

The first European law on soil health – is it on its way to becoming a reality?

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The European Union Soil Strategy outlines plans for the creation of a Soil Health Law to enter into force by 2023, Euractiv reported. Thus, soil will receive the same legal status as air, water and the marine environment. The first attempt to create a legal framework for soil protection in the EU was made more than ten years ago, but at the end of 2021 there are still many unknowns on the way to establishing a common European Soil Health Law.

The soil strategy presented on 17 November examines the state of European soils and outlines a framework within which action is to be taken against soil erosion in the Member States of the Union.

“We depend on soil because through it we produce our food, yet 70% of soil is not in good condition,” said Commission Vice-President Frans Timmermans at a press conference launching the strategy.

To address this problem, the strategy sets out a number of ambitious and necessary objectives for the restoration of soils in the EU.

Above all, this includes a new EU Soil Protection Law by 2023, under which the condition of soil must be drastically improved by 2050, following a prior impact assessment. The Commission will organise initiatives for “free soil testing” at regional level. It is envisaged to expand efforts to combat deforestation, erosion and desertification of agricultural land, the processing of manure, etc.

If the European Parliament and the Member States reach an agreement, this will be the first soil protection law in the EU.

The failure to adopt an EU-wide Soil Directive is described in the strategy as a “major reason for the alarming state of our soils”.

The first attempt to create a legal framework for soil protection in the EU was made more than ten years ago by former Environment Commissioner

Janez Potočnik, but it was blocked by national governments.

The current European Commissioner for the Environment, Virginijus Sinkevičius, hopes that this time final results will be achieved, because the “political landscape” and the attitude of the negotiating parties are completely different.

The EU Soil Strategy – far from a final version

Despite the ambitious objective of the strategy, some Members of the European Parliament expressed doubts and disappointment regarding certain aspects, in particular the fact that the Commission has not made a firm commitment to the Land Use and Coverage Area frame Survey (LUCAS) as a legal basis, and that there is still a lack of comprehensive and complete statistics for collecting information from the Member States.

And the EU farmers’ association *Copa-Cogeca* expressed concern about the plans for an EU-wide approach to soil, pointing out that soil characteristics differ greatly in each Member State, which makes it difficult to define a

common approach. *Copa-Cogeca* called for more clarity on how the introduction of new measures, such as the Soil Health Law, will complement existing instruments that already have a direct and indirect

impact on soil health, such as the Common Agricultural Policy (CAP) and the Nitrates Directive.

In practice, specific proposals on soil health were postponed until 2023 instead of being presented together with the strategy.

“For it to be effective, the last thing EU farmers need is a new administrative burden,” the association warned.