

7 POINT ACTION PLAN ON SOIL MONITORING LAW



Our EU chemical industry supports the European Green Deal, and is committed to reducing its environmental impacts. European soils are a valuable natural resource, and we call to prioritise their quality. We fully support the subsidiarity principle; decisions on soil should be taken at the national or local level, given the diverse types, features, and functions. **Cefic supports the principles of a risk-based and sustainable risk management of industrial sites, and welcomes their inclusion in the Directive.** This 7-point plan outlines how the Soil Monitoring Law could be revised to further protect the quality of soil and support the sustainable use of soil in the EU.

ACTION 1: CLARIFY THE DEFINITION OF 'HEALTHY SOIL'

WHY? The definition 'healthy soil' in the Commission's proposal lacks distinction between different soil and land uses e.g. industrial activities, road construction, food production. The definition should incorporate the land use. The risk-assessment and 'health' designation should consider the different end uses of soil.

RESULT:

- Supports the assessment of the soil health as this will depend on the individual land use
- A clear definition will enable the prioritisation of soil actions where it matters most

ACTION 2: DEVELOP A FIT-FOR-PURPOSE AND NUANCED SYSTEM TO ASSESS THE SOIL HEALTH

WHY? Soil is defined as 'unhealthy' if it fails to meet all descriptors of 'healthy' soil simultaneously. While demanding to adhere to, a minor deviation should not mean the soil cannot provide ecosystem services. Soil descriptors should be aligned with the risk assessment.

RESULT:

- A defined system will help show the detailed progress of the soil health over time
- Avoid all soils across Europe being labeled as unhealthy soils

ACTION 3: REMOVE THE VOLUNTARY SOIL HEALTH CERTIFICATION FOR LAND TRANSACTIONS

WHY? The soil health certification risks introducing unnecessary bureaucracy with limited benefits. Buyers can already request soil-related information from sellers, while contamination risks are addressed in transaction contracts. This certification could add liability-related constraints and process delays.

RESULT:

- Avoid bureaucracy of additional certification
- Avoid potential market distortion given the two classifications of healthy/unhealthy soil

ACTION 4: REINFORCE THE RISK ASSESSMENT AND MANAGEMENT OF CONTAMINATED SITES

WHY? The role of the responsible competent authority should be to ensure the risk assessment is appropriately performed, and approve the assessment. The site-specific risk assessments should be carried out by the liable party or if undefined, by the competent authority. Site investigations should be based on the risk based assessment, not on trigger events.

RESULT:

- Like for other legislations, the liable party should carry out the risk assessment as they have the best knowledge on the contaminants and details on the site development plans.

ACTION 5: EU REGISTER SHOULD BE RESTRICTED TO CONTAMINATED SITES

WHY? The register should only include contaminated sites. Listing sites with 'potential contamination', but with no actual evidence of soil contamination would raise public concern and financially impact sites owners.

RESULT:

- Safeguard owners of land where there is no evidence of site contamination
- Limit the administrative burden

ACTION 6: EXCLUDE THE ARTIFICIAL LAND FROM THE APPLICATION OF SOIL HEALTH CRITERIA

WHY? Land, in general, has been altered by human activities over the last centuries and beyond, including infrastructures, roads, industrial sites, etc. Locally, this has led to the creation of "artificial lands" which are well defined in the proposal. It is impossible for this land-type to simultaneously achieve a healthy status and being fit for its purpose.

RESULT:

- Avoid all artificial lands in Europe being labeled as unhealthy soil.

ACTION 7: ENSURE PROPORTIONATE PENALTIES

WHY? The amount of administrative fines should be proportionate to the nature and severity of the illegal conduct, rather than i.e. using turnover as a basis for the calculation. Penalties should be designed in a way that encourages compliance.

RESULT:

- Turnover as a basis to calculate an administrative fine can lead to unfair results.