



To: *Frans Timmermans, Executive Vice President European Commission*
Virginijus Sinkevičius, Commissioner for Environment, Oceans and Fisheries

CC: *Stella Kyriakides, Commissioner for Health and Food Safety*
Janusz Wojciechowski, Commissioner for Agriculture
Pascal Canfin, Chair of the Committee on the Environment, Public Health and Food Safety
Romina Pourmokhtari, Minister for Climate and Environment, representing Swedish Presidency of the Environment Council of the European Union
Teresa Ribera Rodríguez, Minister for Ecological Transition and Demographic Challenge, representing Spanish Presidency of the Environment Council of the European Union
Alain Maron, Minister of the Government of the Brussels-Capital Region, responsible for Climate Change, Environment, Energy and Participatory Democracy, representing Belgium Presidency of the Environment Council of the European Union

by electronic mail

Brussels, 29 May 2023

RE: Publication of the EC proposal for the Soil Health Law to set the EU on an effective pathway towards healthy soils by 2050

Dear Executive Vice-President, dear Commissioner,

We, the signatories of this letter from a broad range of agricultural and environmental organisations and scientific institutions, are writing to you regarding the delay in the publication of the European Commission proposal for the Soil Health Law. The expected date for the publication of the EC proposal has been moved from 7 June to 5 July and remains indicative. With the 2024 European elections approaching, it is **critical that the EC proposal be published as soon as possible, and before the summer 2023 at the latest**. This is a precondition for the Soil Health Law to progress as far as possible in the legislative process before the elections, so that the co-decision can swiftly resume in 2024.

The science is clear: **The EU needs to act urgently to protect and restore soils.** Up to 70% of European soils are in poor health, affecting the essential ecosystem services they provide for us and hindering the achievement of Green Deal objectives such as climate neutrality, nature restoration, sustainable food systems and zero pollution as well as EU's global commitments. Neglecting soil health significantly limits our ability to adapt to droughts and floods and to ensure food security on a warming planet. Intact soil ecosystems are key for a sustainable, resilient and climate-neutral Europe. European farmers build their livelihood based on these soils. Lack of action to protect soil ecosystems on a planet affected by climate change puts our farmers at risk. Costs of soil degradation in the EU are likely to exceed by large recent estimates of 50 billion euros per year. As stated in the Soil Strategy for 2030, the cost of inaction outweighs the cost of action by a factor of 6.

We are convinced that an ambitious Soil Health Law with binding targets, strong governance, application of the polluter pays principle and comprehensive monitoring of soil biodiversity can significantly improve the health of European soils (please see annex for our key policy recommendations). Together with swift and effective implementation, the Soil Health Law can set the EU on the pathway towards healthy soils by 2050. This will also help us achieve other Green Deal objectives such as climate neutrality, nature restoration, sustainable food systems and zero pollution.

Signatories:

European/network organisations

European Environmental Bureau

Greenpeace

BirdLife Europe and Central Asia

Pesticide Action Network Europe

European Compost Network

Compassion in World Farming EU

CEEweb for Biodiversity

European Land and Soil Alliance

Institute for Agriculture and Trade Policy

European Cave Protection Commission

National organisations

Legambiente

WWF Germany

NABU Naturschutzbund Deutschland e.V.

Save Our Seeds

ZERO associação sistema terrestre sustentável

GEOTA - Grupo de Estudos de Ordenamento do Território e Ambiente

SEPANSO Aquitaine

Bundesverband Boden e.V.

Umanotera, The Slovenian Foundation for Sustainable Development

Terre d'Abeilles

German Speleological Federation
Verband der deutschen Höhlen- und Karstforscher e.V.

Campo Aberto - associação de defesa do ambiente

Umweltinstitut München e.V.

CIDAMB Associação Nacional para a Cidadania Ambiental

GEC-Grupo Ecológico de Cascais - ONGA

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HTW Dresden, University of Applied Sciences
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Annex: Key policy recommendations for an ambitious and effective Soil Health Law

The public consultation results were clear - effectively protecting and restoring soils can only be done through an ambitious and well-designed Soil Health Law (SHL). **For this reason, we call for:**

1. Binding targets

We recommend including measurable, legally binding targets in the Soil Health Law. In addition to a general binding target of achieving healthy soils by 2050, the SHL should set time-specific binding milestones for 2030 and 2040. The SHL is also the appropriate legal instrument to make legally binding the commitment to no net land take by 2050, expressed in the Roadmap to a Resource Efficient Europe, the 7th Environment Action Programme and the Soil Strategy for 2030. In addition, we recommend setting binding sub-targets for priority soil issues. These targets should address, for example, restoring soil biodiversity and organic carbon, restoring and protecting peatlands and preventing deterioration of intact and restored soils.

Setting binding targets in the Soil health Law would allow progress to be tracked. Especially for long-term objectives, such as the objective of healthy soils by 2050, they provide the necessary short- and medium-term signals and stir action in the right direction. They also help hold accountable Member States that fail to meet their commitments. In addition, binding targets create certainty for investors and encourage the development of technologies, for example for managing agricultural soils sustainably.

2. Effective governance

For the SHL to lead to effective change in the health of our soils, it must have clear and effective governance structures. Member States should be required to identify soil districts along geographical and ecological soil characteristics and draft Soil District Management Plans. These plans should clearly describe the state of the soils, the monitoring system put in place and the measures taken to improve them. The plans should be assessed by the Commission and reviewed and updated regularly. The SHL should include strong provisions for public participation, access to justice and transparency in these processes.

3. Polluter pays principle

Soil degradation in the EU generates costs of more than 50 billion euros per year. These costs should not be borne by the taxpayers, but by those whose activities degrade soil and who benefit financially. The SHL should ensure a clear application of the polluter pays principle, expressed in Article 191(2) of the Treaty on the Functioning of the European Union, by ensuring that Member States clearly analyse who degrades the soil, who benefits and who pays the costs. The polluter pays principle could then be implemented through an Extended Producer Responsibility (EPR) scheme, which would place the responsibility for managing the entire life cycle of a product on the producer rather than the consumer or taxpayer. This would require, for example, pesticide companies to contribute to the costs generated by their product. The SHL could also ensure polluter liability for the remediation of contaminated sites via the Environmental Liability Directive.

4. Biodiversity indicators and harmonised monitoring

In order to take the most appropriate soil protection and restoration measures, we need to know the condition of our soils. Our capacity of grasping soil health in its entirety will however depend on the indicators we choose to measure. It is therefore crucial that the SHL be based on a scientifically sound definition of soil health, putting at its core the importance of soil biodiversity for healthy soils and for the provision of key soil ecosystem services. Consequently, soil health indicators must be based on a progressive and pro-biological understanding of soil health and must sufficiently include soil biodiversity indicators. These indicators must then be monitored through an effective, comprehensive and harmonised EU-wide soil health monitoring system.

For more information on these aspects, we invite you to consult the [EEB Position Paper on the Soil Health Law](#) and the [Joint Position Paper of the Soil Health Law Coalition](#).