



European Commission proposal for a Soil Monitoring Law

Technical Briefing on establishing a robust governance structure

The European Commission's current proposal for a [Directive on Soil Monitoring and Resilience](#) (Soil Monitoring Law, or SML) sets an overarching objective to "continuously improve soil health in the Union with the view to achieve healthy soils by 2050". However, it does not set any legally-binding and time-bound targets to ensure the achievement of this objective. In addition, it does not include an obligation for Member States to establish plans with clear implementation timetables for monitoring and improving soil health. This makes it unfit to meet the Directive's own objectives, as well as the objectives of the EU Soil Strategy for 2030 and the European Green Deal. Failure to provide a robust governance framework under the Directive does **not only jeopardise progress towards healthy soils but is also likely to lead to the Directive requiring substantial revision to make it fit for purpose** in only a few years' time.

→ **RECOMMENDATION 1** Include legally-binding and time-bound targets

The Directive should set a **long-term, legally-binding target of achieving 100% healthy soils across the EU by 2050, while also setting legally-binding intermediate targets that map out a clear trajectory** towards achieving the 2050 objective and help track Member States' progress. These intermediate targets should be set at appropriate levels to ensure consistent progress and to avoid meaningful action to address soil health being postponed until later years.

→ **RECOMMENDATION 2** Require mandatory soil district management plans

The SML should adopt a more comprehensive approach by requiring Member States to prepare, consult on and implement **soil district management plans for each identified soil district**. By setting out concrete, targeted measures with implementation timetables, such plans would offer a clear path for Member States to meet the Directive's overarching objective of improving soil health in the EU, while also creating greater transparency and advancing accountability, public participation and access to justice. These plan-making provisions, sitting alongside legally-binding targets (see Recommendation 1 above), would considerably enhance the Directive's governance framework and facilitate its proper implementation and achievement of its objective.

The following points should be considered:

- The Directive should ensure that plans are **produced for each soil district** within the territory of each Member State.
- The Directive should include an Annex that clearly states the **elements to be covered** by the plans. These should include:
 - a general description of the characteristics of the soil within the soil district;
 - a summary of the main pressures and impact of human activity on soil health within the soil district;

- a map of the monitoring network as well as the results of the monitoring programme and soil health assessment, including data, results and trends for the descriptors and indicators of Annex I;
 - the results of the monitoring activities and of the assessment of soil health under Article 9;
 - a list of objectives, in line with the overarching objective and targets of the Directive;
 - a planned linear trajectory for achieving 100% healthy soils within the district by 2050;
 - a list of sustainable soil management practices, regeneration practices, practices to be avoided and any supplementary measures to achieve the objectives and the planned trajectory, together with an implementation timeline for such practices and measures;
 - a summary analysis of the predicted effectiveness of such practices and measures;
 - an assessment of how selected practices and measures ensure coherence with plans and programmes in other policy areas;
 - a summary of the process for establishing the plans, including any public information and consultation measures taken as well as an explanation of how the outcome of the public participation was taken into account (see Recommendation 3 below);
 - a list of the relevant competent authorities;
 - the estimated financing need for the measures taken, as well as an indication of the subsidies which negatively affect the achievement of the objectives and the fulfilment of obligations under the Directive.
- The plans should be **reviewed and updated** at specified regular intervals. When reviewed, the updated plans should include a summary of changes, an assessment of progress made within the soil district towards achieving the obligations of the Directive, and an explanation for any measures originally selected for adoption which have not been implemented. This review should include an assessment of whether the practices and measures in the plan are likely to be sufficient to maintain a linear trajectory towards achieving healthy soils across the district by 2050. If not, the plans should be revised appropriately.
 - Member States should be required to provide the Commission with access to their plans shortly after they are produced or updated. The **Commission should have to report** to the European Parliament, the Council, the European Economic Social Committee and the Committee of the Regions on progress made under the Directive at specified regular intervals, including on the results of its examination of the plans and with suggestions for their improvement. The Commission's role in ensuring the proper implementation of the Directive could also be enhanced in additional ways, such as through powers to issue guidance on plans or facilitate exchanges of good practices between Member States.
 - Member States should ensure extensive and inclusive **public participation processes** related to the preparation, implementation, review and potential revision of the plans (see Recommendation 3 below). In addition, Member States should ensure **access to justice** enabling citizens and NGOs to challenge any measures, acts or omissions of the competent authorities (see [technical briefing on access to justice](#)).
 - Member States should set up **national monitoring committees**, which should include academic actors and civil society organisations, to assess the draft plans, monitor their implementation and give recommendations.
 - The Commission should establish a **European Healthy Soils Forum** to provide guidance, share best practices, and facilitate the coordinated implementation of Union legislation and policies related to soil health monitoring and improving soil health, bringing together stakeholders

from multiple contexts including Member States' competent authorities, the Commission, industry, civil society, and the scientific community.

→ **RECOMMENDATION 3** Ensure meaningful public participation

Member States should put in place **extensive and inclusive public participation processes related to the preparation, implementation, review and potential revision of the soil district management plans**. They should ensure that the public is given early and effective opportunities to participate in their elaboration for an adequate duration, when all options are still open. Opening a timely and equal dialogue with the public, including the most impacted and vulnerable groups, such as Indigenous Peoples, local communities and youth, is essential for the proper implementation of the SML.

When developing the plans, the competent authorities should identify the public affected or having an interest in the plan. In addition, they should ensure that the public is informed, whether by public notices or other appropriate means, including electronic media, of the necessary information to be able to formulate its views and comments, including a proposal for the draft plan, any relevant environmental information held by the competent authority and practical arrangements for participation. The latter should include a timetable and work programme for developing the plan, the administrative entity from which the relevant information may be obtained and to which comments, opinions or questions may be submitted, and reasonable timeframes that allow the public to be informed and have sufficient time to prepare and participate effectively in the environmental decision-making process. Disclosing all relevant information to the public, including draft plans and the underlying scientific data, is an essential prerequisite for the public's effective participation, as even when public participation procedures take place, competent authorities often do not share enough information to allow meaningful participation.

Member States should take due account of the outcomes of the public participation procedures and ensure that the outcomes of the processes related to the development of plans are made available and easily accessible to the public. In addition, the requirement for competent authorities to provide evidence of how the comments received have been taken into due account in the plan has the potential to be the key difference between effective public participation and a mere box-ticking exercise.

The Commission's proposal for a SML is a first step in the right direction towards establishing a comprehensive EU-wide soil policy. However, for this law to be truly effective and drive meaningful change, it necessitates a well-defined and robust governance framework. This includes legally-binding and time-bound soil health targets, mandatory plans as well as meaningful public participation processes. Moreover, these elements are pivotal in ensuring that the proposal's access to justice provision is operational, as the latter can only be effective when complemented by strong governance mechanisms (see more in our [technical briefing on access to justice](#)).

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