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Date: 22/10/2022 09:10:48

Public Consultation on a possible EU Soil Health Law for protecting, sustainably managing and restoring EU soils

Fields marked with * are mandatory.

Introduction

The EU Soil Strategy for 2030 (https://eur-lex.europa.eu/legal-content/EN/TXT/? uri=CELEX%3A52021DC0699) 'Reaping the benefits of healthy soils for people, food, nature and climate' envisages that all soils in the EU should be in a healthy condition by 2050 and that the protection, sustainable use and restoration of soil should become the norm. The Strategy announces that the Commission will table a new legislative proposal on soil health to ensure the same level of protection to soil that exists for water, the marine environment and air in the EU. Such a legislative initiative will be based on an impact assessment, including a subsidiarity check, and fully respect the better regulation requirements and the competences of Member States.

Soil has mainly been associated with food production, but healthy soils are vital for life on Earth and are an ecosystem delivering many other crucial services, such as energy and raw materials, carbon sequestration, water purification and infiltration. Healthy soils sustain many sectors of the economy, well beyond individual parcels of land, be they privately or publicly owned. Soil is an extremely complex, variable and living medium, hosting more than 25% of all biodiversity on the planet and being the foundation of the food chain. This fragile layer of a few centimetres will need to feed and filter drinking water fit for consumption for a global population of nearly 10 billion people by 2050.

As the largest terrestrial carbon pool on the planet, healthy soils are instrumental for climate adaptation and mitigation and are a key enabler to achieve the objectives of the European Green Deal (https://eur-lex.europa.eu/legal-content/EN/TXT/? qid=1576150542719&uri=COM%3A2019%3A640%3AFIN) such as climate neutrality, zero pollution, sustainable food systems and a resilient environment.

However, land and soil are subject to severe degradation processes: 60-70% of soil ecosystems in the EU are estimated to be unhealthy and suffering from continuing degradation resulting in reduced provision of ecosystem services. Soil erosion, soil sealing (i.e. covering soils by concrete or other impermeable material), waste of excavated soils, soil compaction (i.e. compression of the soil, preventing water to infiltrate in soil), diffuse and local soil contamination, salinisation and peatland

drainage are the main drivers of land and soil degradation. Most of these drivers are not projected to change favourably in the coming years due to climate change and unsustainable soil management, leading to a further reduction in the provision of ecosystem services.

The drivers and impacts of soil degradation know no borders. An uneven and fragmented response by Member States to tackle soil degradation has led to an uneven playing field for economic operators who have to operate under different rules on soil protection while competing in the same market. The fragmented response has also prevented the halt of soil degradation in the EU and its effective restoration.

To address transboundary impacts of soil degradation, secure equal market conditions, promote policy coherence at EU and national level and thus be able to achieve the EU goals on climate change, biodiversity, food security and safety, and water protection, the Commission is working to table a dedicated legislative proposal on soil health by 2023.

Guidance on the questionnaire

This consultation is open to all to provide input to help the Commission prepare its initiative on soil and land protection, sustainable management and restoration, as described in the EU Soil Strategy for 2030.

To ensure a broad feedback, the questionnaire is divided into two parts. The first part (up to q. 13) is more general and intended for everyone, while the second part (from q. 14 to q. 21) is aimed at stakeholders with some expertise on the subject. The first part of the questionnaire may be submitted without the need to complete also the second 'expert' part.

The estimated time for completion is 10 minutes for the first part and a total of 25 minutes if the second part is also completed.

Please read the privacy statement (https://ec.europa.eu/info/law/better-regulation/specific-privacy-statement_en) on how personal data associated with your contribution will be processed.

All the responses to this consultation will be assessed and reported in the Commission's impact assessment of the Soil Health Law. We will also produce a stand-alone summary of the results of the consultation.

Thank you for taking part in this consultation.

About you

Text

*Language of my contribution
English
*First name
Nineta
*Surname
Hrastelj
*Email (this won't be published)
nineta.hrastelj@euchems.eu
*I am giving my contribution as
Non-governmental organisation (NGO)
Agriculture Agro-industry (chemical inputs, seeds, machinery) Bio-technology Construction, urban planning & development Disaster prevention Education Energy (electricity, gas and water) Environment & nature protection Financial business (bank, insurance, etc.) Food/beverage industry Forestry and hunting Health and social work Mining and quarrying Soil remediation Tourism/recreation Waste & waste recycling Other
Please indicate the other sector 50 character(s) maximum
Chemistry - research and academic perspective

*Organisation name

255 character(s) maximum

European Chemical Society (EuChemS)

*Organisation size

Micro (1 to 9 employees)

Transparency register number

255 character(s) maximum

Check if your organisation is on the transparency register

(http://ec.europa.eu/transparencyregister/public/homePage.do?redir=false&locale=en). It's a voluntary database for organisations seeking to influence EU decision-making.

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*Country of origin

Please add your country of origin, or that of your organisation.

This list does not represent the official position of the European institutions with regard to the legal status or policy of the entities mentioned. It is a harmonisation of often divergent lists and practices.

Belgium

The Commission will publish all contributions to this public consultation. You can choose whether you would prefer to have your details published or to remain anonymous when your contribution is published. For the purpose of transparency, the type of respondent (for example, 'business association, 'consumer association', 'EU citizen') country of origin, organisation name and size, and its transparency register number, are always published. Your e-mail address will never be published. Opt in to select the privacy option that best suits you. Privacy options default based on the type of respondent selected

*Contribution publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

Anonymous

Only organisation details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.

Public

Organisation details and respondent details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well

as its transparency number, its size, its country of origin and your contribution will be published. Your name will also be published.

rec	l agree with the personal data protection provisions (https://ec.europa.eu/info/law/better- gulation/specific-privacy-statement)
ı	part

Question 1:

Please rank the importance of addressing the following issues at EU level:

	Very import ant	Imp orta nt	Of limited importance	Not at all important	l don't know / no opinion
*Protection of soil health	0	0	0	0	0
*Sustainable use of soils	0	0	0	0	0
*Soil restoration, including remediation of contaminated sites	•	0	0	0	0

Question 2:

Please rank the importance of the following drivers of the degradation of soils:

	Ver y im por tan t	I m p o rt a n t	Of limite d impor tance	Not at all impo rtant	I don't know / no opinion
*Climate change, drought, extreme weather events	0	0	0	0	0
*Unsustainable soil management and intensification of agricultural and forestry practices (e.g. mono-cropping and intensive livestock production)	0	•	0	0	0
*Industrial activities, unsustainable waste management and energy production	•	0	0	0	0
*Improper water management, reuse and irrigation	•	0	0	0	0
*Overexploitation and consumption of natural					

22/10/2022, 09:11 EUSurvey - Survey resources (0) *Soil sealing and land take for infrastructure and construction (e.g. buildings, roads and railways, (0) parking lots, airports) *Other land-use changes such as conversion of natural (0) grasslands and forests into arable land Other [please specify]: Text of 10 to 100 characters will be accepted *Question 3: In your opinion, are the causes of soil and land degradation sufficiently addressed at EU level: Sufficiently Not enough Not at all I don't know / no opinion *In your opinion, are the causes of soil and land degradation sufficiently addressed at national level: Sufficiently Not enough Not at all I don't know / no opinion

Question 4:

Although soils are often associated with agricultural use of soil, they are part of every terrestrial ecosystem and their health is crucial for the environment and the provision of many ecosystem services.

Which types of soil use should be addressed by the initiative:

	Totally agree	Somewha t agree	Somewhat disagree	Totally disagree	I don't know / no opinion
*All types of soil uses should be addressed	0	•	0	0	0
*Agricultural soils	•	0	0	0	0
*Artificial and built areas	0	•	0	0	0
*Industrial soils	0	•	0	0	0
*Forest soils	0	0	0	0	0

*Wetlands	•	0	0	0	0	
Other [please specify]:						
Text of 10 to 500 characters to	will be accept	ed				

Different policy options will be assessed to reach healthy soils in the EU by 2050. The following questions 5-13 address different measures that will be considered in the impact assessment.

*Question 5:

According to the EU Soil Strategy, soils are healthy when they are in good chemical, biological and physical condition, and thus able to continuously provide as many ecosystem services as possible.

In your view, should the future EU Soil Health Law set legal obligations for Member States to achieve healthy soils by 2050:

,	T			
0	Total	IJΥ	aq	ree

- Somewhat agree
- Somewhat disagree
- Totally disagree
- I don't know / no opinion / not applicable

*Question 6:

Soil health depends on its management and land use changes. Indeed, a sustainable use requires care and effort, and transitioning from unsustainable to sustainable use can be difficult. Notwithstanding the current efforts to promote a sustainable use of soil, urban, industrial, forest and agricultural soils are still under continuous degradation.

Do you agree that there should be a legal obligation for Member States to set requirements for the sustainable use of soil so that its capacity to produce food, filtrate water, host and support biodiversity, store carbon etc. is not hampered:

0	Iotai	ly i	agı	ree
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- Somewhat agree
- Somewhat disagree
- Totally disagree
- I don't know / no opinion / not applicable

*Question 7:

Measurements and monitoring of soil health and threats are incomplete. Improved soil monitoring across Europe is needed to develop early warnings of exceedances of critical thresholds and to guide sustainable soil management.

Do you agree that there should be legal obligations for Member States to monitor soil health in their national territory and report on it:

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Totally	agree
Some	what agree
Some	what disagree
Totally	disagree
○ I don't	know / no opinion / not applicable
*Question 8:	
activities. The lex.europa.e. (https://eur-leprovisions.org	s estimated that 2.8 million sites may have been potentially contaminated by polluting e EU already has some legal tools such as the Industrial Emissions Directive (https://eur-u/legal-content/EN/TXT/?uri=CELEX:32010L0075) and the Environmental Liability Directive ex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02004L0035-20190626) with a soil investigation and remediation, but their scope is rather on prevention, limited in time fic risk activities.
	e that there should be legal obligations for Member States to identify contaminated sites ignificant risk to human health and the environment:
Totally	agree
Some	what agree
Some	what disagree
Totally	disagree
○ I don′t	know / no opinion / not applicable
*Do you agree	e that there should be legal obligations for Member States <u>to remediate</u> those d sites:
Totally	agree
	what agree
Some	what disagree
Totally	disagree
○ I don't	know / no opinion / not applicable
*Question 9:	
Should the in available:	nformation and environmental data from a registry of contaminated sites be publicly
Totally	agree
Some	what agree, i.e. only under specific conditions
Some	what disagree, i.e. only under specific conditions
Totally	disagree
○ I don't	know / no opinion / not applicable
Please indica	ate which specific conditions (optional):
	o 500 characters will be accepted

*Question 10:

Land take (https://www.eea.europa.eu/publications/eea_report_2006_10/eea_report_10_2006.pdf/view) has been defined by the European Environment Agency as the loss of agricultural, forest and other semi-natural and natural land to urban and other artificial land development. The EU has an objective to achieve a state of no net land take by 2050. Net land take is the difference between land take and land recultivation.

Do you agree that the legal proposal should include obligations for Member States to monitor and report on the progress towards the EU objective of "no net land take" by 2050:

(0)	lotally agree
0	Somewhat agree
0	Somewhat disagree
0	Totally disagree
\circ	I don't know / no opinion / not applicable

*Question 11:

Soil health is very relevant for farmers, foresters and landowners in general, but also for investors, public authorities and businesses. As a way of creating a bigger awareness of the state of soils, some Member States have developed certificates of soil health. In some cases, these have to be provided during land transactions to adequately inform the buyer on soil status, similar to a certificate of energy performance that provides information on the energy efficiency of a house when selling it.

Do you agree that there should be legal obligations for Member States to set mechanism informing the buyer about the health of the soil when land is sold:

0	Totally agree
0	Somewhat agree
\circ	Somewhat disagree
0	Totally disagree
0	I don't know / no opinion / not applicable

If you agree, how should the buyer be informed?

0	With an official and mandatory "certificate" on soil health
0	By consulting a website with official soil health information on all land parcels
0	Through a declaration of honour from the seller or lessor
0	Other

Question 12:

When a new building or infrastructure is built, and soils are excavated for this purpose, in many cases these excavated soils are clean and fertile and can be reused in the same or another appropriate location. In 2018, more than 530 million tonnes of excavated soils in EU were generated and reported as waste. In order to improve the safe recycling of healthy soils, several measures can be envisaged. To keep separate contaminated soil from clean soil, these streams have to be monitored more closely

throughout the value chain, with traceability and quality control from the excavation site up to the receiving end.

In your view, which measures for ensuring the safe transportation, treatment, or reuse of excavated soils should be considered by the initiative:

	T ot al ly a gr e	So me wh at agr ee	Som ewh at disa gree	Tot all y dis ag ree	l don't know/ no opinio n
*Obligation for Member States to create a soil passport for excavated soil (a passport that accompanies the soil shipment and allows to properly plan the end destination of that soil)	0	•	0	0	0
*Mandatory notification of each transport of soil	0	0	•	0	0
*An EU target for the reuse of excavated soil	0	0	0	0	0
*Quality standards for the reuse of soil	0	0	0	0	0
*Intermediary organizations that trace and register the movements of excavated soils	0	0	0	0	•

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Question 13:

Please rank the importance you attribute to the different provisions for achieving healthy soils in the EU by 2050 described in the questions 5-12:

	Very impo rtant	Im po rta nt	Of limited importa nce	Not at all import ant	I don't know / no opinion
*Obligation of results for Member States to achieve healthy soils (see question 5)	•	0	0	0	0
*Mandatory requirements for the sustainable management of soil (see question 6)	0	0	0	0	0
*Obligation for Member States on Soil health					

	stion 7)			0	0	0
*Obligation to identify contaminate question 8)	d sites (see) (0	0	0	0
*Obligation to remediate contamina (see question 8)	ated sites			0	0	0
*Public access to data on contaminutes (see question 9)	nated sites	0		0	0	0
*Mandatory Member States' report progress towards no net land take question 10)				•	0	0
*Legal obligation to inform the buye on soil health (soil health certificat question 11)				•	0	0
*Legal obligation for a soil passpor excavated soils (see question 12)	t for			•	0	0
	the questions of	a more	e tech	nical nat	ure where	avnartisa
you want to also provide input on I or related fields may be useful? Yes No						
or related fields may be useful? Yes	haracteristics of s	oil and	land u	ise togeth	er with cha	arameters racteristic

0

*Acidification/Basification

*Non-optimal soil organic carbon levels in mineral soils	0	•	0	0	0
*Nutrient losses	0	0	0	0	0
*Exceedance pollutants	•	0	0	0	0

B.

Physical conditions - Indicators:	Very effectiv e	Reasonably effective	Partially ineffective	Very ineffecti ve	I don't know / no opinion / not applicable
*Critical soil loss (wind)	0	•	0	0	0
*Critical soil loss (water)	0	•	0	0	0
*Sealing	0	0	0	0	•
*Topsoil compaction	0	0	0	0	•
*Subsurface compaction	0	0	0	0	•

C.

Water-related indicators - Indicators:	Very effectiv e	Reasonably effective	Partially ineffective	Very ineffecti ve	I don't know / no opinion / not applicable
*Water holding capacity	0	•	0	0	0
*Soil moisture deficit	0	0	0	0	•
*Permafrost	0	0	0	0	•

D.

Biological conditions - Indicators:	Very effecti ve	Reasonabl y effective	ineffectiv ineffect		I don't know / no opinion / not applicable
*Microbial biomass	0	•	0	0	0
*Abundance and					

diversity of earthworms	0	0	0	0	•
*Fungal Metrics	0	0	0	0	0
ther [please specify]:					
Text of 10 to 1000 chara	cters will be a	ccepted			
uestion 15:					
	each healthy so	oils in the EU	, at which spa	atial level sho	ould Member States be
your view, in order to re	-		· · · · · · · · · · · · · · · · · · ·		
your view, in order to re	onitor soil heal	th with the u	· · · · · · · · · · · · · · · · · · ·		ould Member States be n also choose to be more
your view, in order to required to assess and me	onitor soil heal	th with the u	· · · · · · · · · · · · · · · · · · ·		
your view, in order to required to assess and metailed? (more than one	onitor soil heal	th with the u	· · · · · · · · · · · · · · · · · · ·		
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your view, in order to required to assess and metailed? <i>(more than one lead)</i> At national level At regional level	onitor soil heal choice possible	th with the u	· · · · · · · · · · · · · · · · · · ·		
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your view, in order to required to assess and metailed? (more than one At national level At regional level At local administrat At the landscape le At the level of a zor At the level of a zor	onitor soil heal choice possible ive level vel ne homogened ne homogened	th with the u /e) ous for pedo-	nderstanding	that they can	n also choose to be more

Question 16:

EUSurvey - Survey

In your view, how do you rank the effectiveness of the following measures in helping to ensure sustainable soil management (SSM) practices across different economic sectors:

	Ver y eff ect ive	Reas onabl y effecti ve	Parti ally ineff ectiv e	Ver y inef fect ive	I don't know / no opinion / not applicable
*EU setting minimum mandatory standards for SSM	•	0	0	0	0
*Member States setting minimum mandatory standards for SSM	0	0	0	0	0
*Making EU subsidies conditional on applying SSM practices	•	0	0	0	0
*Eliminating any EU subsidy that would support unsustainable soil management practices	•	0	0	0	0
*Member States funding awareness-raising campaigns on the importance of soils in	0	0	0	0	0

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general and of the positive effects of SSM					
*Member States funding SSM training for farmers and farm advisory services	0	•	0	0	0
*Creating networks, collecting and disseminating good practices and success stories	0	•	0	0	0
*Provide platforms for promoting SSM practices (e.g. lighthouses, living labs)	0	•	0	0	0

Other	β	lease	spe	cify]:
	LIT		-	•,

Text of 10 to	1000	characters	will be	accepted
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Question 17:

The European Commission has set a target for the reduction of nutrient losses by at least 50% (resulting in the reduction of use of fertilizers by at least 20%) by 2030 while ensuring no deterioration in soil fertility.

How would you rank the effectiveness of the following measures in achieving the 50% reduction of nutrient losses by 2030:

	Ver y effe ctiv e	Reaso nably effecti ve	Partia Ily ineffe ctive	Very ineff ecti ve	I don't know / no opinion / not applicable
*Advisory services for farmers	0	•	0	0	0
*Recommendations to Member States on nutrient management	0	•	0	0	0
*Action plan at EU level	0	•	0	0	0
*National/regional action plans	0	0	•	0	0
*Legally binding fertilisation rates for the main crops, adapted to regional pedo- climatic conditions	•	0	0	0	0
*Legally binding targets at EU level	•	0	0	0	0
*Legally binding targets at national/regional level	0	•	0	0	0
*Continue funding research and innovation actions to address safe and	•	0	0	0	0

environmentally sound solutions Other [please specify]: Text of 10 to 500 characters will be accepted **Question 18:** Do you consider the following measures related to soil contamination should be included in the Soil Health I aw: Т То ot So So I don't tall al me me know / no У ly wh wha dis opinion / t а at ag not disa g agr applicable re aree re ee е е *Base the risk assessment of potentially contaminated (0) sites on current and planned use *Harmonise at EU level the threshold values for (0) contaminants that would trigger a risk assessment *Harmonise at EU level the criteria for a "significant risk" (0) that would consider a site as contaminated *Establish mechanisms to prioritise action for sites with (0) highest risk *Establish a hierarchy of remediation actions at EU level (decontamination, containment, capping, landfilling, 0 etc.) that should be considered to remediate contaminated sites *Set binding intermediate targets between now and 2050 for the identification, registration and remediation 0 of contaminated sites Only under specific conditions [please indicate which specific conditions]: Text of 10 to 1000 characters will be accepted Other measures [please specify]: Text of 10 to 500 characters will be accepted

EUSurvey - Survey

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*Question 19:

Do you agree that Member States should be required, within a legally-binding time frame, to establish and implement a national plan to remediate sites that represent a significant risk to human health or the environment:

(0)	Total	lν	agr	ee
	iota	ı y	ugi	00

Somewhat agree

Somewhat	disagree
----------------------------	----------

Totally disagree

Only under specific condition

I don't know / no opinion / not applicable

Question 20:

Which aspects should Member States report on in relation to the 2050 target on 'no net land take':

Aspects to be monitored:	Totally agree	Somewha t agree	Somewhat disagree	Totally disagree	I don't know / no opinion / not applicable
*Soil sealing	0	•	0	0	0
*Land take	0	•	0	0	0
*Land recycling	0	•	0	0	0
*Land fragmentation	0	•	0	0	0

B.

Specific land use changes to be monitored:	Tot ally agr ee	Some what agree	Somew hat disagre e	Totall y disag ree	I don't know / no opinion / not applicable
*Soil consumed for commercial activities and logistic hubs	0	0	0	0	0
*Soil consumed for renewable energies	0	0	•	0	0
*Soil consumed for "carbon- consuming" surfaces such as airports, roads, carbon mines	0	0	•	0	0

C.

Consequences of land take to be monitored:	Tot ally agr ee	Som ewha t agre e	Some what disagr ee	Total ly disa gree	I don't know / no opinion / not applicable
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*Quantification of loss of ecosystem services following land take	0	0	0	0	•
*Monetary value of soil for public interest lost from land take	0	0	0	0	•
*Off-site environmental degradation related to land take (rivers affected by modified trends, floods, etc.)	0	0	0	0	•

D.

Actions taken:	Totall y agree	Somew hat agree	Somewha t disagree	Totally disagre e	I don't know / no opinion / not applicable
*Progress in implementing the land take hierarchy	•	0	0	0	0
*Progress in national legal actions taken	•	0	0	0	0
*Progress in voluntary actions taken	0	•	0	0	0

Only under specific conditions [please indicate which specific conditions]:
Text of 10 to 1000 characters will be accepted
Other and the following small h

Other aspects [please specify]:

Text of 10 to 500 characters will be accepted

Question 21:

How would you rank the effectiveness of the following measure for ensuring the safe transportation, treatment, or reuse of excavated soils:

	V er y ef fe ct iv e	Rea son ably effe ctiv e	Par tiall y inef fect ive	Ve ry in eff ec tiv e	I don't know / no opinion / not applicable
*Obligation for Member States to create a soil passport					

for excavated soil (a passport that accompanies the soil shipment and allows to properly plan the end destination of that soils)	0	•	0	0	0
*Mandatory notification of each transport of soil	0	0	0	0	0
*An EU target for the reuse of excavated soil	0	•	0	0	0
*Quality standards for the reuse of soil	0	•	0	0	0
*Intermediary organizations that trace and register the movements of excavated soils	0	0	0	0	0

Other [please specify]:

Text of 10 to 500 characters will be accepted

Do you want to add any other suggestions/opinions?

Text of 10 to 1000 characters will be accepted

Please consider involving in the next steps experts and the entire corresponding infrastructure from the Member States who will have crucial role in implementation when it comes to monitoring (laboratories).

You can upload here any relevant document you want to share:

Contact

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