



**2023/0232(COD)**

13.11.2023

# **DRAFT OPINION**

of the Committee on Agriculture and Rural Development

for the Committee on the Environment, Public Health and Food Safety

on the proposal for a directive of the European Parliament and of the council  
on Soil Monitoring and Resilience (Soil Monitoring Law)  
(COM(2023)416 – C9-0234/2023 – 2023/0232(COD))

Rapporteur for opinion: Maria Noichl

PA\_Legam

## AMENDMENT

The Committee on Agriculture and Rural Development calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to take the following into account:

### Amendment 1

#### Proposal for a directive Recital 10 a (new)

*Text proposed by the Commission*

*Amendment*

***(10 a) Preserving agricultural land and soil health is key for the future of young farmers, whose access to land is compromised with the current soil degradation trend. By increasing knowledge of soils and enhancing soil health, the sustainability of Europe's next generation of farmers can be assured whilst contributing to fight depopulation in rural areas. Likewise, firm action to heal our soils can play a significant role in favour of gender equality, as data shows that women are on the frontline struggle to salvage the large area of agricultural land already affected by soil degradation and also that increasing numbers of women farmers choose a sustainable approach in their agricultural practices.***

Or. en

### Amendment 2

#### Proposal for a directive Recital 18

*Text proposed by the Commission*

*Amendment*

(18) It is necessary to set measures for monitoring and assessing soil health, managing soils sustainably and tackling contaminated sites to achieve healthy soils

(18) It is necessary ***essential*** to set ***concrete and harmonised*** measures for monitoring and assessing soil health ***Union wide***, managing soils sustainably and

by 2050, to maintain them in healthy condition and meet the Union's objectives on climate and biodiversity, to prevent and respond to droughts and natural disasters, to protect human health and to ensure food security and safety.

tackling contaminated sites to achieve healthy soils by 2050, to maintain them in healthy condition and meet the Union's objectives on climate and biodiversity, to prevent and respond to droughts and natural disasters, to protect human health and to ensure food security and safety.

Or. en

### Amendment 3

#### Proposal for a directive Recital 19 a (new)

*Text proposed by the Commission*

*Amendment*

***(19 a) Soil biodiversity is an essential component of overall biodiversity. It plays a fundamental role in maintaining ecosystem functions and services. Soil communities are vital in providing nutritious food and clean water, in regulating water and climate and in supporting carbon and nutrient cycling.***

Or. en

### Amendment 4

#### Proposal for a directive Recital 19 b (new)

*Text proposed by the Commission*

*Amendment*

***(19 b) Soil organic matter is crucial for the provision of soil ecosystem services and functions, by reducing soil degradation, erosion and compaction, while increasing buffering, water holding and cation exchange capacity of the soil and soil organic carbon, which ultimately could increase crop yields. Additionally, soil organic matter positively affects soil biodiversity and could increase the carbon sequestered in soils, thereby contributing to climate change mitigation.***

Or. en

## Amendment 5

### Proposal for a directive

#### Recital 23

##### *Text proposed by the Commission*

(23) The long-term objective of the Directive is to achieve healthy soils by 2050. As an intermediate step, in light of the limited knowledge about the condition of soils and about the effectiveness and costs of the measures to regenerate their health, the directive takes a staged approach. In the first stage the focus will be on setting up the soil monitoring framework **and assessing** the situation of soils throughout the EU. It also includes requirements to lay down measures to manage soils sustainably and regenerate unhealthy soils once their condition is established, but without imposing an obligation to achieve healthy soils by 2050 neither intermediate targets. This proportionate approach will allow sustainable soil management and regeneration of unhealthy soils to be well prepared, incentivised and set in motion. In a second stage, as soon as the results of the first assessment of soils and trends analysis are available, the Commission will take stock of the progress towards the 2050 objective and the experience thereof, and will propose a review of the directive if necessary to accelerate progress towards 2050.

##### *Amendment*

(23) The long-term objective of the Directive is to achieve healthy soils by 2050 **by setting a binding target of 100% of healthy soils in the Union by then**. As an intermediate step, in light of the limited knowledge about the condition of soils and about the effectiveness and costs of the measures to regenerate their health, the directive takes a staged approach **by setting binding intermediate targets to ensure the progress**. In the first stage the focus will be on setting up the soil monitoring framework **to allow and for an assessment of** the situation of soils throughout the EU. It also includes requirements to lay down measures to manage soils sustainably and regenerate unhealthy soils once their condition is established, but without imposing an obligation to achieve healthy soils by 2050 neither intermediate targets. This proportionate approach will allow sustainable soil management and regeneration of unhealthy soils to be well prepared, incentivised and set in motion. In a second stage, as soon as the results of the first assessment of soils and trends analysis are available, the Commission will take stock of the progress towards the 2050 objective and the experience thereof, and will propose a review of the directive if necessary to accelerate progress towards 2050.

Or. en

## Amendment 6

### Proposal for a directive

#### Recital 24

##### *Text proposed by the Commission*

(24) Addressing the pressures on soils

##### *Amendment*

(24) Addressing the pressures on soils

and identifying the appropriate measures to maintain or regenerate soil health requires that the variety of soil types, the specific local and climatic conditions and the land use or the land cover is taken into account. It is therefore appropriate that Member States establish soil districts. Soil districts should constitute the basic governance units to manage soils and to take measures to comply with the requirements laid down in this Directive, in particular with regard to the monitoring and assessment of soil health. The number, geographic extent and boundaries of soil districts for each Member State should be determined in order to facilitate the implementation of Regulation (UE) .../.... of the European Parliament and of the Council<sup>48</sup>. There should be a minimum number of soil districts in each Member State taking into account the size of the Member State. This minimum number of soil districts for each Member State shall correspond to the number of NUTS *1* territorial units established in Regulation (EC) No 1059/2003 of the European Parliament and of the Council<sup>49</sup>.

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<sup>48</sup> +OP please insert in the text the number of the Regulation on the carbon removal certification contained in document COM(2022) 672 final and insert the number, date, title and OJ reference of that Directive in the footnote.

<sup>49</sup> Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS) (OJ L 154, 21.6.2003, p. 1).

and identifying the appropriate measures to maintain or regenerate soil health requires that the variety of soil types, the specific local and climatic conditions and the land use or the land cover is taken into account. It is therefore appropriate that Member States establish soil districts *appropriately reflecting pedoclimatic conditions and soil variety within their territory*. Soil districts should constitute the basic governance units to manage soils and to take measures to comply with the requirements laid down in this Directive, in particular with regard to the monitoring and assessment of soil health. The number, geographic extent and boundaries of soil districts for each Member State should be determined in order to facilitate the implementation of Regulation (UE) .../.... of the European Parliament and of the Council<sup>48</sup>. There should be a minimum number of soil districts in each Member State taking into account the size of the Member State. This minimum number of soil districts for each Member State shall correspond to the number of NUTS *2* territorial units established in Regulation (EC) No 1059/2003 of the European Parliament and of the Council<sup>49</sup>.

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<sup>48</sup> +OP please insert in the text the number of the Regulation on the carbon removal certification contained in document COM(2022) 672 final and insert the number, date, title and OJ reference of that Directive in the footnote.

<sup>49</sup> Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS) (OJ L 154, 21.6.2003, p. 1).

Or. en

## Amendment 7

### Proposal for a directive

#### Recital 36

*Text proposed by the Commission*

(36) In order to make the widest possible use of soil health data generated by the monitoring carried out under this Directive, Member States should be required to facilitate the access to such data for relevant stakeholders such as farmers, foresters, land owners and local authorities.

*Amendment*

(36) In order to make the widest possible use of soil health data generated by the monitoring carried out under this Directive, Member States should be required to facilitate the access to such data for relevant stakeholders such as farmers, foresters, land owners, ***academia, as well as non-governmental organisations promoting the protection of human health or the environment or agro-ecological food systems*** and local authorities.

Or. en

## Amendment 8

### Proposal for a directive

#### Recital 37

*Text proposed by the Commission*

(37) To maintain or enhance soil health, soils need to be managed sustainably. Sustainable soil management will enable the long-term provision of soil services, including improved air and water quality and food security. It is therefore appropriate to lay down sustainable soil management principles to guide soil management practices.

*Amendment*

(37) To maintain or enhance soil health, soils need to be managed sustainably. Sustainable soil management will enable the long-term provision of soil services, including improved air and water quality and food security, ***as well as climate change mitigation and adaptation***. It is therefore appropriate to lay down sustainable soil management principles to guide soil management practices.

Or. en

## Amendment 9

### Proposal for a directive

#### Recital 39

*Text proposed by the Commission*

(39) Pursuant to Regulation (EU) 2021/2115 of the European Parliament and

*Amendment*

(39) Pursuant to Regulation (EU) 2021/2115 of the European Parliament and

of the Council<sup>52</sup>, Member States have to describe in their CAP Strategic Plans how the environmental and climate architecture of those Plans is meant to contribute to the achievement of, and be consistent with, the long-term national targets set out in, or deriving from, the legislative acts listed in Annex XIII to that Regulation.

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<sup>52</sup> Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013 (OJ L 435, 6.12.2021, p. 1).

of the Council<sup>52</sup>, Member States have to describe in their CAP Strategic Plans how the environmental and climate architecture of those Plans is meant to contribute to the achievement of, and be consistent with, the long-term national targets set out in, or deriving from, the legislative acts listed in Annex XIII to that Regulation. ***This Directive should be added to that list of legislative acts in accordance with Article 159 of Regulation (EU) 2021/2115.***

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<sup>52</sup> Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013 (OJ L 435, 6.12.2021, p. 1).

Or. en

## Amendment 10

### Proposal for a directive Recital 53

#### *Text proposed by the Commission*

(53) The Commission should carry out an evidence-based evaluation and, where relevant, a revision of this Directive, 6 years after its entry into force on the basis of the results of the soil health assessment. The evaluation should assess in particular the need to set more specific requirements to make sure unhealthy soils are regenerated and the objective to achieve healthy soils by 2050 *is* achieved. The evaluation should also assess the need to adapt the definition of healthy soils to scientific and technical progress by adding provisions on certain descriptors or criteria based on new scientific evidence relating

#### *Amendment*

(53) The Commission should carry out an evidence-based evaluation and, where relevant, a revision of this Directive, 6 years after its entry into force on the basis of the results of the soil health assessment. The evaluation should assess in particular the need to set more specific requirements to make sure unhealthy soils are regenerated and the objective to achieve healthy soils by 2050 ***and the intermediate targets are*** achieved. The evaluation should also assess the need to adapt the definition of healthy soils to scientific and technical progress by adding provisions on certain descriptors or criteria based on new



to the protection of soils or on the grounds of a problem specific to a Member State arising from new environmental or climatic circumstances. Pursuant to paragraph 22 of the Interinstitutional Agreement on Better Law-Making, that evaluation should be based on the criteria of efficiency, effectiveness, relevance, coherence and EU value added and should provide the basis for impact assessments of possible further measures.

scientific evidence relating to the protection of soils or on the grounds of a problem specific to a Member State arising from new environmental or climatic circumstances. Pursuant to paragraph 22 of the Interinstitutional Agreement on Better Law-Making, that evaluation should be based on the criteria of efficiency, effectiveness, relevance, coherence and EU value added and should provide the basis for impact assessments of possible further measures.

Or. en

## Amendment 11

### Proposal for a directive Article 1 – paragraph 1

#### *Text proposed by the Commission*

1. The objective of the Directive is to put in place a solid and coherent soil monitoring framework for all soils across the EU and to continuously improve soil health in the Union with the view to achieve healthy soils by 2050 and maintain soils in healthy condition, so that they can supply multiple ecosystem services at a scale sufficient to meet environmental, societal and economic needs, prevent and mitigate the impacts of climate change and biodiversity loss, increase the resilience against natural disasters and for food security and that soil contamination is reduced to levels no longer considered harmful to human health and the environment.

#### *Amendment*

1. The objective of the Directive is to put in place a solid and coherent soil monitoring framework for all soils across the EU and to continuously improve soil health in the Union with the view to achieve healthy soils by 2050 **by setting binding targets** and maintain soils in healthy condition, so that they can supply multiple ecosystem services at a scale sufficient to meet environmental, societal and economic needs, prevent and mitigate the impacts of climate change and biodiversity loss, increase the resilience against natural disasters and for food security and that soil contamination is reduced to levels no longer considered harmful to human health and the environment **defined by scientific evidence**.

Or. en

## Amendment 12

### Proposal for a directive Article 1 – paragraph 2 – introductory part

*Text proposed by the Commission*

2. ***This*** Directive lays down measures on:

*Amendment*

2. ***In order to reach the goal of 100% healthy soils by 2050, this*** Directive lays down measures on:

Or. en

### **Amendment 13**

#### **Proposal for a directive**

#### **Article 1 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) monitoring and assessment of soil health;

*Amendment*

(a) monitoring and assessment of soil health ***with the legal obligation to achieve healthy soils by 2050 and intermediate targets by 2035, 2040 and 2045;***

Or. en

### **Amendment 14**

#### **Proposal for a directive**

#### **Article 1 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) sustainable soil management;

*Amendment*

(b) sustainable soil management ***including targets for priority issues such as the restoration of soil biodiversity and the achievement of no-net land take;***

Or. en

### **Amendment 15**

#### **Proposal for a directive**

#### **Article 1 a (new)**

*Text proposed by the Commission*

*Amendment*

#### ***Article 1a***

#### ***Targets***

***In order to reach the healthy soils objective set out in paragraph 1 of this Article, this Directive sets a binding target***

*of 100% healthy soils across the Union by 2050.*

*2. This Directive also sets the following intermediate soil health targets:*

*(a) a binding target of achieving 55 % healthy soils across the Union by 2035;*

*(b) a binding target of achieving 70 % healthy soils across the Union by 2040;*

*(c) a binding target of achieving 85 % healthy soils across the Union by 2045.*

*3. The Union and its Member States shall take the necessary measures at Union, national and regional level, respectively, to enable the collective achievement of the healthy soils objective set out in paragraph 1 and the soil health targets set out in paragraph 2 of this Article.*

Or. en

## Amendment 16

### Proposal for a directive

#### Article 3 – paragraph 1 – point 3

*Text proposed by the Commission*

(3) ‘ecosystem services’ means indirect contributions of ecosystems to the economic, social, cultural and other benefits that people derive from those ecosystems;

*Amendment*

(3) ‘ecosystem services’ means **direct and** indirect contributions of ecosystems to the economic, social, cultural and other benefits that people derive from those ecosystems;

Or. en

## Amendment 17

### Proposal for a directive

#### Article 3 – paragraph 1 – point 4 a (new)

*Text proposed by the Commission*

*Amendment*

**(4 a) soil functions’ means the roles performed by soil that support ecosystems, the biosphere, the water environment and human activities;**

Or. en

## Amendment 18

### Proposal for a directive

#### Article 3 – paragraph 1 – point 5

*Text proposed by the Commission*

(5) ‘sustainable soil management’ means soil management practices that maintain or enhance the ecosystem services provided by the soil without impairing the functions enabling those services, or being detrimental to other properties of the environment;

*Amendment*

(5) ‘sustainable soil management’ means soil **and land** management practices that maintain or enhance **the biodiversity and** the ecosystem services provided by the soil without impairing the functions enabling those services, or **causing significant damage** being detrimental to other properties of the environment;

Or. en

## Amendment 19

### Proposal for a directive

#### Article 3 – paragraph 1 – point 26

*Text proposed by the Commission*

(26) ‘soil remediation’ means a regeneration action that reduces, isolates or immobilizes contaminant concentrations in the soil.

*Amendment*

(26) ‘soil remediation’ means a regeneration action that reduces, isolates or immobilizes contaminant concentrations in the soil **below a toxicity threshold for which significant dangers for organisms in contact with that soil can be excluded.**

Or. en

## Amendment 20

### Proposal for a directive

#### Article 4 – paragraph 1 – subparagraph 2

*Text proposed by the Commission*

The number of soil districts for each Member State shall as a minimum correspond to the number of NUTS **1** territorial units established under Regulation (EC) No 1059/2003.

*Amendment*

The number of soil districts for each Member State shall as a minimum correspond to the number of NUTS **2** territorial units established under Regulation (EC) No 1059/2003.

Or. en

## Amendment 21

### Proposal for a directive Article 4 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

**2 a.** *Member States shall ensure that soil districts of neighbouring Member States with similar values for the parameters referred to paragraph 2, points (a) to (d), cooperate, where appropriate, with each other to exchange best practices and to ensure that a coherent approach is taken across borders.*

Or. en

## Amendment 22

### Proposal for a directive Article 6 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

**1 a.** *Member states shall draw up a mandatory soil health plan that relies and intertwines to the extent possible with the existing synergies with the national restoration plans adopted in accordance with Regulation (UE) .../... of the European Parliament and of the Council, ensuring consistency across the soil and biodiversity restoration objectives in agricultural ecosystems.*

Or. en

## Amendment 23

### Proposal for a directive Article 7 – paragraph 1 – subparagraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

**Annex I shall include a mandatory and detailed list of multiple soil biodiversity descriptors, based on the latest scientific**

*findings.*

Or. en

## Amendment 24

### 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*

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) **to support the achievement of the objectives of this Directive.**

Or. en

## Amendment 25

### 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 **and C** of Annex I. **For the first assessment of soil health in line with paragraph 1 of this article, Member States shall include at least one of the two soil biodiversity descriptors outlined in part C of Annex I.**

Or. en

## Amendment 26

### 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 descriptors listed in part B **and C** of Annex I meet the criteria set in accordance with Article 7 ('healthy soil').

Or. en

**Amendment 27**

**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 following criteria referred to in subparagraph 1 is not met ('unhealthy soil'):***

***(a)*** at least one of the criteria referred to in subparagraph 1 is not met ***or***

***(b)*** ***an analysis of the values of soil descriptors listed in part C of Annex I indicates a critical loss of ecosystem services, taking into account the relevant data and available scientific knowledge or***

***(c)*** ***an analysis of the values of land take and soil sealing indicators listed in part D of Annex I indicates critical impacts on the loss of ecosystem services and on objectives and targets established under Regulation (EU) 2018/841.***

***Member States shall define for each soil district what constitutes a critical loss of ecosystem services and a critical impact on the loss of ecosystem services according to subparagraphs 3 (b) and (c).***

Or. en

**Amendment 28**

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

*Text proposed by the Commission*

*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, taking into account the relevant data and available scientific knowledge.***

***deleted***

Or. en

## **Amendment 29**

### **Proposal for a directive**

#### **Article 10 – paragraph 1 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

*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:

From (OP: please insert the date = 5 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:

Or. en

## **Amendment 30**

### **Proposal for a directive**

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

*Text proposed by the Commission*

*Amendment*

***(a a) using the Good Agricultural and Environmental Conditions (GAECs) as referred to in Regulation (EU) 2021/2115, on sustainable soil management practices (GAECs 5, 6 & 7), on climate change (GAECs 1, 2 & 3), on water (GAEC 4) and on biodiversity (GAECs 8 & 9) shall be obligatory for the definition of sustainable soil management practices by each Member State in accordance with this paragraph;***

Or. en



## Amendment 31

### Proposal for a directive

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

*Text proposed by the Commission*

*Amendment*

***The timetable for the implementation of the practices defined under paragraph (a), and for the cessation of the practices defined under paragraph (b), shall be set out in the soil district management plans in accordance with Annex VIII. National sustainable soil management practices established in accordance with the requirements of the present paragraph shall not regress in ambition.***

Or. en

## Amendment 32

### Proposal for a directive

#### Article 10 – paragraph 1 – subparagraph 4

*Text proposed by the Commission*

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

Member States shall ensure that the process of elaboration, ***review and revision*** of the practices referred to in the first ***subparagraphs*** is open, inclusive and effective and that the public concerned, in ***particular such as*** landowners and managers, ***academia, as well as non-governmental organisations promoting the protection of human health, agro-ecological food systems or the environment***, are involved and are given early and effective opportunities to participate in their elaboration. ***Member States shall publish the draft list of the soil management practices and measures and make it available to the public by appropriate means.***

Or. en

### Amendment 33

#### 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 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. ***The assessment shall be made available to the public.***

Or. en

### Amendment 34

#### 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 35

#### 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.

Or. en

### Amendment 36

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

*Text proposed by the Commission*

*Amendment*

***Member States shall reduce land take to achieve the target of “zero net land take” by 2050.***

Or. en

### **Amendment 37**

**Proposal for a directive**

**Article 17 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***When implementing this Directive, Member States shall make use of financial resources from appropriate sources, including Union funds, to finance actions with a focus on soil protection, sustainable soil management and soil regeneration.***

Or. en

### **Amendment 38**

**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 soil protection, sustainable soil management and soil regeneration. The Commission shall provide training and technical support to increase the Member States’ absorption capacity.***

Or. en

### **Amendment 39**

**Proposal for a directive**

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

*Text proposed by the Commission*

(c) a summary of the progress on:

*Amendment*

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

Or. en

**Amendment 40**

**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 Council<sup>83</sup>.

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<sup>83</sup> 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 **easily** available and accessible **free of charge** 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 Council<sup>83</sup>.

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<sup>83</sup> 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 41**

**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, 10, 15 and 16 **for amending annex I** 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 42

### 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, 10, 15 and 16 **and for amending Annex I** 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 43

### 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, 10, 15 and 16 **and for amending Annex I** 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 44

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

*Text proposed by the Commission*

(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.

*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 environment ***and the ‘polluter pays’ principle.***

Or. en

**Amendment 45**  
**Proposal for a directive**  
**Annex I – Part B – second row**

*Text proposed by the Commission*

Soil contamination

- concentration of heavy metals in soil: As, Sb, Cd, Co, Cr (total), Cr (VI), Cu, Hg, Pb, Ni, Tl, V, Zn (µg per kg)
- concentration of a selection of ***organic*** contaminants established by Member States and taking into account existing concentration limits e.g. for water quality and air emissions in Union legislation

Reasonable assurance, obtained from soil point sampling, identification and investigation of contaminated sites and any other relevant information, that no unacceptable risk for human health and the environment from soil contamination exists.

Habitats with naturally high concentration of heavy metals that are included in Annex I of Council Directive 92/43/EEC<sup>3</sup> shall remain protected.

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<sup>3</sup> Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).

*Amendment*

Soil contamination

- concentration of heavy metals in soil: As, Sb,

Reasonable assurance, obtained from soil point sampling,

Cd, Co, Cr (total), Cr (VI), Cu, Hg, Pb, Ni, Tl, V, Zn ( $\mu\text{g per kg}$ )

- concentration of a selection of contaminants established by Member States and taking into account existing concentration limits e.g. for water quality and air emissions in Union legislation

identification and investigation of contaminated sites and any other relevant information, that no unacceptable risk for human health and the environment from soil contamination exists.

Habitats with naturally high concentration of heavy metals that are included in Annex I of Council Directive 92/43/EEC<sup>3</sup> shall remain protected.

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<sup>3</sup> Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).

Or. en

**Amendment 46**  
**Proposal for a directive**  
**Annex I – part C – Title**

*Text proposed by the Commission*

Part C: soil descriptors *without* criteria

*Amendment*

Part C: soil descriptors *with* criteria *for healthy soil condition established at Member States level*

Or. en

**Amendment 47**  
**Proposal for a directive**  
**Annex I – part C – fourth row**

*Text proposed by the Commission*

Loss of soil biodiversity

*Soil basal respiration ( $\text{mm}^3 \text{O}_2 \text{g}^{-1} \text{hr}^{-1}$ ) in dry soil*

Member States *may* also select other optional soil descriptors for biodiversity such as:

- metabarcoding of bacteria, fungi, protists and

Loss of soil biodiversity

- animals;
- abundance and diversity of nematodes;
- microbial biomass
- abundance and diversity of earthworms (in cropland);
- invasive alien species and plant pests

*Amendment*

***Among those soil descriptors, the Member States should choose at least one:***

***Community-level physiological profiling (CLPP) to analyse the metabolic activity of microorganisms in a mixed microbial community. Shifts in microbial populations often indicate upcoming changes in the overall health of the environment.***

***Metabarcoding (eDNA) to characterise biodiversity, establish diversity thresholds and monitor community changes.***

Member States ***shall*** also select other optional soil descriptors for biodiversity such as:

- metabarcoding of bacteria, fungi, protists and animals;
- abundance and diversity of nematodes;
- microbial biomass;
- abundance and diversity of earthworms (in cropland);
- invasive alien species and plant pests

Or. en