and indicators listed in part C and D of Annex I, for monitoring purposes (‘additional soil descriptors’ and ‘additional land take indicators’).

Or. en

Amendment 321

Paolo De Castro, Clara Aguilera, Daniela Rondinelli

Proposal for a directive

Article 7 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Member States may adapt the soil descriptors and soil health criteria referred to in paragraphs 1 to 5 applying to agricultural productive land for social, environmental and economic sustainability purposes.

Or. en

Amendment 322

Petri Sarvamaa

Proposal for a directive

Article 8 – paragraph 1

Text proposed by the Commission

Amendment

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, ***taking into account risk assessments based on existing monitoring systems.***

Or. en

Amendment 323

Peter Jahr, Marlene Mortler, Lena Düpont, Norbert Lins, Christine Schneider

Proposal for a directive

Article 8 – paragraph 1

Text proposed by the Commission

1. Member States shall determine sampling points by applying the methodology set out in part A of Annex II.

Amendment

1. Member States shall determine sampling points by applying the methodology set out in part A of Annex II ***taking into account risk assessments based on existing monitoring systems.***

Or. en

Amendment 324

Elsi Katainen, Jan Huitema, Ulrike Müller, Asger Christensen, Emma Wiesner, Atidzhe Alieva-Veli

Proposal for a directive

Article 8 – paragraph 1

Text proposed by the Commission

1. Member States shall determine sampling points by applying the methodology set out in part A of Annex II.

Amendment

1. Member States shall determine sampling points by applying the methodology set out in part A of Annex II ***and taking into account the existing monitoring systems.***

Or. en

Justification

If a Member State has already an existing system for soil monitoring, they should have had a possibility to use it as much as possible. In line with the change in article 6.3.

Amendment 325

Annie Schreijer-Pierik

Proposal for a directive

Article 8 – paragraph 1

Text proposed by the Commission

Amendment

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, ***in case of no existing sampling points***, by applying the methodology set out in part A of Annex II.

Or. en

Amendment 326

Marlene Mortler, Lena Düpont, Peter Jahr, Christine Schneider, Norbert Lins

Proposal for a directive

Article 8 – paragraph 3 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(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;

deleted

Or. de

Amendment 327

Elsi Katainen, Jan Huitema, Ulrike Müller, Asger Christensen, Martin Hlaváček

Proposal for a directive

Article 8 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

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 ***equivalent*** methodologies than the ones listed in the first subparagraph, points (a) and (b), as required in Annex II, part B, fourth column.

Or. en

Justification

If a Member State has already an existing system for soil monitoring, they should have had a

possibility to use it as much as possible. In line with the change in article 6.3

Amendment 328

Sarah Wiener

on behalf of the Verts/ALE Group

Proposal for a directive

Article 8 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that the first soil measurements are performed at the latest by... (OP: please insert the date = **4** years after date of entry into force of the Directive).

Amendment

4. Member States shall ensure that the first soil measurements are performed at the latest by... (OP: please insert the date = **3** years after date of entry into force of the Directive).

Or. en

Amendment 329

Petri Sarvamaa

Proposal for a directive

Article 8 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that new soil measurements are performed ***at least every 5*** years.

Amendment

Member States shall ensure that new soil measurements are performed ***nationally at a regular interval determined based on the site management intensity and a prior information on the rate of changes in the soil properties. Member states shall retain flexibility in planning the sampling interval.***

If a Member State can credibly demonstrate the absence of soil deterioration, utilising e.g. forest inventory data or agricultural statistics (such as fertilisation, liming, crop rotations, and tillage) in conjunction with data from ongoing soil monitoring, the sampling interval can be extended to as long as 10 years also in intensively

managed land use types.

At forest sites or other sites that are not under frequent management operations and are not suspected as contaminated, a 10-year or longer sampling interval is sufficient.

In forests, Member States shall coordinate allocation of sampling points with other existing monitoring programmes such as national vegetation and forest inventories

Or. en

Amendment 330

Elsi Katainen, Jan Huitema, Ulrike Müller, Atidzhe Alieva-Veli

Proposal for a directive

Article 8 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that new soil measurements are performed at least every **5** years.

Amendment

Member States shall ensure that new soil measurements are performed at least every **10** years.

Or. en

Justification

5 years in the cycle of nature is short, so there should be longer period to see more efficient results.

Amendment 331

Marlene Mortler, Lena Düpont, Peter Jahr, Christine Schneider, Norbert Lins

Proposal for a directive

Article 8 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that new soil measurements are performed at least every **5** years.

Amendment

Member States shall ensure that new soil measurements are performed at least every **10** years.

Justification

Soil sampling intervals of less than ten years do not make sense, if methodologically reliable evidence of the soil changes addressed in the annexes across all land uses is to be provided. In addition, the administrative and economic cost of shorter sampling intervals is disproportionate to the gain in knowledge.

Amendment 332

Marlene Mortler, Lena Düpont, Peter Jahr, Christine Schneider, Norbert Lins

Proposal for a directive**Article 8 – paragraph 5 – subparagraph 2**

Text proposed by the Commission

Amendment

Member States shall ensure that the value of the land take and soil sealing indicators are updated at least every year. ***deleted***

Amendment 333

Daniel Buda, Dan-Ştefan Motreanu

Proposal for a directive**Article 8 – paragraph 5 – subparagraph 2**

Text proposed by the Commission

Amendment

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 ***3 years***.

Amendment 334

Jan Huitema, Emma Wiesner, Asger Christensen, Atidzhe Alieva-Veli

Proposal for a directive**Article 8 – paragraph 5 – subparagraph 2**

Text proposed by the Commission

Member States shall ensure that the value of the land take and soil sealing indicators are updated at least **every year**.

Amendment

Member States shall ensure that the value of the land take and soil sealing indicators are updated at least **2 years**.

Or. en

Amendment 335

Marlene Mortler, Lena Düpont, Peter Jahr, Christine Schneider, Norbert Lins

Proposal for a directive

Article 8 – paragraph 6

Text proposed by the Commission

(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 where values of soil descriptors can be determined by remote sensing referred to in Article 6(5).

Amendment

deleted

Or. de

Amendment 336

Annie Schreijer-Pierik

Proposal for a directive

Article 8 – paragraph 6

Text proposed by the Commission

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 where values of soil descriptors can be determined by remote sensing referred to in Article 6(5).

Amendment

deleted

Amendment 337
Nicola Procaccini

Proposal for a directive
Article 8 – paragraph 6

Text proposed by the Commission

Amendment

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 where values of soil descriptors can be determined by remote sensing referred to in Article 6(5).* **deleted**

Amendment 338
Peter Jahr, Marlene Mortler, Lena Düpont, Norbert Lins, Christine Schneider

Proposal for a directive
Article 8 – paragraph 6

Text proposed by the Commission

Amendment

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 where values of soil descriptors can be determined by remote sensing referred to in Article 6(5).* **deleted**

Amendment 339
Elsi Katainen, Ulrike Müller, Asger Christensen

Proposal for a directive

Article 9 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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.

Amendment

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 ***and taking account the reasoned changes on land use at the sampling areas.***

Or. en

Justification

There is need to take into account the changes on land use as it might affect might lead temporary for the non-achievement of the specific criteria.

Amendment 340

Annie Schreijer-Pierik

Proposal for a directive

Article 9 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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.

Amendment

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 ***and taking into account natural and historical circumstances of the soil.***

Or. en

Amendment 341

José Manuel Fernandes

Proposal for a directive

Article 9 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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.

Amendment

Member States shall, ***in conjunction with their regional authorities, where applicable***, 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.

Or. en

Amendment 342

Jan Huitema, Emma Wiesner, Asger Christensen, Atidzhe Alieva-Veli

Proposal for a directive

Article 9 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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.

Amendment

Member States shall assess ***on a national level***, the soil health ***relating to the intended function of*** their ***soils***. ***This assessment may be*** 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.

Or. en

Justification

The ecosystem services that are required for different functions of soil can be very different, and sometimes even conflicting. Soil health should therefore be assessed in accordance with its intended use, and not on the basis of all possible ecosystem services.

Amendment 343

Maria Noichl

Proposal for a directive

Article 9 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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.

Amendment

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, **B and C** of Annex I.

Or. en

Amendment 344

Sarah Wiener

on behalf of the Verts/ALE Group

Proposal for a directive

Article 9 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall, in consultation with local and regional authorities, establish operational percentage-based targets for healthy soil for each soil district throughout their territory. Member States shall set targets for the years 2035 and 2050, seeking to achieve the objectives of this directive and the EU soil strategy.

Or. en

Amendment 345

Marlene Mortler, Lena Düpont, Peter Jahr, Christine Schneider, Norbert Lins

Proposal for a directive

Article 9 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Amendment

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

Member States shall ensure that soil health assessments are performed at least every **10** years and that the first soil health assessment is performed by ... (OP: please insert the date = **10** years after date of entry

into force of the Directive).

into force of the Directive).

Or. de

Amendment 346

Jan Huitema, Emma Wiesner, Asger Christensen, Atidzhe Alieva-Veli

Proposal for a directive

Article 9 – paragraph 2

Text proposed by the Commission

Amendment

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

(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.

Soil is unhealthy where at least one of the criteria referred to in subparagraph 1 is not met ('unhealthy soil').

Or. en

Justification

The ecosystem services that are required for different functions of soil can be very different, and sometimes even conflicting. Soil health should therefore be assessed in accordance with its intended use, and not on the basis of all possible ecosystem services.

Amendment 347
Bert-Jan Ruissen

Proposal for a directive
Article 9 – paragraph 2

Text proposed by the Commission

Amendment

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

deleted

(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.

Soil is unhealthy where at least one of the criteria referred to in subparagraph 1 is not met ('unhealthy soil').

Or. en

Amendment 348
José Manuel Fernandes

Proposal for a directive
Article 9 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

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

Member States shall monitor a minimum of 5 descriptors depending on national conditions according to Article 7 (1). If 4 out of 5 descriptors are met, the soil is

healthy. If fewer than 2 out of 5 descriptors are met, the soil is considered unhealthy and Member States shall report to the Commission how to improve them and to monitor the soil every 5 years. If 3 out of 5 descriptors are met, the soil is considered to be in a state of medium health and the Member States must monitor it more frequently.

Or. en

Amendment 349

Peter Jahr, Marlene Mortler, Lena Düpont, Norbert Lins, Christine Schneider

Proposal for a directive

Article 9 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

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

Amendment

Member States shall monitor minimum of 5 descriptors depending on national conditions according to Article 7(1) in Annex I. If 4 out of 5 descriptors are met, the soil is healthy. If 0-2 out of 5 descriptors are met, the soil is unhealthy, and Member States shall report to the Commission on how to improve them and to monitor the soil every 5 years, instead of 10 years. If 3 out of 5 descriptors are met, the soil has “a medium health” and a Member State has to monitor more frequently as well.

Or. en

Amendment 350

Elsi Katainen, Ulrike Müller, Asger Christensen, Emma Wiesner

Proposal for a directive

Article 9 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

A soil is considered healthy in accordance

Amendment

A soil is considered healthy in accordance

with this Directive where ***the following*** cumulative conditions are fulfilled:

with this Directive where ***relevant*** cumulative conditions are fulfilled, ***based on the local conditions and further justified in line with the Article 18:***

Or. en

Justification

Instead of one out, all out principle, there should be flexibility for Member States to adjust the most suitable cumulative conditions for the local needs.

Amendment 351

José Manuel Fernandes

Proposal for a directive

Article 9 – paragraph 2 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) ***the values for all soil descriptors listed in part A of Annex I meet the criteria laid down therein and, where applicable, adapted in accordance with Article 7;*** ***deleted***

Or. en

Amendment 352

Annie Schreijer-Pierik

Proposal for a directive

Article 9 – paragraph 2 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(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;

(a) the values for ***a minimum of one soil descriptor*** listed in part A of Annex I ***are showing a positive trend in meeting*** the criteria laid down therein and, where applicable, adapted in accordance with Article 7;

Or. en

Amendment 353
Nicola Procaccini

Proposal for a directive
Article 9 – paragraph 2 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(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;

(a) the values for all soil **degradation aspects** listed in part A of Annex I meet the criteria laid down therein and, where applicable, adapted in accordance with Article 7;

Or. en

Amendment 354
Daniela Rondinelli

Proposal for a directive
Article 9 – paragraph 2 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(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;

(a) the values for **one of more of the** soil descriptors listed in part A of Annex I meet the criteria laid down therein and, where applicable, adapted in accordance with Article 7;

Or. it

Amendment 355
José Manuel Fernandes

Proposal for a directive
Article 9 – paragraph 2 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

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

deleted

(‘*healthy soil*’).

Or. en

Amendment 356

Annie Schreijer-Pierik

Proposal for a directive

Article 9 – paragraph 2 – subparagraph 1 – point b

Text proposed by the Commission

(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’).

Amendment

(b) the values for ***a minimum of one soil descriptor*** listed in part B of Annex I ***are showing a positive trend towards meeting*** the criteria set in accordance with Article 7 (‘healthy soil’).

Or. en

Amendment 357

Nicola Procaccini

Proposal for a directive

Article 9 – paragraph 2 – subparagraph 1 – point b

Text proposed by the Commission

(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’).

Amendment

(b) the values for all soil ***degradation aspects*** listed in part B of Annex I meet the criteria set in accordance with Article 7 (‘healthy soil’).

Or. en

Amendment 358

Daniela Rondinelli

Proposal for a directive

Article 9 – paragraph 2 – subparagraph 1 – point b

Text proposed by the Commission

(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').

Amendment

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

Or. it

Amendment 359
Nicola Procaccini

Proposal for a directive
Article 9 – paragraph 2 – subparagraph 2

Text proposed by the Commission

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.

Amendment

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.

Soil is considered degraded when 3 or less aspects of soil degradation listed in parts A and B of Annex I are identified by descriptors not meeting set criteria ("degraded soil").

Or. en

Amendment 360
Peter Jahr, Marlene Mortler, Lena Düpont, Norbert Lins, Christine Schneider

Proposal for a directive
Article 9 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

By way of derogation, artificial and heavily modified soils, as defined within Article 3, shall be excluded from meeting the conditions for healthy soils as referred

to in paragraph 2 of this Article.

Or. en

Amendment 361

Marlene Mortler, Lena Düpont, Peter Jahr, Christine Schneider, Norbert Lins

Proposal for a directive

Article 9 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

By way of derogation from the subparagraph 1, soils shall also be considered healthy if individual values do not fulfil the established criteria due to the natural heterogeneity of the soils or natural influences.

Or. de

Justification

Die Einstufung von Böden als „nicht gesund“ bei Nichterfüllung bereits eines Kriteriums der Bodendeskriptoren ist zu weitgehend. Damit wird nicht berücksichtigt, dass die Verfehlung einzelner Kriterien auch durch die natürlichen Eigenschaften und die Heterogenität der Böden, der damit verbundenen Unschärfen bei der Ermittlung der Indikatoren oder externe Faktoren wie den Klimawandel verursacht werden kann. Zudem kann eine amtlich festgestellte Einstufung eines Bodens als „nicht gesund“ massive Auswirkungen auf das Eigentum, bis hin zur eingeschränkten Beleihungsfähigkeit von Grund und Boden, nach sich ziehen.

Amendment 362

Annie Schreijer-Pierik

Proposal for a directive

Article 9 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Amendment

Soil is unhealthy where at least one of the criteria referred to in subparagraph 1 is not met ('unhealthy soil'). ***deleted***

Or. en

Amendment 363

Elsi Katainen, Jan Huitema, Ulrike Müller, Asger Christensen, Emma Wiesner

Proposal for a directive

Article 9 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Amendment

Soil is unhealthy where at least one of the criteria referred to in subparagraph 1 is not met ('unhealthy soil'). *deleted*

Or. en

Justification

Different soils have different requirements. There is need for greater flexibility for Member States.

Amendment 364

Nicola Procaccini

Proposal for a directive

Article 9 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Amendment

Soil is unhealthy *where at least one of the* criteria *referred to in subparagraph 1 is* not met ('unhealthy soil').

Soil is *considered* unhealthy *when 4 or more aspects of soil degradation listed in parts A and B of Annex I are identified by descriptors not meeting set* criteria ('unhealthy soil').

By way of derogation, artificial and heavily-modified soils, as defined within Article 3, shall be excluded from meeting the conditions for healthy soils as referred to in paragraph 2 of this Article

Or. en

Amendment 365

Peter Jahr, Marlene Mortler, Lena Düpont, Norbert Lins, Christine Schneider

Proposal for a directive

Article 9 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Soil is unhealthy *where at least one of the criteria referred to in subparagraph 1 is not met* ('unhealthy soil').

Amendment

When determining whether a soil is unhealthy, the site-specific characteristics (geogenic or anthropogenic impacts) and the utilization functions of the soil must also be taken into account when examining the criteria for the soil descriptors listed in Parts A and B of Annex I.

Or. en

Justification

Acc. to Art 9 (2) soil is unhealthy as soon as one of the soil health criteria is not met. This is a very strict systematic that reminds the one-out-all-out-approach of the EU-Water Framework. Considering that soils in the EU are not only naturally diverse but have also been significantly influenced and modified over the last decades or even centuries by human activities, it will be more than challenging for soils to comply to the health criteria. In general a more balanced assessment of soil health is urgently needed. That way site-specific characteristic as well as soil utilization functions need to be considered when assessing soil status in an appropriate balanced way.

Amendment 366

Marlene Mortler, Lena Düpont, Peter Jahr, Christine Schneider, Norbert Lins

Proposal for a directive

Article 9 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Soil is unhealthy where at least one of the criteria referred to in subparagraph 1 is not met ('unhealthy soil').

Amendment

Soil is unhealthy where at least one of the criteria referred to in subparagraph 1 is not met ('unhealthy soil') ***and this is not attributable to the natural heterogeneity of the soils or natural influences.***

Or. de

Justification

Die Einstufung von Böden als „nicht gesund“ bei Nichterfüllung bereits eines Kriteriums der Bodendeskriptoren ist zu weitgehend. Damit wird nicht berücksichtigt, dass die Verfehlung

einzelner Kriterien auch durch die natürlichen Eigenschaften und die Heterogenität der Böden, der damit verbundenen Unschärfen bei der der Ermittlung der Indikatoren oder externe Faktoren wie den Klimawandel verursacht werden kann. Zudem kann eine amtlich festgestellte Einstufung eines Bodens als „nicht gesund“ massive Auswirkungen auf das Eigentum, bis hin zur eingeschränkten Beleihungsfähigkeit von Grund und Boden, nach sich ziehen.

Amendment 367

Jérémy Decerle

Proposal for a directive

Article 9 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Soil is unhealthy where ***at least one of the criteria referred to in subparagraph 1 is not met*** ('unhealthy soil').

Amendment

A soil health index is created based on the criteria defined in Article 7. Soil is unhealthy where that index reaches its lowest value ('unhealthy soil').

Or. en

Justification

Soil health cannot be evaluated on a binary basis. To ensure adequate measures to be taken to improve soil health, an index should be created, in order to identify different degrees of improvement. A soil should be considered as unhealthy only when the index reaches its lowest value.

Amendment 368

Annie Schreijer-Pierik

Proposal for a directive

Article 9 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Soil is ***unhealthy*** where at least ***one*** of the criteria referred to in subparagraph 1 ***is not met*** ('unhealthy soil').

Amendment

Soil is ***considered to be less healthy*** where at least ***3*** of the criteria referred to in subparagraph 1 ***are showing a negative trend*** ('unhealthy soil').

Or. en

Amendment 369
Daniela Rondinelli

Proposal for a directive
Article 9 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Soil is unhealthy where at least one of the criteria referred to in subparagraph 1 is not met ('unhealthy soil').

Amendment

For the purposes of this Directive, soil is considered healthy when classified either with 'good' or 'high' ecological status.

Or. it

Amendment 370
Daniel Buda, Dan-Ștefan Motreanu

Proposal for a directive
Article 9 – paragraph 2 – subparagraph 3 a (new)

Text proposed by the Commission

Amendment

The Commission shall define a Soil Health Index for every type of soil present in the Union through a delegated act during the monitoring period of this Directive. The Soil Health Index shall serve as an alternative comprehensive metric for assessing the overall health and quality of soil, taking into consideration multiple indicators that reflect the overall health status and quality of the soil. Member States shall integrate the Soil Health Index into their national monitoring and reporting systems as required by this Directive.

Or. en

Amendment 371
Jan Huitema, Emma Wiesner, Asger Christensen, Atidzhe Alieva-Veli

Proposal for a directive
Article 9 – paragraph 3 – subparagraph 1

Text proposed by the Commission

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.

Amendment

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 ***relating to the intended function of the soil***, taking into account the relevant data and available scientific knowledge.

Or. en

Amendment 372

Jan Huitema, Emma Wiesner, Asger Christensen, Atidzhe Alieva-Veli

Proposal for a directive

Article 9 – paragraph 3 – subparagraph 2

Text proposed by the Commission

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 the objectives and targets established under Regulation (EU) 2018/841.***

Amendment

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 ***relating to the intended function of the soil.***

Or. en

Amendment 373

Maria Noichl

Proposal for a directive

Article 9 – paragraph 3 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

If the assessment under Article 9(3) indicates an unhealthy condition of the soil, the obligation for Member States to take measures should be triggered. In such cases, the competent authority shall take the necessary measures to bring the

soil in a healthy status taking into account the natural condition and the economic and technical feasibility of the measures.

Or. en

Amendment 374

Sarah Wiener

on behalf of the Verts/ALE Group

Proposal for a directive

Article 9 – paragraph 4

Text proposed by the Commission

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.

Amendment

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, *reinforce actions pursuant to Articles 10, 11, 12, 13, 14, and 15 of this directive*, and inform the public in accordance with Article 19.

Or. en

Amendment 375

Elsi Katainen, Ulrike Müller, Asger Christensen, Emma Wiesner

Proposal for a directive

Article 9 – paragraph 4

Text proposed by the Commission

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*.

Amendment

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 *directly the land owners and land managers and the*

public *when relevant*.

Or. en

Justification

In the case of the private owner, there is also need for anonym data. Naming and shaming should be avoided. Only in the most critical situations there is a possible need for public information sharing.

Amendment 376

Daniel Buda, Dan-Ştefan Motreanu

Proposal for a directive

Article 9 – paragraph 4

Text proposed by the Commission

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.

Amendment

4. Based on the assessment of soil health carried out in accordance with this Article, the competent authority shall, where relevant in coordination with **land owners and managers**, local, regional, national authorities, identify, in each soil district, the areas which present unhealthy soils and inform the public in accordance with Article 19.

Or. en

Amendment 377

Annie Schreijer-Pierik

Proposal for a directive

Article 9 – paragraph 4

Text proposed by the Commission

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

Amendment

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 **land owner**

accordance with Article 19.

and land manager in accordance with Article 19.

Or. en

Amendment 378

Jan Huitema, Emma Wiesner, Asger Christensen, Atidzhe Alieva-Veli

Proposal for a directive

Article 9 – paragraph 4

Text proposed by the Commission

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.***

Amendment

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, the areas which present unhealthy soils ***in relation to the intended function of the soil.***

Or. en

Amendment 379

Elsi Katainen, Jan Huitema, Jérémy Decerle, Ulrike Müller, Asger Christensen, Emma Wiesner

Proposal for a directive

Article 9 – paragraph 5 – subparagraph 1

Text proposed by the Commission

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.

Amendment

deleted

Or. en

Justification

Voluntary certification should be coherent with the carbon farming certification and several different certifications would be administratively heavy and confusing.

Amendment 380

José Manuel Fernandes

Proposal for a directive

Article 9 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Amendment

5. Member States shall set up a mechanism for a voluntary soil health certification for land owners and managers pursuant to the conditions in paragraph 2 of this Article. *deleted*

Or. en

Amendment 381

Marlene Mortler, Lena Düpont, Peter Jahr, Christine Schneider, Norbert Lins

Proposal for a directive

Article 9 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Amendment

Member States shall set up a mechanism for a voluntary soil health certification for land owners and managers pursuant to the conditions in paragraph 2 of this Article. *deleted*

Or. de

Justification

Voluntary certification of soil health has no recognisable benefit for landowners and land managers, but would however engender a considerable amount of bureaucracy.

Amendment 382

Maria Noichl

Proposal for a directive

Article 9 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Amendment

Member States shall set up a mechanism for a voluntary soil health certification for land owners and managers pursuant to the conditions in paragraph 2 of this Article.

deleted

Or. en

Amendment 383

Annie Schreijer-Pierik

Proposal for a directive

Article 9 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Amendment

Member States shall set up a mechanism for a voluntary soil health certification for land owners and managers pursuant to the conditions in paragraph 2 of this Article.

deleted

Or. en

Justification

Setting up such a certification scheme will lead to unnecessarily high costs and burdens. And without even knowing whether such a certificate scheme will actually bring value.

Amendment 384

Sarah Wiener

on behalf of the Verts/ALE Group

Proposal for a directive

Article 9 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Amendment

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.

Based on the harmonised format to be proposed by the Commission, 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.

Or. en

Amendment 385

Elsi Katainen, Jan Huitema, Jérémy Decerle, Ulrike Müller, Asger Christensen, Emma Wiesner

Proposal for a directive

Article 9 – paragraph 5 – subparagraph 2

Text proposed by the Commission

Amendment

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. ***deleted***

Or. en

Justification

Voluntary certification should be coherent with the carbon farming certification and several different certifications would be administratively heavy and confusing.

Amendment 386

José Manuel Fernandes

Proposal for a directive

Article 9 – paragraph 5 – subparagraph 2

Text proposed by the Commission

Amendment

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. ***deleted***

Or. en

Amendment 387
Annie Schreijer-Pierik

Proposal for a directive
Article 9 – paragraph 5 – subparagraph 2

Text proposed by the Commission

Amendment

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.

deleted

Or. en

Justification

Setting up such a certification scheme will lead to unnecessarily high costs and burdens. And without even knowing whether such a certificate scheme will actually bring value.

Amendment 388
Maria Noichl

Proposal for a directive
Article 9 – paragraph 5 – subparagraph 2

Text proposed by the Commission

Amendment

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.***

The Commission may ***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. The potential problem of an increase of agricultural land prices and speculations with agricultural land has to be addressed and appropriate social safeguards have to be put in place.***

Or. en

Amendment 389
Daniel Buda, Dan-Ştefan Motreanu

Proposal for a directive
Article 9 – paragraph 5 – subparagraph 2

Text proposed by the Commission

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.

Amendment

The Commission *shall* 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.

Or. en

Amendment 390
Sarah Wiener
on behalf of the Verts/ALE Group

Proposal for a directive
Article 9 – paragraph 5 – subparagraph 2

Text proposed by the Commission

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.

Amendment

The Commission *shall* 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.

Or. en

Amendment 391
Marlene Mortler, Lena Düpont, Peter Jahr, Christine Schneider, Norbert Lins

Proposal for a directive
Article 9 – paragraph 6

Text proposed by the Commission

(6) Member States shall communicate soil health data and assessment referred

Amendment

deleted

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).

Or. de

Amendment 392

Maria Noichl

Proposal for a directive

Article 9 – paragraph 6

Text proposed by the Commission

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).

Amendment

6. Member States shall communicate soil health data and assessment referred to in Articles 6 to 9 to the ***public, including relevant stakeholders such as*** land owners and land managers, in particular to support the development of the advice referred to in Article 10(3). ***Soil health data shall be made accessible and be communicated automatically and in a user-friendly format to the respective land owners and land managers.***

Or. en

Amendment 393

Petros Kokkalis

Proposal for a directive

Article 9 – paragraph 6

Text proposed by the Commission

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

Amendment

6. Member States shall ***proactively*** communicate ***and disseminate*** soil health data and assessment referred to in Articles 6 to 9 to the relevant land owners and land managers, in particular to support the development of the advice referred to in Article 10(3). ***Soil health data shall be***

Article 10(3).

communicated to the relevant land owners and land managers in a user-friendly format and without undue delay.

Or. en

Amendment 394

Sarah Wiener

on behalf of the Verts/ALE Group

Proposal for a directive

Article 9 – paragraph 6

Text proposed by the Commission

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).

Amendment

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 ***and make available, free of charge, to the citizens of the relevant soil district***, in particular to support the development of the advice referred to in Article 10(3).

Or. en

Amendment 395

Elsi Katainen, Jan Huitema, Ulrike Müller, Asger Christensen

Proposal for a directive

Article 9 – paragraph 6

Text proposed by the Commission

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).

Amendment

6. Member States shall communicate ***automatically*** soil health data and assessment referred to in Articles 6 to 9 to the relevant land owners and land managers ***within relevant timeframe***, in particular to support the development of the advice referred to in Article 10(3).

Or. en

Justification

For reaching effective actions there is need for automatic information delivery for land owners and land managers.

Amendment 396

Daniel Buda

Proposal for a directive

Article 9 – paragraph 6

Text proposed by the Commission

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).

Amendment

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, in particular to support the development of the advice referred to in Article 10(3).

Or. en

Amendment 397

Bert-Jan Ruissen

Proposal for a directive

Article 10

Text proposed by the Commission

[...]

Amendment

deleted

Or. en

Justification

This Article goes beyond monitoring and does not meet the criteria of subsidiarity and proportionality.

Amendment 398

Marlene Mortler, Lena Düpont, Peter Jahr, Christine Schneider, Norbert Lins

Proposal for a directive
Article 10 – paragraph 1

Text proposed by the Commission

Amendment

(1) From (OP: please insert the date = deleted
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:

(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;

(b) defining soil management
practices and other practices affecting
negatively the soil health to be avoided by
soil managers.

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.

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 programmes, plans
and measures set out in Annex IV.

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.

Or. de

Justification

The provisions on sustainable land management in Article 10 of and Annex III to the proposal are not needed. There are already numerous rules and measures with the same objective. The conditionality requirements of the current CAP constitute comprehensive criteria for sustainable land management. De facto secondary legislation by virtue of the proposal's additional requirements would lead to areas of primary competence such as the CAP and the objective of sovereign food production being undermined.

Amendment 399
Nicola Procaccini

Proposal for a directive
Article 10 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

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:

Amendment

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 ***active productive agricultural, forestry, or industrial model, crop rotation***, type, use and condition of soil:

Or. en

Amendment 400
Bert-Jan Ruissen

Proposal for a directive
Article 10 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

From (OP: please insert the date = 4 years after date of entry into force of the Directive), Member States shall take at

Amendment

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:

least the following measures, taking into account the ***active productive agricultural, forestry, or industrial model***, type, use and condition of soil:

Or. en

Amendment 401

Elsi Katainen, Jan Huitema, Ulrike Müller, Asger Christensen, Emma Wiesner

Proposal for a directive

Article 10 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

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:

Amendment

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 ***geographical and climatic difference***, type, ***current and planned*** use and condition of soil:

Or. en

Justification

More flexibility is needed at the level of the Member State

Amendment 402

Alexander Bernhuber

Proposal for a directive

Article 10 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

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:

Amendment

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 ***activity model (e.g. agriculture, forestry, industry)***, type, use and condition of soil:

Amendment 403
Annie Schreijer-Pierik

Proposal for a directive
Article 10 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

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:

Amendment

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, ***and natural and historical circumstances:***

Or. en

Amendment 404
Petros Kokkalis

Proposal for a directive
Article 10 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

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:

Amendment

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 ***geographical and climatic differences***, type, use and condition of soil:

Or. en

Amendment 405
Daniela Rondinelli

Proposal for a directive
Article 10 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

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:

Amendment

From (OP: please insert the date = 4 years after date of entry into force of the Directive), Member States, taking into account the type, use and condition of soil:

Or. it

Amendment 406

Daniel Buda, Dan-Ştefan Motreanu

Proposal for a directive

Article 10 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

(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;

Amendment

(a) defining ***national or regional*** sustainable soil management practices respecting the sustainable soil management principles listed in Annex III to be gradually ***adopted on*** 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. ***In order for farmers to gradually adopt more sustainable soil management practices, Member States shall identify and provide incentives, such as financial assistance, soil-sampling opportunities or tailored counselling through farm advisory systems.***

Or. en

Amendment 407

Jan Huitema, Emma Wiesner

Proposal for a directive

Article 10 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(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;***

(a) defining sustainable soil management practices ***based upon*** the sustainable soil management principles listed in Annex III to be ***recommended to soil managers;***

Or. en

Amendment 408

Petri Sarvamaa

Proposal for a directive

Article 10 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(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;***

(a) defining ***national*** sustainable soil management practices, ***taking into account the voluntary*** sustainable soil management principles listed in Annex III to be ***encouraged*** on all managed soils

Or. en

Amendment 409

Peter Jahr, Marlene Mortler, Lena Düpont, Norbert Lins, Christine Schneider

Proposal for a directive

Article 10 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

(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;

Amendment

(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 ***in situations where soil is unhealthy, and insofar as the intended type of land use is unaffected***, on the unhealthy soils ***concerned*** in the Member States;

Or. de

Justification

Soils considered unhealthy under this directive should continue to be usable for certain purposes if the intended type of land use is not affected. It is therefore important to make a distinction between possible regeneration measures with regard to land use.

Amendment 410

Sarah Wiener

on behalf of the Verts/ALE Group

Proposal for a directive

Article 10 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

(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;

Amendment

(a) defining ***and enforcing*** sustainable soil management practices ***fully*** respecting the sustainable soil management principles listed in Annex III, ***as well as the principles set out in GAECs 1, 2, 5, 6 and 7 as set out in Regulation (EU) 2021/2115***, to be implemented on all managed soils ***by 2030*** and, on the basis of the outcome of the soil assessments carried out in accordance with Article 9, regeneration practices to be implemented on the unhealthy soils in the Member States;

Amendment 411

Paolo De Castro, Clara Aguilera, Daniela Rondinelli

Proposal for a directive

Article 10 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

(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;

Amendment

(a) defining sustainable, ***effective and predictable*** soil management practices ***taking into account the type, use and conditions of the soil and*** 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;

Amendment 412

Petros Kokkalis

Proposal for a directive

Article 10 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

(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;

Amendment

(a) defining sustainable soil management practices respecting the sustainable soil management principles listed in Annex III to be gradually implemented on all managed soils ***taking into consideration local conditions in the soil districts,*** 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;

Amendment 413
Bert-Jan Ruissen

Proposal for a directive
Article 10 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

(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;***

Amendment

(a) ***(a)*** defining sustainable soil management practices respecting sustainable soil management principles ***such as*** listed in Annex III to be gradually ***and voluntarily*** implemented on ***EU managed*** soils, ***and which shall be actively supported through Union and national funding;***

Amendment 414
Nicola Procaccini

Proposal for a directive
Article 10 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

(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;***

Amendment

(a) defining ***national*** sustainable soil management practices ***taking into account the voluntary*** sustainable soil management principles listed in Annex III ***that shall be voluntarily*** implemented on all managed soils, and ***which shall be actively supported through Union and national funding;***

Amendment 415

Elsi Katainen, Ulrike Müller, Asger Christensen, Martin Hlaváček

Proposal for a directive

Article 10 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

(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;

Amendment

(a) defining sustainable soil management practices respecting the ***indicative list of*** sustainable soil management principles listed in Annex III to be gradually implemented on all managed soils and ***based on the local needs***, 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;

Or. en

Justification

More flexibility is needed at the level of the Member State

Amendment 416

Anne Sander

Proposal for a directive

Article 10 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

(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;

Amendment

(a) defining sustainable soil management practices respecting the sustainable soil management principles listed in Annex III to be gradually ***and voluntarily*** 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;

Or. fr

Amendment 417

Annie Schreijer-Pierik

Proposal for a directive

Article 10 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

(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;

Amendment

(a) defining sustainable soil management practices respecting the sustainable soil management principles listed in Annex III to be gradually implemented on managed soils. 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;

Or. en

Amendment 418

Alexander Bernhuber

Proposal for a directive

Article 10 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

(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;

Amendment

(a) **taking into account national** sustainable soil management practices **while also taking into account the voluntary** sustainable soil management principles listed in Annex III **that may be** implemented on **a voluntary basis on** managed soils, **where the intended type of land use is compromised because the soil is considered** to be unhealthy in the Member States;

Or. en

Amendment 419

Daniel Buda, Dan-Ştefan Motreanu

Proposal for a directive

Article 10 – paragraph 1 – subparagraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) Member States shall consider the Good Agricultural and Environmental Conditions (GAECs) referred to in Regulation (EU) 2021/2115 as sustainable soil management practices.

Or. en

Amendment 420

Paola Ghidoni, Angelo Ciocca, Elena Lizzi, Rosanna Conte, Gilles Lebreton

Proposal for a directive

Article 10 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) defining soil management practices and other practices affecting negatively the soil health to be avoided by soil managers.

deleted

Or. en

Amendment 421

Daniel Buda, Dan-Ştefan Motreanu

Proposal for a directive

Article 10 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) defining soil management practices and other practices affecting negatively the soil health to be avoided by soil managers.

(b) defining soil management practices and other practices affecting negatively the soil health to be avoided by soil managers. *Soil management practices that reduce yield and threaten food security shall not be included in this category.*

Amendment 422

Elsi Katainen, Jan Huitema, Ulrike Müller, Asger Christensen, Emma Wiesner, Atidzhe Alieva-Veli, Martin Hlaváček

Proposal for a directive

Article 10 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

(b) defining soil management practices and other practices affecting ***negatively*** the soil health to be avoided by soil managers.

Amendment

(b) defining soil management practices and other practices affecting ***significantly*** the soil health ***negatively*** to be avoided by soil managers, ***taking account the difference on different soil types.***

Or. en

Justification

One practice may be good for some soil, while be bad for other. This should be taken into account also on defining these.

Amendment 423

Sarah Wiener

on behalf of the Verts/ALE Group

Proposal for a directive

Article 10 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

(b) defining soil management practices and other practices ***affecting*** negatively ***the*** soil health ***to*** be avoided by soil managers.

Amendment

(b) defining soil management practices and other practices ***that*** negatively ***affect*** soil health, ***which shall*** be avoided by soil managers, ***finding ways to disincentivise and prevent these practices***

Or. en

Amendment 424

Paolo De Castro, Clara Aguilera, Daniela Rondinelli

Proposal for a directive

Article 10 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

(b) defining soil management practices and other practices affecting negatively the soil health to be avoided by soil managers.

Amendment

(b) defining soil management practices and other practices affecting negatively the soil health to be **reduced or** avoided by soil managers.

Or. en

Amendment 425

Nicola Procaccini

Proposal for a directive

Article 10 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

(b) defining soil management practices and other practices affecting negatively the soil health to be avoided by soil managers.

Amendment

(b) defining **national** soil management practices and other practices affecting negatively the soil health to be avoided by soil managers.

Or. en

Amendment 426

Alexander Bernhuber

Proposal for a directive

Article 10 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

(b) defining soil management practices and other practices affecting negatively the soil health to be avoided by soil managers.

Amendment

(b) defining **national** soil management practices and other practices affecting negatively the soil health to be avoided by soil managers.

Or. en

Amendment 427
Petri Sarvamaa

Proposal for a directive
Article 10 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

(b) defining soil management practices and other practices affecting negatively the soil health to be avoided by soil managers.

Amendment

(b) defining ***national*** soil management practices and other practices affecting negatively the soil health to be avoided by soil managers.

Or. en

Amendment 428
Sarah Wiener
on behalf of the Verts/ALE Group

Proposal for a directive
Article 10 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall list and detail the practices to be implemented and the practices to be avoided as well as the details of measures listed in paragraph 2 in a sustainable soil management implementation plan at latest 2 years after the entry into force of this directive, to be made publically available.

Or. en

Amendment 429
Nicola Procaccini

Proposal for a directive
Article 10 – paragraph 1 – subparagraph 2

Text proposed by the Commission

When defining the practices and measures referred to in this paragraph, Member

Amendment

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.

States shall take into account *costs, benefits, effectiveness, durability,* programmes, plans, targets and measures listed in Annex IV as well as the latest *practical* existing scientific knowledge *and local conditions* including results coming out of the Horizon Europe Mission a Soil Deal for Europe.

Or. en

Amendment 430
Petros Kokkalis

Proposal for a directive
Article 10 – paragraph 1 – subparagraph 2

Text proposed by the Commission

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.

Amendment

When *preparing their national soil health plans and* 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.

Or. en

Amendment 431
Alexander Bernhuber

Proposal for a directive
Article 10 – paragraph 1 – subparagraph 2

Text proposed by the Commission

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

Amendment

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 *and local*

results coming out of the Horizon Europe Mission a Soil Deal for Europe.

conditions and specificities, including results coming out of the Horizon Europe Mission a Soil Deal for Europe.

Or. en

Amendment 432

Elsi Katainen, Jan Huitema, Ulrike Müller, Asger Christensen, Atidzhe Alieva-Veli

Proposal for a directive

Article 10 – paragraph 1 – subparagraph 2

Text proposed by the Commission

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.

Amendment

When defining the practices and measures referred to in this paragraph, Member States shall take into account the ***an indicative list of*** 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.

Or. en

Justification

The list should be based on the minimum criteria and Member States can expand the indicative list.

Amendment 433

Petri Sarvamaa

Proposal for a directive

Article 10 – paragraph 1 – subparagraph 2

Text proposed by the Commission

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***

Amendment

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 ***practical and*** existing scientific knowledge

results coming out of the Horizon Europe Mission a Soil Deal for Europe.

and local conditions.

Or. en

Amendment 434

Petros Kokkalis

Proposal for a directive

Article 10 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Based on 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, Member States shall draw up a soil health plan, identifying synergies with the programmes, plans and measures set out in Annex IV.

Or. en

Amendment 435

Petri Sarvamaa

Proposal for a directive

Article 10 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Amendment

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 programmes, plans and measures set out in Annex IV.***

Member States shall identify synergies with the programmes, plans and measures set out in Annex IV.

Or. en

Amendment 436

Peter Jahr, Marlene Mortler, Lena Düpont, Norbert Lins, Christine Schneider

Proposal for a directive

Article 10 – paragraph 1 – subparagraph 3

Text proposed by the Commission

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 programmes, plans and measures set out in Annex IV.

Amendment

Member States shall duly categorise the practices and measures referred to in this paragraph with regard to the intended type of land use. 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 programmes, plans and measures set out in Annex IV.

Or. de

Justification

Soils considered unhealthy under this directive should continue to be usable for certain purposes if the intended type of land use is not affected. It is therefore important to make a distinction between possible regeneration measures with regard to land use.

Amendment 437

Elsi Katainen, Jan Huitema, Ulrike Müller, Asger Christensen, Atidzhe Alieva-Veli

Proposal for a directive

Article 10 – paragraph 1 – subparagraph 3

Text proposed by the Commission

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 programmes, plans and measures set out in Annex IV.

Amendment

Member States shall identify synergies with the programmes, plans and measures set out in ***an indicative list of*** 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 programmes, plans and measures set out in Annex IV.

Justification

The list should be based on the minimum criteria and Member States can expand the indicative list.

Amendment 438
Petros Kokkalis

Proposal for a directive
Article 10 – paragraph 1 – subparagraph 4

Text proposed by the Commission

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.

Amendment

Member States shall ensure that the process of elaboration, ***review and revision*** of the practices referred to in the first subparagraph is open, inclusive and effective and that the public concerned, ***such as*** landowners and managers, ***researchers, citizens, non-governmental organisations promoting the protection of human health, agroecological food systems or the environment*** are involved and are given early and effective opportunities to participate in ***all stages of*** their elaboration.

Or. en

Amendment 439
Alexander Bernhuber

Proposal for a directive
Article 10 – paragraph 1 – subparagraph 4

Text proposed by the Commission

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

Amendment

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 ***land*** managers, are involved and are

early and effective opportunities to participate in their elaboration.

given early and effective opportunities to participate in their elaboration.

Or. en

Amendment 440

Peter Jahr, Marlene Mortler, Lena Düpont, Norbert Lins, Christine Schneider

Proposal for a directive

Article 10 – paragraph 1 – subparagraph 4

Text proposed by the Commission

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.

Amendment

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 landowners and managers are involved and are given early and effective opportunities to participate in their elaboration.

Or. en

Amendment 441

Sarah Wiener

on behalf of the Verts/ALE Group

Proposal for a directive

Article 10 – paragraph 1 – subparagraph 4

Text proposed by the Commission

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.

Amendment

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, ***including*** landowners, managers, ***non-governmental organisations and researchers*** are involved and are given early and effective opportunities to participate in their elaboration.

Amendment 442

Elsi Katainen, Ulrike Müller, Asger Christensen, Emma Wiesner

Proposal for a directive

Article 10 – paragraph 1 – subparagraph 4 a (new)

Text proposed by the Commission

Amendment

Member State shall ensure that sustainable soil management practices are technically feasible and duly taking into account the socio economic effects.

Or. en

Justification

In the light of the sustainability, it is important to ensure the balance between three pillars of the sustainability, environmental, economical and social

Amendment 443

Maria Noichl

Proposal for a directive

Article 10 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Commission shall provide knowledge and assistance to Member States and soil districts competent authorities regarding the implementation of sustainable soil management practices as part of the soil district plans by establishing a database of best practices. This database can be expanded with measures and actions implemented by the different soil districts if these measures were not originally present in the first version provided by the Commission or if the soil district competent authorities or Member States are able to provide scientific evidence of positive impact of

the adopted measure. To reduce the burden on Member States, this database of best practices shall contain information on the relevance and impact of each practice based on soil type, land use and climatic conditions.

Or. en

Amendment 444
Annie Schreijer-Pierik

Proposal for a directive
Article 10 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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.

Amendment

Member States shall ensure easy access to impartial and independent advice on sustainable soil management, training activities and capacity building for soil managers, landowners, **land managers** and relevant authorities.

Or. en

Amendment 445
Daniela Rondinelli

Proposal for a directive
Article 10 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

With a view to combating the dangerous phenomenon of land abandonment while simultaneously facilitating sustainable land management, Member States shall encourage the allocation of such land as a matter of priority to young farmers within the meaning of Article 4(6) of Regulation (EU) No 2021/2115 of the European Parliament and of the Council of 2 December 2021.

Amendment 446
Petros Kokkalis

Proposal for a directive
Article 10 – paragraph 2 – subparagraph 2 – point b

Text proposed by the Commission

Amendment

(b) promoting research and implementation of holistic soil management concepts;

(b) promoting research, ***innovation*** and implementation of holistic soil management concepts;

Or. en

Amendment 447
Elsi Katainen, Ulrike Müller, Asger Christensen

Proposal for a directive
Article 10 – paragraph 2 – subparagraph 2 – point b

Text proposed by the Commission

Amendment

(b) promoting research and implementation of ***holistic*** soil management concepts;

(b) promoting research and implementation of ***sustainable*** soil management concepts;

Or. en

Justification

There is no need for different definition, between holistic and sustainable.

Amendment 448
Maria Noichl

Proposal for a directive
Article 10 – paragraph 2 – subparagraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) strengthening the knowledge exchange and the roll-out of independent

farm advisory services in line with Article 15 of Regulation (EU) 2021/2115.

Or. en

Amendment 449

Petros Kokkalis

Proposal for a directive

Article 10 – paragraph 2 – subparagraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) strengthening knowledge exchange and the roll-out of independent farm advisory services in line with Article 15 of Regulation (EU) 2021/2115.

Or. en

Amendment 450

Petros Kokkalis

Proposal for a directive

Article 10 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Soil management practices established as EU standards for good agricultural and environmental condition of land (GAEC) as referred to in Regulation (EU) 2021/2115 shall be obligatory for all land and soil users within the Member States.

The GAEC standards shall constitute a baseline for the definition of sustainable soil management practices by each Member State in accordance with paragraph 1 of this Article. Soil management practices established as EU standards for good agricultural and environmental condition of land (GAEC) as referred to in Regulation (EU)

2021/2115 shall be obligatory for all land and soil users within the Member States. The GAEC standards shall constitute a baseline for the definition of sustainable soil management practices by each Member State in accordance with paragraph 1 of this Article.

Or. en

Amendment 451
Maria Noichl

Proposal for a directive
Article 10 – paragraph 3

Text proposed by the Commission

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.

Amendment

3. Member States shall assess the effectiveness of the measures taken in accordance with this Article **at least every 5 years** and, where relevant, review and revise those measures, taking into account the soil health monitoring and assessment referred to in Articles 6 to 9, **in order to ensure that the binding soil health targets included in Article 1 are achieved.**

Or. en

Amendment 452
Petros Kokkalis

Proposal for a directive
Article 10 – paragraph 3

Text proposed by the Commission

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

Amendment

3. Member States shall **at least every three years or more**, regularly assess the effectiveness of the **practices and** measures taken in accordance with this Article **and included in the national soil health plans** and, where relevant, review and revise those measures, taking into account the soil

to in Articles 6 to 9.

health monitoring and assessment referred
to in Articles 6 to 9.

Or. en

Amendment 453

Marlene Mortler, Lena Düpont, Peter Jahr, Christine Schneider, Norbert Lins

Proposal for a directive

Article 10 – paragraph 4

Text proposed by the Commission

Amendment

**(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 management
principles to take into account scientific
and technical progress.** **deleted**

Or. de

Justification

The provisions on sustainable land management in Article 10 of and Annex III to the proposal are not needed. There are already numerous rules and measures with the same objective. The conditionality requirements of the current CAP constitute comprehensive criteria for sustainable land management. De facto secondary legislation by virtue of the proposal's additional requirements would lead to areas of primary competence such as the CAP and the objective of sovereign food production being undermined.

Amendment 454

Anne Sander

Proposal for a directive

Article 10 – paragraph 4

Text proposed by the Commission

Amendment

**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 management
principles to take into account scientific
and technical progress.** **deleted**

Amendment 455
Petri Sarvamaa

Proposal for a directive
Article 10 – paragraph 4

Text proposed by the Commission

Amendment

**4. *The Commission is empowered to* *deleted*
adopt delegated acts in accordance with
Article 20 to amend Annex III in order to
adapt the sustainable soil management
principles to take into account scientific
*and technical progress.***

Or. en

Amendment 456
Elsi Katainen, Jan Huitema, Ulrike Müller, Asger Christensen

Proposal for a directive
Article 10 – paragraph 4

Text proposed by the Commission

Amendment

**4. *The Commission is empowered to* *deleted*
adopt delegated acts in accordance with
Article 20 to amend Annex III in order to
adapt the sustainable soil management
principles to take into account scientific
*and technical progress.***

Or. en

Justification

Annex III should be indicative list of possible sustainable soil management principles, not exhaustive list of actions.

Amendment 457
Annie Schreijer-Pierik

Proposal for a directive
Article 10 – paragraph 4

Text proposed by the Commission

Amendment

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 management principles to take into account scientific and technical progress.

deleted

Or. en

Amendment 458
Nicola Procaccini

Proposal for a directive
Article 10 – paragraph 4

Text proposed by the Commission

Amendment

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 management principles to take into account scientific and technical progress.

deleted

Or. en

Amendment 459
Alexander Bernhuber

Proposal for a directive
Article 10 – paragraph 4

Text proposed by the Commission

Amendment

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 management principles to take into account scientific

4. The Commission *will provide technical guidelines* in order to adapt the sustainable soil management principles to take into account scientific and technical progress.

and technical progress.

Or. en

Amendment 460

Jan Huitema, Emma Wiesner

Proposal for a directive

Article 11

Text proposed by the Commission

Amendment

Article 11

deleted

Land take mitigation principles

Member States shall ensure that the following principles are respected in case of land take:

- (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:*
 - (i) reducing the area affected by the land take to the extent possible and*
 - (ii) selecting areas where the loss of ecosystem services would be minimized and*
 - (iii) performing the land take in a way that minimizes the negative impact on soil;*
- (b) compensate as much as possible the loss of soil capacity to provide multiple ecosystem services.*

Or. en

Amendment 461

Sarah Wiener

on behalf of the Verts/ALE Group

Proposal for a directive

Article 11 – title

Text proposed by the Commission

Amendment

Land take mitigation principles

Land take mitigation principles **and targets**

Or. en

Amendment 462

Sarah Wiener

on behalf of the Verts/ALE Group

Proposal for a directive

Article 11 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. Member States shall aim to continuously reduce land take with a view to achieving the objective of zero net land take by 2050 at the latest, and reduce by half the consumption of natural space, agricultural land and forests between 2025 and 2035 as compared to the period 2015-2025, while respecting land already designated national and Union protected status.

Or. en

Amendment 463

Maria Noichl

Proposal for a directive

Article 11 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

Member States shall ensure that the following principles are respected ***in case of land take:***

The target of "no net land take by 2050", set in 2013 as part of the 7th EU Environment Action Programme, must be achieved. Member States shall ensure that the following principles are respected ***therefore:***

Or. en

Amendment 464
Petros Kokkalis

Proposal for a directive
Article 11 – paragraph 1 – introductory part

Text proposed by the Commission

Member States shall ensure that the following principles are respected in case of land take:

Amendment

Member States shall ***put appropriate measures in place to achieve the target of zero net land take by 2050 and*** ensure that the following principles are respected in case of land take:

Or. en

Amendment 465
Elsi Katainen, Ulrike Müller, Asger Christensen

Proposal for a directive
Article 11 – paragraph 1 – introductory part

Text proposed by the Commission

Member States ***shall ensure that*** the following ***principles are respected*** in case of land take:

Amendment

Member States ***are encouraged to considerate*** the following ***aspects*** in case of land take, ***while taking into account the specificities of the local level:***

Or. en

Justification

Local level and use of the land should be always taken into account.

Amendment 466
Elsi Katainen, Ulrike Müller, Asger Christensen, Atidzhe Alieva-Veli

Proposal for a directive
Article 11 – paragraph 1 – point a – introductory part

Text proposed by the Commission

(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:

Amendment

(a) avoid or reduce as much as technically, ***socially*** and economically possible the loss of the capacity of the soil to provide multiple ecosystem services, including ***agriculture***, food production ***and sustainable forest management***, by:

Or. en

Amendment 467

Daniel Buda

Proposal for a directive

Article 11 – paragraph 1 – point a – introductory part

Text proposed by the Commission

(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:

Amendment

(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 agricultural, forestry, and horticultural*** production, by:

Or. en

Amendment 468

Daniela Rondinelli

Proposal for a directive

Article 11 – paragraph 1 – point a – introductory part

Text proposed by the Commission

(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:

Amendment

(a) avoid the loss of the capacity of the soil to provide multiple ecosystem services, including food production, by:

Or. it

Amendment 469
Petri Sarvamaa

Proposal for a directive
Article 11 – paragraph 1 – point a – introductory part

Text proposed by the Commission

(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:

Amendment

(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 ***and sustainable forest management***, by:

Or. en

Amendment 470
Petros Kokkalis

Proposal for a directive
Article 11 – paragraph 1 – point a – introductory part

Text proposed by the Commission

(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:

Amendment

(a) avoid the loss of the capacity of the soil to provide multiple ecosystem services, including food production, by:

Or. en

Amendment 471
Jérémy Decerle

Proposal for a directive
Article 11 – paragraph 1 – point a – introductory part

Text proposed by the Commission

(a) avoid or reduce ***as much as technically and economically possible*** the

Amendment

(a) avoid or reduce the loss of the capacity of the soil to provide multiple

loss of the capacity of the soil to provide multiple ecosystem services, including food production, by:

ecosystem services, including food production, by:

Or. en

Amendment 472
Martin Hlaváček

Proposal for a directive
Article 11 – paragraph 1 – point a – introductory part

Text proposed by the Commission

Amendment

(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 as much as possible the loss of the capacity of the soil to provide multiple ecosystem services, including food production, by:

Or. en

Amendment 473
Sarah Wiener
on behalf of the Verts/ALE Group

Proposal for a directive
Article 11 – paragraph 1 – point a – introductory part

Text proposed by the Commission

Amendment

(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 ***continuously and significantly*** reduce the loss of the capacity of the soil to provide multiple ecosystem services, including food production, by:

Or. en

Amendment 474
Anne Sander

Proposal for a directive

Article 11 – paragraph 1 – point a – point i

Text proposed by the Commission

- (i) reducing the area affected by the land take ***to the extent*** possible and

Amendment

- (i) reducing the area affected by the land take ***where*** possible and

Or. fr

Amendment 475

Daniela Rondinelli

Proposal for a directive

Article 11 – paragraph 1 – point a – point i

Text proposed by the Commission

- (i) ***reducing*** the area affected by the land take ***to the extent possible*** and

Amendment

- (i) ***progressively eliminate*** the area affected by the land take and

Or. it

Amendment 476

Martin Hlaváček

Proposal for a directive

Article 11 – paragraph 1 – point a – point i

Text proposed by the Commission

- (i) reducing the area affected by the land take ***to the extent*** possible and

Amendment

- (i) reducing the area affected by the land take ***as much as*** possible and

Or. en

Amendment 477

Petros Kokkalis

Proposal for a directive

Article 11 – paragraph 1 – point a – point i

Text proposed by the Commission

(i) reducing the area affected by the land take ***to the extent possible*** and

Amendment

(i) reducing the area affected by the land take and

Or. en

Amendment 478
Maria Noichl

Proposal for a directive
Article 11 – paragraph 1 – point a – point ii

Text proposed by the Commission

(ii) selecting areas where the loss of ecosystem services would be minimized and

Amendment

(ii) selecting areas where the loss of ecosystem services, ***such as soil fertility, soil biodiversity or water purification,*** would be minimized ***as much as possible*** and

Or. en

Amendment 479
Daniela Rondinelli

Proposal for a directive
Article 11 – paragraph 1 – point a – point ii

Text proposed by the Commission

(ii) selecting areas where the loss of ecosystem services ***would be minimized;*** and

Amendment

(ii) selecting areas where the loss of ecosystem services ***is prohibited, thus ruling out the possibility of converting agricultural land to other uses;*** and

Or. it

Amendment 480
Anne Sander

Proposal for a directive

Article 11 – paragraph 1 – point a – point ii

Text proposed by the Commission

(ii) selecting areas where the loss of ecosystem services would be minimized and

Amendment

(ii) selecting areas where the loss of ecosystem services would be minimized, ***taking into account the socio-economic balance of the territory concerned***, and

Or. fr

Amendment 481

Martin Hlaváček

Proposal for a directive

Article 11 – paragraph 1 – point a – point ii

Text proposed by the Commission

(ii) selecting areas where the loss of ecosystem services would be ***minimized*** and

Amendment

(ii) selecting areas where the loss of ecosystem services would be ***minimal*** and

Or. en

Amendment 482

Daniela Rondinelli

Proposal for a directive

Article 11 – paragraph 1 – point a – point iii

Text proposed by the Commission

(iii) ***performing the land take in a way that minimizes the negative impact on soil;***

Amendment

deleted

Or. it

Amendment 483

Sarah Wiener

on behalf of the Verts/ALE Group

Proposal for a directive

Article 11 – paragraph 1 – point a – point iii

Text proposed by the Commission

(iii) ***performing the*** land take in a way that ***minimizes*** the negative ***impact*** on soil;

Amendment

(iii) ***where*** land take ***is unavoidable, it must be performed*** in a way that ***strictly minimises*** the negative ***impacts*** on soil, ***soil fertility, soil biodiversity, water permeability, water filtration and water retention***;

Or. en

Amendment 484

Maria Noichl

Proposal for a directive

Article 11 – paragraph 1 – point a – point iii

Text proposed by the Commission

(iii) performing the land take in a way that minimizes the negative impact on soil;

Amendment

(iii) performing the land take in a way that minimizes the negative impact on soil ***by preventing land take and soil sealing of soil in very good health, high-quality farmland soils and of intact soil ecosystems***;

Or. en

Amendment 485

Petros Kokkalis

Proposal for a directive

Article 11 – paragraph 1 – point a – point iii

Text proposed by the Commission

(iii) performing the land take in a way that minimizes the negative impact on soil;

Amendment

(iii) performing the land take in a way that minimizes the negative impact on soil ***and,***

Or. en

Amendment 486

Sarah Wiener

on behalf of the Verts/ALE Group

Proposal for a directive

Article 11 – paragraph 1 – point a – point iii a (new)

Text proposed by the Commission

Amendment

(iiia) establishing a hierarchy where the use of abandoned, brownfield and former industrial sites are prioritised over unsealed and agricultural land; and de-sealing abandoned, brownfield and former industrial sites (once decontaminated) if re-use is deemed impossible.

Or. en

Amendment 487

Martin Hlaváček

Proposal for a directive

Article 11 – paragraph 1 – point a – point iii a (new)

Text proposed by the Commission

Amendment

(iiia) performing the land take in a way that minimizes the negative impact on soil management by soil managers and

Or. en

Amendment 488

Petros Kokkalis

Proposal for a directive

Article 11 – paragraph 1 – point a – point iii a (new)

Text proposed by the Commission

Amendment

(iiia) preventing land take and soil

sealing of high-quality farmland soils;

Or. en

Amendment 489

Jérémy Decerle

Proposal for a directive

Article 11 – paragraph 1 – point a – point iii a (new)

Text proposed by the Commission

Amendment

(iiia) locally define protected areas reserved for agriculture;

Or. en

Amendment 490

Sarah Wiener

on behalf of the Verts/ALE Group

Proposal for a directive

Article 11 – paragraph 1 – point a – point iii b (new)

Text proposed by the Commission

Amendment

(iiib) minimising constructions in Natura 2000 sites, while avoiding largescale developments and land conversion, in line with the birds and habitats directives;

Or. en

Amendment 491

Martin Hlaváček

Proposal for a directive

Article 11 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) avoid land take and soil sealing as

much as possible and preferably use land with sealed soil;

Or. en

Amendment 492

Martin Hlaváček

Proposal for a directive

Article 11 – paragraph 1 – point a b (new)

Text proposed by the Commission

Amendment

(ab) preferring time-limited land take and performing land rehabilitation upon the termination of the land take so that the soil would regain its capacity to provide ecosystem services;

Or. en

Amendment 493

Annie Schreijer-Pierik

Proposal for a directive

Article 11 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) compensate as much as possible the loss of soil capacity to provide multiple ecosystem services.

deleted

Or. en

Amendment 494

Jan Huitema, Emma Wiesner

Proposal for a directive

Article 11 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) compensate as much as possible the loss of soil capacity to provide multiple ecosystem services.

deleted

Or. en

Amendment 495

Sarah Wiener

on behalf of the Verts/ALE Group

Proposal for a directive

Article 11 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) compensate *as much as possible* the loss of soil capacity to provide multiple ecosystem services.

(b) compensate the loss of soil capacity to provide multiple ecosystem services *with land that provides equal or enhanced ecosystem services compared to the soil that was subject to land take, as well as through de-sealing soil surfaces and restoring the soil ecosystems.*

Or. en

Amendment 496

Maria Noichl

Proposal for a directive

Article 11 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) compensate as much as possible the loss of soil capacity to provide multiple ecosystem services.

(b) compensate as much as possible the loss of soil capacity to provide multiple ecosystem services, *for example by de-sealing and restoring land that provides equal or enhanced ecosystem services compared to the soil that was subject to land take.*

Or. en

Amendment 497
Petros Kokkalis

Proposal for a directive
Article 11 – paragraph 1 – point b

Text proposed by the Commission

(b) compensate ***as much as possible*** the loss of soil capacity to provide multiple ecosystem services.

Amendment

(b) compensate the loss of soil capacity to provide multiple ecosystem services ***with land that provides equal or enhanced ecosystem services compared to the soil that was subject to land take.***

Or. en

Amendment 498
Anne Sander

Proposal for a directive
Article 11 – paragraph 1 – point b

Text proposed by the Commission

(b) compensate as much as possible the loss of soil capacity to provide multiple ecosystem services.

Amendment

(b) compensate as much as possible the loss of soil capacity to provide multiple ecosystem services ***without undermining the development of the territories.***

Or. fr

Amendment 499
Daniela Rondinelli

Proposal for a directive
Article 11 – paragraph 1 – point b

Text proposed by the Commission

(b) compensate as much as possible the ***loss of soil capacity to provide multiple ecosystem services.***

Amendment

(b) compensate as much as possible the ***areas that have been converted into artificial land on the date of directive's entry into force.***

Amendment 500

Elsi Katainen, Ulrike Müller, Asger Christensen, Atidzhe Alieva-Veli

Proposal for a directive

Article 11 – paragraph 1 – point b

Text proposed by the Commission

(b) compensate ***as much as possible*** the loss of soil capacity to provide multiple ecosystem services.

Amendment

(b) compensate ***landowners*** the loss of soil capacity to provide multiple ecosystem services.

Or. en

Amendment 501

Petri Sarvamaa

Proposal for a directive

Article 11 – paragraph 1 – point b

Text proposed by the Commission

(b) compensate ***as much as possible*** the loss of soil capacity to provide multiple ecosystem services.

Amendment

(b) compensate ***landowners*** the loss of soil capacity to provide multiple ecosystem services.

Or. en

Amendment 502

Daniela Rondinelli

Proposal for a directive

Article 11 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) establish a minimum number of hectares at both district and national level to be reserved for the purposes of agriculture, horticulture and forestry, which must be compensated by other land

when lost to a different function.

Or. it

Amendment 503

Paolo De Castro, Clara Aguilera, Daniela Rondinelli

Proposal for a directive

Article 11 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) establish a minimum level of agricultural productive land areas where land take would be totally compensated.

Or. en

Amendment 504

Marlene Mortler, Lena Düpont, Peter Jahr, Christine Schneider, Norbert Lins

Proposal for a directive

Article 11 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall lay down a mandatory conservation requirement for agricultural and forest land to secure the supply of food, feed and renewable raw materials and in the interest of the bioeconomy;

Or. de

Amendment 505

Sarah Wiener

on behalf of the Verts/ALE Group

Proposal for a directive

Article 11 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall establish a comprehensive mapping of abandoned, brownfield and industrial sites.

Or. en

Amendment 506

Marlene Mortler, Lena Düpont, Peter Jahr, Christine Schneider, Norbert Lins

Proposal for a directive

Article 11 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

Member States shall take all necessary measures to achieve net zero in the use of agricultural and forest land for settlement or transport measures in 2030.

Or. de

Amendment 507

Sarah Wiener

on behalf of the Verts/ALE Group

Proposal for a directive

Article 11 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

Member States shall register the purpose and activities pursued in cases of land take.

Or. en

Amendment 508

Sarah Wiener

on behalf of the Verts/ALE Group

Proposal for a directive
Article 11 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

No land take, especially no industrial zoning, shall take place on water protection areas such as those protected pursuant to Article 6(2) of the Water Framework Directive 2000/60/EC.

Or. en

Amendment 509
Sarah Wiener
on behalf of the Verts/ALE Group

Proposal for a directive
Article 11 – paragraph 1 d (new)

Text proposed by the Commission

Amendment

Member States shall ensure easy access to impartial and independent advice on avoiding and minimising land take, training activities and capacity building for all relevant actors including for competent authorities.

Or. en

Amendment 510
Daniel Buda

Proposal for a directive
Article 12 – paragraph 1

Text proposed by the Commission

Amendment

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

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.

impacts of the soil contamination and of the risk reduction measures taken pursuant to Article 15 paragraph 4. ***Additional funding will have to be provided to finance implementation of risk reduction measures of potentially contaminated sites and contaminated sites, and to compensate the losses of farmers who are not responsible for soil contamination.***

Or. en

Amendment 511

Peter Jahr, Marlene Mortler, Lena Düpont, Norbert Lins, Christine Schneider

Proposal for a directive

Article 12 – paragraph 1

Text proposed by the Commission

(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.

Amendment

(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. ***Human health risk assessments should always be based on type of land use.***

Or. de

Justification

The proposed risk-based approach does not make sufficiently clear use of the term ‘unhealthy soils’ clearly enough and combines human health risks and environmental impacts. It is therefore important that human health risks should always be assessed on the basis of type of land use so that, depending on land use type, soils can be used if there are no risks to human health.

Amendment 512

Sarah Wiener

on behalf of the Verts/ALE Group

Proposal for a directive
Article 12 – paragraph 1

Text proposed by the Commission

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.

Amendment

1. Member States shall manage ***and continuously reduce*** the risks for human ***and animal*** 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.

Or. en

Amendment 513

Peter Jahr, Marlene Mortler, Lena Düpont, Norbert Lins, Christine Schneider

Proposal for a directive
Article 12 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Additional funding shall be provided to finance implementation of risk reduction measures of potentially contaminated sites and contaminated sites, and to compensate the losses of farmers who are not responsible for soil contamination”.

Or. en

Justification

Farmers, even when they are not responsible for soil pollution, could be banned from producing food on contaminated sites. Who will pay for the risk reduction measures and to compensate their loss of income?

Amendment 514

Marlene Mortler, Lena Düpont, Peter Jahr, Christine Schneider, Norbert Lins

Proposal for a directive
Article 12 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) the management of contaminated sites in accordance with Article 15.

deleted

Or. de

Amendment 515

Paola Ghidoni, Angelo Ciocca, Elena Lizzi, Rosanna Conte, Gilles Lebreton

Proposal for a directive
Article 12 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States may combine existing requirements under the Union or national legislation to fulfil the requirements laid down in paragraph 2 of this Article and subsequently Articles 13, 14 and 15, inter alia, to avoid duplication of assessment, consultations and management measures.

Or. en

Amendment 516

Sarah Wiener

on behalf of the Verts/ALE Group

Proposal for a directive
Article 12 – paragraph 4 – introductory part

Text proposed by the Commission

Amendment

4. The public *concerned* shall be given early and effective opportunities:

4. The public shall be given early and effective opportunities

Or. en

Amendment 517

Peter Jahr, Marlene Mortler, Lena Düpont, Norbert Lins, Christine Schneider

Proposal for a directive

Article 12 – paragraph 4 – point c

Text proposed by the Commission

Amendment

(c) to request correction of information contained in the register for contaminated sites and potentially contaminated sites in accordance with Article 16.

deleted

Or. en

Amendment 518

Sarah Wiener

on behalf of the Verts/ALE Group

Proposal for a directive

Article 12 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. To this end, Member States shall ensure that the public is informed in a timely, adequate and effective manner, including by public notices and electronic media, of:

(a) the risk assessment for each specific site, where available;

(b) any relevant environmental information held by the competent authority

(c) practical arrangements for participation, including:

i. the administrative entity from which the relevant information may be obtained,

ii. the administrative entity to which comments, opinions or questions may be submitted, and

iii. reasonable timeframes allowing sufficient time for the public to be

informed and to prepare and participate effectively in the environmental decision-making process. A time limit of at least eight weeks shall be set for receiving comments. Where meetings or hearings are organised, prior notice of at least four weeks shall be given.

Or. en

Amendment 519

Elsi Katainen, Jan Huitema, Ulrike Müller, Asger Christensen

Proposal for a directive

Article 12 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. On the potentially contaminated soils, land owners and land managers must be given opportunity to provide relevant information and justifications in accordance with the Article 14.

Or. en

Justification

In the respect of the property rights, land owners and land managers should be involved for the process from the beginning.

Amendment 520

Sarah Wiener

on behalf of the Verts/ALE Group

Proposal for a directive

Article 12 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4b. In taking a decision pursuant to Articles 12 to 15, Member States shall take due account of the outcome of the public participation. Member States and competent authorities shall promptly

inform the public of the decision and of the reasons and considerations upon which the decision is based, including an explanation of how the outcome of the public participation was taken into account.

Or. en

Amendment 521
José Manuel Fernandes

Proposal for a directive
Article 13 – paragraph 1

Text proposed by the Commission

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').

Amendment

1. Member States shall, ***in conjunction with their regional authorities, where applicable,*** systematically and actively identify all sites where a soil contamination is suspected based on evidence collected through all available means ('potentially contaminated sites').

Or. en

Amendment 522
Sarah Wiener
on behalf of the Verts/ALE Group

Proposal for a directive
Article 13 – paragraph 1

Text proposed by the Commission

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').

Amendment

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'), ***including citizens' input, and all available data and images.***

Amendment 523

Marlene Mortler, Lena Düpont, Peter Jahr, Christine Schneider, Norbert Lins

Proposal for a directive

Article 13 – paragraph 1

Text proposed by the Commission

(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').

Amendment

(1) Member States shall systematically and actively identify all sites where a soil contamination is suspected based on evidence collected through ***appropriate means and set procedures*** ('potentially contaminated sites').

Amendment 524

Sarah Wiener

on behalf of the Verts/ALE Group

Proposal for a directive

Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall set up an archiving policy at each governance level paying special attention to the maintenance of a performant archive system that provides efficient access to research and innovation stakeholders, land users and owners to use soil quality information from these historical data;

Amendment 525

Paola Ghidoni, Angelo Ciocca, Elena Lizzi, Rosanna Conte, Gilles Lebreton

Proposal for a directive

Article 13 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

When identifying the potentially contaminated sites Member States ***shall*** take into account the following criteria:

When identifying the potentially contaminated sites Member States ***may*** take into account the following criteria:

Or. en

Amendment 526

Marlene Mortler, Lena Düpont, Peter Jahr, Christine Schneider, Norbert Lins

Proposal for a directive

Article 13 – paragraph 2 – subparagraph 1 – point d

Text proposed by the Commission

Amendment

(d) operation of an activity referred to in Annex III to Directive 2004/35/CE of the European Parliament and of the Council⁷⁸;

deleted

⁷⁸***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)***

Or. de

Amendment 527

Maria Noichl

Proposal for a directive

Article 13 – paragraph 2 – subparagraph 1 – point g a (new)

Text proposed by the Commission

Amendment

(ga) the local geochemical background.

Or. en

Amendment 528

Paola Ghidoni, Angelo Ciocca, Elena Lizzi, Rosanna Conte, Gilles Lebreton

Proposal for a directive

Article 13 – paragraph 2 – subparagraph 2

Text proposed by the Commission

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.

Amendment

Member States shall lay down a list of potentially ***contaminated sites*** based on scientific evidence.

Or. en

Amendment 529

Sarah Wiener

on behalf of the Verts/ALE Group

Proposal for a directive

Article 13 – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that all potentially contaminated sites are identified by (OP: please insert date = 7 years after date of entry into force of the Directive) and are duly recorded in the register referred to in Article 16 by that date.

Amendment

3. Member States shall ensure that all potentially contaminated sites are identified by (OP: please insert date = 7 years after date of entry into force of the Directive) and are duly recorded in the register referred to in Article 16 by that date ***and that any sites of subsequent contamination are also investigated.***

Or. en

Amendment 530

José Manuel Fernandes

Proposal for a directive

Article 13 – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that all potentially contaminated sites are identified by (OP: please insert date = 7 years after date of entry into force of the Directive) and are duly recorded in the register referred to in Article 16 by that date.

Amendment

3. Member States shall ensure, ***with conjunction with their regional authorities, where applicable***, that all potentially contaminated sites are identified by (OP: please insert date = 7 years after date of entry into force of the Directive) and are duly recorded in the register referred to in Article 16 by that date.

Or. en

Amendment 531

Marlene Mortler, Lena Düpont, Peter Jahr, Christine Schneider, Norbert Lins

Proposal for a directive

Article 14 – paragraph 1

Text proposed by the Commission

(1) Member States shall ensure that all potentially contaminated sites identified in accordance with Article 13 are subject to soil investigation.

Amendment

(1) Member States shall ensure that all potentially contaminated sites identified in accordance with Article 13 are subject to soil investigation, ***where appropriate and in order of priorities***.

Or. de

Justification

Soil investigations should be carried out on the basis of priorities and evidence collected. A targeted approach makes it possible to focus on areas with greater environmental impacts or issues. This tailor-made strategy aims to strike a balance between environmental protection and practical considerations.

Amendment 532

Elsi Katainen, Jan Huitema, Ulrike Müller, Asger Christensen

Proposal for a directive

Article 14 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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.

Amendment

Member States shall lay down the rules concerning the deadline, content, form and the prioritisation of the soil investigations, ***taking duly into account environmental, economic and social effects***. 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.

Or. en

Justification

In the light of the sustainability, it is important to ensure the balance between three pillars of the sustainability, environmental, economical and social.

Amendment 533
Nicola Procaccini

Proposal for a directive
Article 14 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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.

Amendment

Member States shall lay down the rules concerning the deadline, content, form and the prioritisation of the soil investigations ***and taking into account environmental, social and economic aspects***. Those rules shall be established in accordance with the risk-based approach referred to in Article 12 and the list of potentially contaminating risk activities referred to in Article 13(2), second subparagraph.

Or. en

Amendment 534
Paola Ghidoni, Angelo Ciocca, Elena Lizzi, Rosanna Conte, Gilles Lebreton

Proposal for a directive

Article 14 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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.

Amendment

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 **contaminated sites** referred to in Article 13(2), second subparagraph.

Or. en

Amendment 535

Peter Jahr, Marlene Mortler, Lena Düpont, Norbert Lins, Christine Schneider

Proposal for a directive

Article 14 – paragraph 3

Text proposed by the Commission

3. Member States shall also establish specific events that trigger an investigation before the deadline set in accordance with paragraph 2.

Amendment

deleted

Or. en

Justification

We are concerned by the idea to introduce ‘trigger events’ that could initiate a soil investigation if they are not a result of a risk-based assessment.

Amendment 536

Sarah Wiener

on behalf of the Verts/ALE Group

Proposal for a directive

Article 14 – paragraph 3

Text proposed by the Commission

3. Member States shall also establish specific events that trigger an investigation before the deadline set in accordance with paragraph 2.

Amendment

3. Member States shall also establish specific events ***including but not limited to land use change and building permits,*** that trigger an investigation before the deadline set in accordance with paragraph 2.

Or. en

Amendment 537

Daniel Buda

**Proposal for a directive
Article 15 – paragraph 2**

Text proposed by the Commission

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.

Amendment

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 ***and traditional*** knowledge, the precautionary principle, local specificities, and current and future land use, ***especially in the case of agricultural, horticultural, or forestry production.***

Or. en

Amendment 538

Sarah Wiener

on behalf of the Verts/ALE Group

**Proposal for a directive
Article 15 – paragraph 2**

Text proposed by the Commission

2. Member States shall define what constitutes an unacceptable risk for human health and the environment resulting from

Amendment

2. Member States shall define what constitutes an unacceptable risk for human ***and animal*** health and the environment

contaminated sites by taking into account existing scientific knowledge, the precautionary principle, local specificities, and current and future land use.

resulting from contaminated sites by taking into account existing scientific knowledge, the precautionary principle, local specificities, and current and future land use.

Or. en

Amendment 539

Marlene Mortler, Lena Düpont, Peter Jahr, Christine Schneider, Norbert Lins

Proposal for a directive

Article 15 – paragraph 3

Text proposed by the Commission

(3) For each contaminated site identified pursuant to Article 14 or by any other means, the responsible competent authority shall carry out a site-specific assessment for the current and planned land uses to determine whether the contaminated site poses unacceptable risks for human health or the environment.

Amendment

(3) For each contaminated site identified pursuant to Article 14 or by any other means, the responsible competent authority shall carry out a site-specific assessment for the current and planned land uses to determine whether the contaminated site poses unacceptable risks for human health or the environment.

Member States may, where appropriate, consider assessments carried out in accordance with Directive 2011/92/EU and/or Directive 2010/75/EU and/or Directive 2012/18/EU sufficient.

Or. de

Justification

The EU soil monitoring and resilience law should ensure policy coherence and avoid double regulation or additional red tape.

Amendment 540

Sarah Wiener

on behalf of the Verts/ALE Group

Proposal for a directive

Article 15 – paragraph 3

Text proposed by the Commission

3. For each contaminated site identified pursuant to Article 14 or by any other means, the responsible competent authority shall carry out a site-specific assessment for the current and planned land uses to determine whether the contaminated site poses unacceptable risks for human health or the environment.

Amendment

3. For each contaminated site identified pursuant to Article 14 or by any other means, the responsible competent authority shall carry out a site-specific assessment for the current and planned land uses to determine whether the contaminated site poses unacceptable risks for human **and animal** health or the environment.

Or. en

Amendment 541

Sarah Wiener

on behalf of the Verts/ALE Group

Proposal for a directive

Article 15 – paragraph 4

Text proposed by the Commission

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').

Amendment

4. On the basis of the outcome of the assessment referred to in paragraph 3, the responsible competent authority shall **ensure that** the appropriate measures **are taken** to bring the risks to an acceptable level for human health and the environment ('risk reduction measures').

Or. en

Amendment 542

Sarah Wiener

on behalf of the Verts/ALE Group

Proposal for a directive

Article 15 – paragraph 5

Text proposed by the Commission

5. The risk reduction measures may consist of the measures referred to in

Amendment

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.

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. ***The entity or entities responsible for the contamination shall be identified and shall bear associated costs in a proportional manner and where possible, in line with the polluter pays principle.***

Or. en

Amendment 543

Marlene Mortler, Lena Düpont, Peter Jahr, Christine Schneider, Norbert Lins

Proposal for a directive

Article 15 – paragraph 5

Text proposed by the Commission

(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.

Amendment

(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. ***The competent authority shall also take into account the measures already implemented or planned under Directive 2012/18/EU and/or Directive 2010/75/EU.***

Or. de

Justification

The EU soil monitoring and resilience law should ensure policy coherence and avoid double regulation or additional red tape.

Amendment 544

Elsi Katainen, Jan Huitema, Ulrike Müller, Asger Christensen

Proposal for a directive

Article 15 – paragraph 5

Text proposed by the Commission

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.

Amendment

5. The risk reduction measures may consist of the measures referred to in Annex V. When deciding on the appropriate risk reduction measures ***and timing of the enforcement***, the competent authority shall take into consideration the ***current and planned land use***, costs, benefits, effectiveness, durability, and technical feasibility of available risk reduction measures.

Or. en

Justification

Appropriate risk reduction measures and timing should be in compliance with the planned land use in the future. That is also interlinked for the cost-efficiency

Amendment 545

Peter Jahr, Marlene Mortler, Lena Düpont, Norbert Lins, Christine Schneider

Proposal for a directive

Article 15 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Upon assessment of the risk and risk remediation measures as referred to in the previous paragraph, the competent authority shall assess the impact of those measures on productive agricultural, forestry, or horticultural soils and their conventional and organic practices.

Or. en

Amendment 546
Daniel Buda

Proposal for a directive
Article 15 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Upon assessment of the risk and risk remediation measures as referred to in the previous paragraph, the competent authority shall assess the impact of those measures taken on productive agricultural, forestry, or horticultural soils and their conventional and organic practices.

Or. en

Amendment 547
Peter Jahr, Marlene Mortler, Lena Düpont, Norbert Lins, Christine Schneider

Proposal for a directive
Article 15 – paragraph 5 b (new)

Text proposed by the Commission

Amendment

5b. The competent authorities shall ensure that all risk remediation and risk reduction measures which could take place on agricultural, forestry, or horticultural carry the full financial burden of implementation, as well as potential financial losses from the disturbing of permanent crops, removal of inputs listed in the contaminants list from active practice, and the potential loss in land value from identification and registration of a land plot as contaminated.

Or. en

Amendment 548
Elsi Katainen, Jan Huitema, Ulrike Müller, Asger Christensen

Proposal for a directive
Article 15 – paragraph 6

Text proposed by the Commission

Amendment

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. **deleted**

Or. en

Justification

The list of risk reduction measures should be indicative and Member States should be able to adopt the most suitable actions for the local needs.

Amendment 549

Marlene Mortler, Lena Düpont, Peter Jahr, Christine Schneider, Norbert Lins

Proposal for a directive
Article 16

Text proposed by the Commission

Amendment

Article 16

deleted

Register

(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.

(2) The register shall contain the information set out in Annex VII.

(3) The register shall be managed by the responsible competent authority and shall be regularly kept under review and up to date.

(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 Council⁷⁹ are fulfilled.

The register shall be made available in an online georeferenced spatial database.

(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.

⁷⁹ *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).*

Or. de

Amendment 550

Sarah Wiener

on behalf of the Verts/ALE Group

Proposal for a directive

Article 16 – paragraph 4 – subparagraph 1

Text proposed by the Commission

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 Council⁷⁹ are fulfilled.*

Amendment

Member States shall make public the register and information referred to in paragraphs 1 and 2, ***free of charge.***

⁷⁹ *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).*

Or. en

Amendment 551

Elsi Katainen, Jan Huitema, Ulrike Müller, Asger Christensen

Proposal for a directive

Article 16 – paragraph 4 – subparagraph 1

Text proposed by the Commission

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 Council⁷⁹ are fulfilled.

⁷⁹ 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).

Amendment

Member States shall make public, **when relevant**, 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 Council⁷⁹ are fulfilled.

⁷⁹ 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).

Or. en

Amendment 552

Sarah Wiener

on behalf of the Verts/ALE Group

Proposal for a directive

Article 17 – title

Text proposed by the Commission

Amendment

Union financing

Union **and Member States'** financing

Or. en

Amendment 553

José Manuel Fernandes

Proposal for a directive

Article 17 – paragraph 1

Text proposed by the Commission

Amendment

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, the implementation of this Directive shall be supported by existing Union financial programmes in accordance with their applicable rules and conditions. ***Nevertheless, an additional financial instrument must be created for the post-2027 period in order to promote the continued sustainable management of soils, as well as their permanent regeneration.***

Or. en

Amendment 554

Peter Jahr, Marlene Mortler, Lena Düpont, Norbert Lins, Christine Schneider

Proposal for a directive

Article 17 – paragraph 1

Text proposed by the Commission

Amendment

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

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.

with their applicable rules and conditions,
as well as from national financing.

Or. en

Amendment 555
Nicola Procaccini

Proposal for a directive
Article 17 – paragraph 1 – point 1 (new)

Text proposed by the Commission

Amendment

(1) Within 12 months of the date of entry into force of this Regulation, the Commission shall, in consultation with Member States, submit a report to the European Parliament and the Council containing:

(a) an overview of financial resources available at Union level for the purpose of implementing this Directive;

(b) an assessment of the funding needs to implement Articles 6 to 16 and to achieve the objective set forth in Article 1;

(c) an analysis to identify any funding gaps in the implementation of the obligations set out in the Directive, including for the financial compensation of potential losses by landowners and land managers directly due to the implementation of this Directive;

(d) where appropriate, proposals for adequate additional measures, including financial measures to address the gaps identified for those areas outside of the Common Agricultural Policy.

Or. en

Amendment 556
Sarah Wiener
on behalf of the Verts/ALE Group

Proposal for a directive
Article 17 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

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. Member States shall where feasible introduce a sanctioning system to dissuade the conversion of agricultural land, green fields and forests, whereby a levy or a penalty is applied where land-take occurs with soil sealing. On brownfield such a levy shall not be applied.

Or. en

Amendment 557
Elsi Katainen, Ulrike Müller, Asger Christensen

Proposal for a directive
Article 17 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

By ... [OP : please insert date = 24 months from the entry into force of the Directive], the Commission shall assess gaps between funding needs and the available Union funding, taking into account the synergies between current programmes, necessary for supporting Member States in the implementation of this Directive, paying specific attention to environmental monitoring needs, including LUCAS soil.

Or. en

Justification

Soil monitoring is done by some programs already and there is need for streamlining and avoiding the overlapping actions.

Amendment 558

Anne Sander

Proposal for a directive

Article 17 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Within 12 months of the date of entry into force of this Regulation, the Commission shall submit a report to the European Parliament and to the Council setting out the financial resources available at Union level for the implementation of this Directive.

Or. fr

Amendment 559

Petros Kokkalis

Proposal for a directive

Article 17 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

When implementing the obligations set out in this Directive, Member States shall make use of local, regional and national funds, and available Union funds, to finance monitoring and restoration actions.

Or. en

Amendment 560

Daniel Buda, Dan-Ștefan Motreanu

Proposal for a directive
Article 17 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The Commission shall identify and publish on a yearly basis Union financial programs available and accessible for Member States to use for the implementation of the provisions of this Directive.

Or. en

Amendment 561
Petros Kokkalis

Proposal for a directive
Article 17 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

By 12 months from the entry into force of this Directive, the Commission shall, in consultation with Member States, submit a report to the European Parliament and the Council containing:

- (a) an overview of financial resources available at the EU level for the purpose of implementing this Directive;***
- (b) an assessment of the funding needs to implement the obligations under this Directive;***
- (c) an analysis to identify any funding gaps in the implementation of the obligations set out in the Regulation;***
- (d) where appropriate, proposals for adequate measures, including financial measures to address the gaps identified, in particular the establishment of dedicated EU soil funding, and without prejudging the prerogatives of co-legislators for the adoption of the multiannual financial framework post 2027.***

Or. en

Amendment 562
Daniel Buda, Dan-Ştefan Motreanu

Proposal for a directive
Article 17 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

The Commission shall monitor the capacity of Member States to absorb Union funds related to sustainable soil management and soil health, and report the monitoring results to the European Parliament every year.

Or. en

Amendment 563
Sarah Wiener
on behalf of the Verts/ALE Group

Proposal for a directive
Article 17 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

Member States shall ensure that sufficient resources are made available to achieve the objectives of this Directive.

Or. en

Amendment 564
Daniel Buda

Proposal for a directive
Article 17 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

The European Commission shall establish

within 2 years of the entry into force of this Directive an EU-funded program aimed at providing chemical soil analysis upon request.

Or. en

Amendment 565

Daniel Buda

Proposal for a directive

Article 18 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Member States shall electronically report the following data and information to the Commission and to the EEA every 5 years:

Amendment

Member States shall electronically report the following data and information to the Commission and to the EEA every 5 years *or 10 years depending on soil health status*:

Or. en

Amendment 566

José Manuel Fernandes

Proposal for a directive

Article 18 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Member States shall electronically report the following data and information to the Commission and to the EEA every 5 years:

Amendment

Member States shall electronically report the following data and information to the Commission and to the EEA every 5 *or 10* years, *depending on soil health status*:

Or. en

Amendment 567

Elsi Katainen, Jan Huitema, Ulrike Müller, Asger Christensen, Atidzhe Alieva-Veli

Proposal for a directive

Article 18 – paragraph 1 – subparagraph 1 – point c – introductory part

Text proposed by the Commission

Amendment

(c) a summary of the progress on:

(c) a **general** summary of the progress on:

Or. en

Justification

For avoiding the high administrative burden, Member States should have greater flexibility.

Amendment 568

Marlene Mortler, Lena Düpont, Peter Jahr, Christine Schneider, Norbert Lins

Proposal for a directive

Article 18 – paragraph 1 – subparagraph 1 – point c – point i

Text proposed by the Commission

Amendment

(i) ***implementing sustainable soil management principles in accordance with Article 10;***

deleted

Or. de

Amendment 569

Daniel Buda

Proposal for a directive

Article 18 – paragraph 1 – subparagraph 1 – point c – point i

Text proposed by the Commission

Amendment

(i) implementing sustainable soil management principles in accordance with Article 10;

(i) implementing **voluntary** sustainable soil management principles in accordance with Article 10;

Or. en

Amendment 570

Jan Huitema, Emma Wiesner, Asger Christensen

Proposal for a directive

Article 18 – paragraph 1 – subparagraph 1 – point c – point i

Text proposed by the Commission

Amendment

(i) ***implementing*** sustainable soil management principles in accordance with Article 10;

(i) ***defining*** sustainable soil management principles in accordance with Article 10;

Or. en

Amendment 571

Marlene Mortler, Lena Düpont, Peter Jahr, Christine Schneider, Norbert Lins

Proposal for a directive

Article 18 – paragraph 1 – subparagraph 1 – point c – point ii

Text proposed by the Commission

Amendment

(ii) ***the registration, identification, investigation, and management of contaminated sites in accordance with Articles 12 to 16;***

deleted

Or. de

Amendment 572

Sarah Wiener

on behalf of the Verts/ALE Group

Proposal for a directive

Article 18 – paragraph 1 – subparagraph 1 – point c – point ii a (new)

Text proposed by the Commission

Amendment

(iia) the fulfilment of the targets for healthy soil established in accordance with article 9a (new);

Or. en

Amendment 573

Elsi Katainen, Jan Huitema, Ulrike Müller, Asger Christensen

Proposal for a directive

Article 18 – paragraph 1 – subparagraph 1 – point c a (new)

Text proposed by the Commission

Amendment

**(ca) list of cumulative conditions
defined for different soil types, based on
Article 9(2).**

Or. en

Justification

In line with the amendment in art 9.2.

Amendment 574

Marlene Mortler, Lena Düpont, Peter Jahr, Christine Schneider, Norbert Lins

Proposal for a directive

Article 18 – paragraph 1 – subparagraph 1 – point d

Text proposed by the Commission

Amendment

**(d) the data and information
contained in the register referred to in
Article 16.** **deleted**

Or. de

Amendment 575

Marlene Mortler, Lena Düpont, Peter Jahr, Christine Schneider, Norbert Lins

Proposal for a directive

Article 18 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

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 = **10** years and 6
months after entry into force of the
Directive).

Or. de

Amendment 576

Marlene Mortler, Lena Düpont, Peter Jahr, Christine Schneider, Norbert Lins

Proposal for a directive

Article 18 – paragraph 3 – point c

Text proposed by the Commission

Amendment

(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). **deleted**

Or. de

Amendment 577

Maria Noichl

Proposal for a directive

Article 18 – paragraph 3 – point c a (new)

Text proposed by the Commission

Amendment

(ca) soil health plans as in Article 6(1a) by... (OP: please insert the date = 5 years and 6 months after date of entry into force of the Directive);

Or. en

Amendment 578

Maria Noichl

Proposal for a directive

Article 18 – paragraph 3 – point c b (new)

Text proposed by the Commission

Amendment

(cb) updated soil health plans (following any update pursuant to Article 6(1a) within 6 months of the plan being updated.

Amendment 579**Peter Jahr, Marlene Mortler, Lena Düpont, Norbert Lins, Christine Schneider****Proposal for a directive****Article 19 – paragraph 1***Text proposed by the Commission*

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 Council⁸⁰ for geographically explicit data and Article 5 of Directive (EU) 2019/1024 for other data.

⁸⁰ 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).

Amendment

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 ***only with the express permission of the landowner and land manager and in an aggregated and anonymized form***, in accordance with the provisions under Article 11 of Directive 2007/2/EC of the European Parliament and of the Council⁸⁰ for geographically explicit data and Article 5 of Directive (EU) 2019/1024 for other data.

⁸⁰ 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).

Amendment 580**Petros Kokkalis****Proposal for a directive****Article 19 – paragraph 1***Text proposed by the Commission*

1. Member States shall ***make*** public the data generated by the monitoring

Amendment

1. Member States shall ***publish and make available and easily accessible to***

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 Council⁸⁰ for geographically explicit data and Article 5 of Directive (EU) 2019/1024 for other data.

⁸⁰ 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).

the public via the internet or any other appropriate means 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 Council⁸⁰ for geographically explicit data and Article 5 of Directive (EU) 2019/1024 for other data.

⁸⁰ 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).

Or. en

Amendment 581

Elsi Katainen, Jan Huitema, Ulrike Müller, Asger Christensen, Emma Wiesner

Proposal for a directive

Article 19 – paragraph 1

Text proposed by the Commission

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 Council⁸⁰ for geographically explicit data and Article 5 of Directive (EU) 2019/1024 for other data.

⁸⁰ Directive 2007/2/EC of the European Parliament and of the Council of 14 March

Amendment

1. Member States shall make public the **relevant** 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 **with the permission by landowners and land managers in the anonymized form**, in accordance with the provisions under Article 11 of Directive 2007/2/EC of the European Parliament and of the Council⁸⁰ for geographically explicit data and Article 5 of Directive (EU) 2019/1024 for other data.

⁸⁰ 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).

2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.4.2007, p. 1).

Or. en

Justification

Only most critically contaminated soils should be published and private land owner and land managers should have right for the information which will be published. There is no need for naming and shaming.

Amendment 582 **Nicola Procaccini**

Proposal for a directive **Article 19 – paragraph 1**

Text proposed by the Commission

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 Council⁸⁰ for geographically explicit data and Article 5 of Directive (EU) 2019/1024 for other data.

⁸⁰ 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).

Amendment

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 an aggregated and anonymised form*** in accordance with the provisions under Article 11 of Directive 2007/2/EC of the European Parliament and of the Council⁸⁰ for geographically explicit data and Article 5 of Directive (EU) 2019/1024 for other data.

⁸⁰ 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).

Or. en

Amendment 583

Sarah Wiener

on behalf of the Verts/ALE Group

Proposal for a directive

Article 19 – paragraph 1

Text proposed by the Commission

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 Council⁸⁰ for geographically explicit data and Article 5 of Directive (EU) 2019/1024 for other data.

⁸⁰ 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).

Amendment

1. Member States shall, ***without any restrictions and free of charge***, 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 Council⁸⁰ for geographically explicit data and Article 5 of Directive (EU) 2019/1024 for other data.

⁸⁰ 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).

Or. en

Amendment 584

Peter Jahr, Marlene Mortler, Lena Düpont, Norbert Lins, Christine Schneider

Proposal for a directive

Article 19 – paragraph 2

Text proposed by the Commission

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 Council⁸¹ and Regulation (EC) No

Amendment

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 ***only with the express permission of the landowner and land manager and in an aggregated and anonymised form*** in

1367/2006 of the European Parliament and of the Council⁸².

accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council⁸¹ and Regulation (EC) No 1367/2006 of the European Parliament and of the Council⁸².

⁸¹ 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).

⁸² 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).

⁸¹ 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).

⁸² 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).

Or. en

Amendment 585

Nicola Procaccini

Proposal for a directive

Article 19 – paragraph 2

Text proposed by the Commission

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 Council⁸¹ and Regulation (EC) No 1367/2006 of the European Parliament and of the Council⁸².

Amendment

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 an aggregated and anonymised form*** in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council⁸¹ and Regulation (EC) No 1367/2006 of the European Parliament and

of the Council⁸² .

⁸¹ 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).

⁸² 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).

⁸¹ 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).

⁸² 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).

Or. en

Amendment 586

Peter Jahr, Marlene Mortler, Lena Düpont, Norbert Lins, Christine Schneider

Proposal for a directive Article 19 – paragraph 3

Text proposed by the Commission

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 Council⁸³ .

⁸³ Directive (EU) 2019/1024 of the European Parliament and of the Council of

Amendment

3. Member States shall ensure that the information referred to in Article 18 of this Directive is available and accessible to the public ***only with the express permission of the landowner and land manager and in an aggregated and anonymized form*** in accordance with Directive 2003/4/EC, Directive 2007/2/EC and Directive (EU) 2019/1024 of the Parliament and of the Council⁸³ .

⁸³ 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).

20 June 2019 on open data and the re-use of public sector information (OJ L 172, 26.6.2019, p. 56).

Or. en

Amendment 587
Nicola Procaccini

Proposal for a directive
Article 19 – paragraph 3

Text proposed by the Commission

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 Council⁸³.

⁸³ 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).

Amendment

3. Member States shall ensure that the information referred to in Article 18 of this Directive is available and accessible to the public in ***an aggregated and anonymised form in*** accordance with Directive 2003/4/EC, Directive 2007/2/EC and Directive (EU) 2019/1024 of the Parliament and of the Council⁸³.

⁸³ 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).

Or. en

Amendment 588
Elsi Katainen, Jan Huitema, Ulrike Müller, Asger Christensen, Emma Wiesner

Proposal for a directive
Article 19 – paragraph 3

Text proposed by the Commission

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

Amendment

3. Member States shall ensure that the ***relevant*** 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

Directive (EU) 2019/1024 of the Parliament and of the Council⁸³ .

and Directive (EU) 2019/1024 of the Parliament and of the Council⁸³ .

⁸³ 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).

⁸³ 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).

Or. en

Amendment 589
Maria Noichl

Proposal for a directive
Article 19 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States shall ensure that the process of elaboration, review and revision of the soil health plans, the sustainable soil management practices, and the processes related to contaminated sites are open, inclusive and effective and that the public concerned is involved and given early and effective opportunities to participate in their elaboration, when all options are still open;

Or. en

Amendment 590
Sarah Wiener
on behalf of the Verts/ALE Group

Proposal for a directive
Article 19 – paragraph 4

Text proposed by the Commission

Amendment

4. Disclosure of any information required under this Directive may be refused or restricted where the conditions

deleted

laid down in Article 4 of Directive 2003/4/EC are fulfilled.

Or. en

Amendment 591
Nicola Procaccini

Proposal for a directive
Article 20

Text proposed by the Commission

Amendment

Article 20

deleted

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

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.

3. The delegation of power referred to in Articles 8, 10, 15 and 16 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European

Parliament and to the Council.

6. *A delegated act adopted pursuant to Articles 8, 10, 15 and 16 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.*

Or. en

Amendment 592

Anne Sander

Proposal for a directive

Article 20

Text proposed by the Commission

Amendment

Article 20

deleted

Exercise of the delegation

1. *The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.*

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.*

3. *The delegation of power referred to in Articles 8, 10, 15 and 16 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European*

*Union or at a later date specified therein.
It shall not affect the validity of any
delegated acts already in force.*

*4. Before adopting a delegated act,
the Commission shall consult experts
designated by each Member State in
accordance with the principles laid down
in the Interinstitutional Agreement of 13
April 2016 on Better Law-Making.*

*5. As soon as it adopts a delegated
act, the Commission shall notify it
simultaneously to the European
Parliament and to the Council.*

*6. A delegated act adopted pursuant
to Articles 8, 10, 15 and 16 shall enter into
force only if no objection has been
expressed either by the European
Parliament or the Council within a period
of two months of notification of that act to
the European Parliament and the Council
or if, before the expiry of that period, the
European Parliament and the Council
have both informed the Commission that
they will not object. That period shall be
extended by two months at the initiative of
the European Parliament or of the
Council.*

Or. fr

Amendment 593
Daniel Buda, Dan-Ştefan Motreanu

Proposal for a directive
Article 20 – paragraph 2

Text proposed by the Commission

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.

Amendment

2. The power to adopt delegated acts referred to in Articles 8, **9**, 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.

Or. en

Amendment 594
Annie Schreijer-Pierik

Proposal for a directive
Article 20 – paragraph 2

Text proposed by the Commission

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.

Amendment

2. The power to adopt delegated acts referred to in Articles 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.

Or. en

Amendment 595
Elsi Katainen, Jan Huitema, Ulrike Müller, Asger Christensen

Proposal for a directive
Article 20 – paragraph 2

Text proposed by the Commission

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.

Amendment

2. The power to adopt delegated acts referred to in Articles 8 and 16 shall be conferred on the Commission for an indeterminate period of time from the date of entry into force of this Directive.

Or. en

Justification

In line with deletions in the article 10 and 15.

Amendment 596
Daniel Buda, Dan-Ștefan Motreanu

Proposal for a directive
Article 20 – paragraph 3

Text proposed by the Commission

3. The delegation of power referred to in Articles 8, 10, 15 and 16 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment

3. The delegation of power referred to in Articles 8, **9**, 10, 15 and 16 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Or. en

Amendment 597

Annie Schreijer-Pierik

**Proposal for a directive
Article 20 – paragraph 3**

Text proposed by the Commission

3. The delegation of power referred to in Articles **8, 10**, 15 and 16 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment

3. The delegation of power referred to in Articles 15 and 16 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Or. en

Amendment 598

Elsi Katainen, Jan Huitema, Ulrike Müller, Asger Christensen

Proposal for a directive
Article 20 – paragraph 3

Text proposed by the Commission

3. The delegation of power referred to in Articles 8, **10, 15** and 16 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment

3. The delegation of power referred to in Articles 8 and 16 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Or. en

Justification

In line with deletions in the article 10 and 15.

Amendment 599

Elsi Katainen, Jan Huitema, Ulrike Müller, Asger Christensen, Emma Wiesner

Proposal for a directive
Article 20 – paragraph 4

Text proposed by the Commission

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

Amendment

4. Before adopting a delegated act, the Commission shall consult experts ***with the expertise of various land uses such as agriculture, forests and urban soils,*** designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

Or. en

Justification

All relevant stakeholders should be consulted in the preparation of the delegated acts.

Amendment 600
Annie Schreijer-Pierik

Proposal for a directive
Article 20 – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Articles **8, 10**, 15 and 16 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Amendment

6. A delegated act adopted pursuant to Articles 15 and 16 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Or. en

Amendment 601
Elsi Katainen, Jan Huitema, Ulrike Müller, Asger Christensen

Proposal for a directive
Article 20 – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Articles 8, **10, 15** and 16 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Amendment

6. A delegated act adopted pursuant to Articles 8 and 16 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Justification

In line with deletions in the article 10 and 15.

Amendment 602

Bert-Jan Ruissen

Proposal for a directive**Article 22**

Text proposed by the Commission

Amendment

Article 22

deleted

Access to justice

Member States shall ensure that members of the public, in accordance with national law, that have a sufficient interest or that maintain the impairment of a right, have access to a review procedure before a court of law, or an independent and impartial body established by law, to challenge the substantive or procedural legality of the assessment of soil health, the measures taken pursuant to this Directive and any failures to act of the competent authorities.

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.

Review procedures referred to in paragraph 1 shall be fair, equitable, timely and free of charge or not prohibitively expensive, and shall provide adequate and effective remedies, including injunctive relief where

necessary.

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.

Or. en

Amendment 603

Peter Jahr, Marlene Mortler, Lena Düpont, Norbert Lins, Christine Schneider

Proposal for a directive

Article 22

Text proposed by the Commission

Amendment

Article 22

deleted

Access to justice

Member States shall ensure that members of the public, in accordance with national law, that have a sufficient interest or that maintain the impairment of a right, have access to a review procedure before a court of law, or an independent and impartial body established by law, to challenge the substantive or procedural legality of the assessment of soil health, the measures taken pursuant to this Directive and any failures to act of the competent authorities.

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.

Review procedures referred to in paragraph 1 shall be fair, equitable, timely and free of charge or not

prohibitively expensive, and shall provide adequate and effective remedies, including injunctive relief where necessary.

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.

Or. en

Amendment 604
Annie Schreijer-Pierik

Proposal for a directive
Article 22

Text proposed by the Commission

Amendment

Article 22

deleted

Access to justice

Member States shall ensure that members of the public, in accordance with national law, that have a sufficient interest or that maintain the impairment of a right, have access to a review procedure before a court of law, or an independent and impartial body established by law, to challenge the substantive or procedural legality of the assessment of soil health, the measures taken pursuant to this Directive and any failures to act of the competent authorities.

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.

Review procedures referred to in paragraph 1 shall be fair, equitable, timely and free of charge or not prohibitively expensive, and shall provide adequate and effective remedies, including injunctive relief where necessary.

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.

Or. en

Amendment 605

Elsi Katainen, Jan Huitema, Ulrike Müller, Asger Christensen, Emma Wiesner

Proposal for a directive

Article 22 – paragraph 2

Text proposed by the Commission

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.***

Amendment

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.

Or. en

Justification

All the stakeholders should have equal right for the justice.

Amendment 606

Sarah Wiener

on behalf of the Verts/ALE Group

Proposal for a directive
Article 22 – paragraph 2

Text proposed by the Commission

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.

Amendment

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, ***or public, or human or animal health***, and meeting any requirements under national law shall be deemed to have rights capable of being impaired and their interest shall be deemed sufficient.

Or. en

Amendment 607
Annie Schreijer-Pierik

Proposal for a directive
Article 23

Text proposed by the Commission

Amendment

Article 23

deleted

Penalties

1. Without prejudice to the obligations of Member States under 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.

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 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).

3. Member States shall ensure that the penalties established pursuant to this Article give due regard to the following, as applicable:

(a) the nature, gravity, and extent of the violation;

(b) the intentional or negligent character of the violation;

(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.

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.

Or. en

Amendment 608
Bert-Jan Ruissen

Proposal for a directive
Article 23

Text proposed by the Commission

Amendment

Article 23

deleted

Penalties

1. Without prejudice to the obligations of Member States under 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.

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 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).

3. Member States shall ensure that the penalties established pursuant to this Article give due regard to the following, as applicable:

(a) the nature, gravity, and extent of the violation;

(b) the intentional or negligent character of the violation;

(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.

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.

Or. en

Amendment 609

Peter Jahr, Marlene Mortler, Lena Düpont, Norbert Lins, Christine Schneider

Proposal for a directive

Article 23

Text proposed by the Commission

Amendment

Article 23

deleted

Penalties

1. Without prejudice to the obligations of Member States under 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.

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 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).

3. Member States shall ensure that the penalties established pursuant to this Article give due regard to the following,

as applicable:

(a) the nature, gravity, and extent of the violation;

(b) the intentional or negligent character of the violation;

(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.

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.

Or. en

Amendment 610

Elsi Katainen, Jan Huitema, Ulrike Müller, Asger Christensen, Emma Wiesner, Atidzhe Alieva-Veli, Martin Hlaváček

Proposal for a directive Article 23

Text proposed by the Commission

Amendment

Article 23

deleted

Penalties

1. Without prejudice to the obligations of Member States under 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.

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 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).

3. Member States shall ensure that the penalties established pursuant to this Article give due regard to the following, as applicable:

(a) the nature, gravity, and extent of the violation;

(b) the intentional or negligent character of the violation;

(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.

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.

Or. en

Justification

While this legislation does not set any targets, there is unclear for what this penalty system is built.

Amendment 611
Anne Sander

Proposal for a directive
Article 23 – paragraph 1

Text proposed by the Commission

1. Without prejudice to the obligations of Member States under 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.

Amendment

1. Without prejudice to the obligations of Member States under 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. ***They shall take into account the accessibility of obligations for legal and natural persons, in particular for landowners, farmers and foresters, as well as for SMEs and VSEs.***

Or. fr

Amendment 612
Anne Sander

Proposal for a directive
Article 23 – paragraph 2

Text proposed by the Commission

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 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***

Amendment

deleted

medium-sized enterprises (SMEs).

Or. fr

Amendment 613

Daniel Buda

Proposal for a directive Article 23 – paragraph 2

Text proposed by the Commission

Amendment

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 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).

deleted

Or. en

Amendment 614

Petros Kokkalis

Proposal for a directive Article 23 – paragraph 3 – point c

Text proposed by the Commission

Amendment

(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

(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 ***and the 'polluter pays'***

environment.

principle. .

Or. en

Amendment 615

Sarah Wiener

on behalf of the Verts/ALE Group

Proposal for a directive

Article 24 – paragraph 1 – introductory part

Text proposed by the Commission

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:

Amendment

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 ***that 75% of the soils of the European Union (EU) are healthy or improving by 2035*** and that all soils will be healthy by 2050. This evaluation shall take into account, inter alia, the following elements:

Or. en

Amendment 616

Annie Schreijer-Pierik

Proposal for a directive

Article 24 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

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 ***possible*** need to amend its provisions in order to set more specific requirements to ensure that unhealthy soils are regenerated

soils will be **healthy** by 2050. This evaluation shall take into account, inter alia, the following elements:

and that all soils will be **healthier** by 2050. This evaluation shall take into account, inter alia, the following elements:

Or. en

Amendment 617
Anne Sander

Proposal for a directive
Article 24 – paragraph 1 – introductory part

Text proposed by the Commission

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:

Amendment

1. By (OP :please insert the date = **12** 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:

Or. fr

Amendment 618
José Manuel Fernandes

Proposal for a directive
Article 24 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

1. By (OP :please insert the date = **15** 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:

evaluation shall take into account, inter alia, the following elements:

Or. en

Amendment 619

Marlene Mortler, Lena Düpont, Peter Jahr, Christine Schneider, Norbert Lins

Proposal for a directive

Article 24 – paragraph 1 – introductory part

Text proposed by the Commission

(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:

Amendment

(1) By (OP :please insert the date = **10** 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:

Or. de

Amendment 620

Elsi Katainen, Jan Huitema, Ulrike Müller, Asger Christensen, Emma Wiesner

Proposal for a directive

Article 24 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

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 ensure that unhealthy soils are regenerated and that all soils **are aimed to** be healthy by 2050. This evaluation shall take into

alia, the following elements:

account, inter alia, the following elements:

Or. en

Justification

More flexibility for Member States should be given.

Amendment 621

Maria Noichl

Proposal for a directive

Article 24 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) an analysis of the gap towards achieving the intermediate soil health targets and, where applicable, the reasons for any non-achievement;

Or. en

Amendment 622

Maria Noichl

Proposal for a directive

Article 24 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) an analysis of the gap towards achieving healthy soils by 2050;

(d) an analysis of the gap towards achieving *100%* healthy soils by 2050;

Or. en

Amendment 623

Annie Schreijer-Pierik

Proposal for a directive

Article 24 – paragraph 1 – point d

Text proposed by the Commission

(d) an analysis of the gap towards achieving **healthy** soils by 2050;

Amendment

(d) an analysis of the gap towards achieving **healthier** soils by 2050;

Or. en

Amendment 624

Maria Noichl

Proposal for a directive

Article 24 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) an identification of any further measures necessary to achieve the Directive’s overarching objective and intermediate targets;

Or. en

Amendment 625

Maria Noichl

Proposal for a directive

Article 24 – paragraph 1 – point d b (new)

Text proposed by the Commission

Amendment

(db) an assessment of the soil health criteria set by Member States for the descriptors outlined in Annex I.

Or. en

Amendment 626

Maria Noichl

Proposal for a directive

Article 24 – paragraph 1 – point e – point ii

Text proposed by the Commission

(ii) the establishment of criteria for soil descriptors listed in part C of annex I;

Amendment

(ii) the establishment **and further elaboration** of criteria for soil descriptors listed in part C of annex I;

Or. en

Amendment 627

Sarah Wiener

on behalf of the Verts/ALE Group

Proposal for a directive

Article 24 – paragraph 2

Text proposed by the Commission

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.

Amendment

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 , **and where relevant, legislative proposals.**

Or. en

Amendment 628

Irène Tolleret

Proposal for a directive

Article 24 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Within 12 months of the date of entry into force of this Regulation, the Commission shall, in consultation with Member States, submit another report to the European Parliament and the Council containing:

(a) an overview of financial resources available at Union level for the purpose of

implementing this Directive;

(b) an assessment of the funding needs to implement Articles 6 to 16 and to achieve the objective set forth in Article 1;

(c) an analysis to identify any funding gaps in the implementation of the obligations set out in the Directive, including for the financial compensation of potential losses by landowners and land managers directly due to the implementation of this Directive; and

(d) where appropriate, proposals for adequate additional measures, including financial measures to address the gaps identified for those areas outside of the Common Agricultural Policy.

Or. en

Amendment 629

Maria Noichl

Proposal for a directive

Article 24 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. From ... [OP :please insert the date = eight years after the date of entry into force of the Directive],the Commission shall, report to the European Parliament and to the Council every three years 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 100% healthy soils by 2050.

Or. en

Amendment 630

Sarah Wiener

on behalf of the Verts/ALE Group

Proposal for a directive

Article 24 a (new)

Text proposed by the Commission

Amendment

Article 24a

European Healthy, Living Soils Forum

The Commission shall set up a European Healthy, Living Soils Forum to provide input for guidance and facilitate the coordinated implementation of Union legislation and policies related to soil health monitoring and improving soil health, bringing together all stakeholders including competent authorities of the Member States at all relevant levels, the Commission, industry, civil society, and the scientific community at regular intervals. The European Healthy, Living Soils Forum shall exchange experience and good practices, including on sustainable soil management practices, regeneration practices, and soil management practices to be avoided, that can inform and enhance the soil district plans and their implementation and Member States' approaches to improving soil health.

Or. en

Justification

This seeks to bring together a range of stakeholders to share experience and knowledge of matters relating to soil health. A similar mechanism exists under Directive 2001/81/EC of the European Parliament and of the Council of 23 October 2001 on national emission ceilings for certain atmospheric pollutants (the NEC Directive).

Amendment 631

Jan Huitema, Emma Wiesner, Atidzhe Alieva-Veli

Proposal for a directive

Article 25 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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.

Amendment

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by ... [OP please insert date = **5** years after date of entry into force of the Directive]. They shall forthwith communicate to the Commission the text of those provisions.

Or. en