ICLEI Europe's position on the Directive on Soil Monitoring and Resilience

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INTRODUCTION

The European Green Deal accelerated Europe's efforts to climate neutrality and provided a comprehensive and interlinked set of policy initiatives covering climate, environment, energy, transport, industry, agriculture and sustainable finance which emphasises the need of a holistic and cross-sectoral approach.

The EU Biodiversity Strategy for 2030, published in 2020, has been a key pillar of the Green Deal and established a "comprehensive, ambitious and long-term plan to protect nature and reverse the degradation of ecosystems'. The restoration of degraded soils is one of the highlighted commitments in the strategy which is a most welcome step as healthy soils are vital for healthy food, nature and human well-being.

The EU Soil Strategy, published in November 2021 and building on the EU Biodiversity Strategy, established a framework and specific actions to safeguard and promote the sustainable use of soils with objectives for achieving soil health by 2050, and specific actions foreseen for 2030. This strategy, while marked a significant step forward towards the implementation of a new Soil Health Law designed to ensure a high standard of environmental and health protection, does not recognise the key role of subnational governments. On this note, ICLEI Europe's position paper on the EU Soil Strategy "**Position Paper: Cities for an Integrated Landscape Approach - Curbing Land Degradation and Restoring Europe's Soil Ecosystems**" explores this vital framework, while acknowledging gaps in the strategy and providing key recommendations for policy makers.

Following the EU Soil Strategy, in July 2023, the European Commission published its proposal for a Directive on Soil Monitoring and Resilience. Unfortunately, the ambition of the Directive - even expressed by the now proposed title - does not meet the previously announced "Soil Health Law" criteria as **the directive does not contain any binding protection measures / targets** and it currently foresees a step by step approach by prioritising soil monitoring first and planning to suggest concrete targets in the following years. Given the current state of soil and land in the EU, the absence of robust targets that are aligned with European Green Deal objectives and other policies such as the Water Framework Directive **risks slowing down the EU's ability to make meaningful progress in achieving healthy soils and meeting its global commitments, especially to UN SDG 15 'Life on Land' and Goal 15.3 'End Desertification and restore degraded land'**.

Nevertheless, ICLEI Europe welcomes all the efforts made by the European Commission and the potential of this Directive to put the EU in a leading position in addressing today's interconnected triple planetary crisis of climate change, nature - biodiversity loss and pollution, while improving the health of soil and those who depend on healthy soil.

The Soil Monitoring and Resilience Directive should now be improved by co-legislators to ensure its coherence and effectiveness for the protection of soil. Some issues like soil compaction, sealing, and erosion are currently missing from or not well addressed in the existing legal framework, emphasizing the need for a more comprehensive and robust legal protection. Additionally, **the role of local and regional governments as owners, facilitators and regulators of land and soil is not sufficiently mentioned** in the text, while **an important knowledge and expertise on soil management lies within local and regional governments**. In this regard, ICLEI Europe encourages the co-legislators, the European Parliament and the Council to consider the following points in the directive proposal to strengthen the Commission's proposal:

KEY RECOMMENDATIONS

1. **Include the Multilevel Governance approach and standardised processes:** Soil health is site specific, and in many cases the expertise on soil management issues lies within local and regional governments. The soil management process is currently proposed to be centralised through national governments. However, to ensure a successful implementation of the directive, the process needs to go beyond and should follow a multilevel governance approach with clear requirements to engage cities and regions. To ensure the successful implementation of this legislation, the procedures need to be aligned with well-established and standardised management processes - including baseline setting, stakeholder engagement, multilevel governance, definition of SMART targets, action planning, monitoring, evaluation and verification and connect to existing monitoring schemes and platforms.

   To improve the multilevel governance process, the **European Parliament ENVI Committee amendment** twould be an important step forward: it recommends *the Commission to provide to Member States the necessary capacity building, assistance and consulting services and support their monitoring initiatives, multilateral harmonisation of regulations, methods and archives, and thereby close existing data gaps and workflow bottlenecks by sharing common expertise. The Commission shall set up a permanent governance mechanism to that end, which shall build on, inter alia, the Soil BON initiative.*

2. **Missing 2030 and other intermediary targets to ensure healthy soils by 2050:** The ultimate objective of the proposed law is to have all soils in the EU in healthy condition by 2050. By this 2050 objective, the proposal fails to align its general commitment with the global 2030 land-neutrality target under the UN Sustainable Development Goals and the UN Convention to Combat Desertification.

   In this regard, we support the European Parliament's amendment to take stock of the progress towards the 2050 objective, as soon as the results of the first assessment of soils and trends analysis are available, and to propose a review of the directive, including the setting of intermediate targets for 2040, if necessary. This should be followed by a regular monitoring and review of the legislation until 2050 to ensure facilitating and accelerating its implementation.

3. **Better linkages with other EU legislation that highlights an action-oriented approach with concrete targets would be necessary:** The Commission's proposal clearly outlines the links between the Directive and other EU legislation such as Nature Restoration Law, Waste Water Treatment Directive, Farm to Fork Strategy and Common Agriculture Policy. However, it misses a key opportunity to set concrete soil improvement targets that could also be implemented through creating synergies between the above-mentioned legislation.

The current proposal adopts a monitoring approach that would be evaluated and potentially revised in 6 years from setting it into force. This approach fails to build on other EU legislation to enable a holistic approach that encompasses soil, food, environment, and health nexus in order to achieve healthy soils by 2050. The establishment of a common baseline period as well as intermediate and final targets that are in line with other Green Deal legislation is crucial not just to monitor the state of soils, but also to monitor our advancement towards the objectives of the legislation and to prevent the degradation of European soils. Also, this monitoring approach is mainly reactive, emphasising chemical and physical aspects rather than actively incorporating key biological measurements for soil health improvement. To address this, Annex 1 of the directive could include a more comprehensive list of mandatory descriptors for soil biodiversity loss replacing the current optional biological measurements.

A great integration opportunity exists between the Urban Greening Plans (UGP) of the EU Biodiversity Strategy for 2030 and this Soil Directive. The **EU Urban Greening Platform** already *provides guidance and knowledge to support towns and cities in enhancing and restoring their urban nature and biodiversity, along with links to other relevant European Commission initiatives and policies*. Additionally, the Urban Greening Plan Guidance and Toolkit *stresses the importance of the collaborative process of developing an urban greening plan, including the need for working with citizens and other stakeholders, and for cross-departmental working and integration of the greening plan with other aspects of urban development, from mobility and health, air and water, to energy and climate adaptation*. Aligning the Soil Monitoring Framework of this Directive with the UGP platform and guidance could avoid duplicating reporting efforts and bureaucratic burdens and at the same time ensure a strong involvement of local and regional governments.

4. **Funding options should be clarified in Article 17:** The proposal falls short of making a concrete funding proposal for Member States to establish monitoring schemes. This needs to be further elaborated and adequate technical and financial resources for transition towards healthy soils must be ensured. Local governments' role and their full potential in the monitoring, assessment, preservation and restoration of soils should be ensured to unleash through clear and easy to access funding streams.

5. **A systemic approach for potentially contaminated and contaminated sites:** CContaminated and potentially contaminated sites pose challenges and financial burden at both city and regional levels, and therefore, local governments play a vital role in the risk evaluation and management. The approach taken by the draft Directive gives flexibility to Member States for the management of potentially contaminated sites and contaminated sites based on costs, benefits and local specificities in a manner that respects the polluter-pays, precautionary and proportionality principles. While this is a welcome step, it disregards the role of subnational governments, local data collecting and monitoring activities, as well as the importance of multilevel governance as a key structure to establish a systemic approach in addressing potentially contaminated sites and contaminated sites.

For delivering on soil and public health, it will be important to anticipate the seven years timeline proposed by the draft directive. A multilevel governance approach in identifying potentially contaminated and contaminated sites (thanks to the use of local data collected at the local and regional level) would be more efficient and enable Member States to anticipate the finalisation of their list of potentially contaminated and contaminated sites. In fact, many cities already have registers in place assessing the risk of contaminated sites.

Finally, in order to take effective action on the potentially contaminated and contaminated sites in bordering regions, it would be crucial to encourage collaboration across Member States.

6. **Urban Areas and small scale stakeholders should be included in the Soil Health Certificate:** According to the Law, *in order to create incentives, Member States should set up mechanisms to recognize the efforts of landowners and land managers to maintain the soil in healthy condition, including in the form of soil health certification complementary to the Union regulatory framework for carbon removals*. While this is an important incentive to support action on healthy soils, it has the potential to go beyond and support restoration and resilience of nature and soils in urban areas.

   Nature-based solutions in urban areas have a great potential to reduce urban carbon emissions by up to 25%. Healthier soils support climate adaptation, resilience and food security in European cities and towns, where 75% of Europeans are living, through enhanced water absorption capacity - sponge city concept, in combination with small-scale food production that could increase food security (through short food supply chains), and strengthen the overall resilience of urban areas.

   In conclusion, local governments manage soils that could benefit from such certification and promote sustainable soil management practices. Also, small scale stakeholders beyond landowners should be a priority group for these certifications, more diversity offers more resilience and it has an important social aspect as well.

7. **Definition of Soil Districts should take into account urban areas:** The Article 4 of the legislation defines the Soil Districts as "means the part of the territory of a Member State, as delimited by Member State in accordance with this Directive". It states that Member States must establish soil districts throughout their territory to manage the soils and the requirements of the Directive. 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 regarding the monitoring and assessment of soil health. Unfortunately, in its current structure, the proposal fails to clearly address the urban areas, eg. by requesting a size of NUT3.

   On this point, we support the European Parliament ENVI Committee amendments highlighting the importance of local soil district plans (possibly in combination with Urban Greening Plans, see above) as well as the role of local stakeholders as owners and regulators of land in defining and functioning of soil districts as important steps forward. However, to standardise this approach, they should refer to size NUT3 areas.

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