

Zero Pollution Talks, 7 November 2023, Flash Report: "Zero Pollution and the Soil Monitoring Law – involving local and regional authorities and stakeholders"

On 7 November 2023, the Zero Pollution Stakeholder Platform (ZPSP) hosted the third in a series of Zero Pollution Talks. This edition, titled "Zero Pollution and the Soil Monitoring Law – involving local and regional authorities and stakeholders", focused on the vital role of local and regional action in implementing the Soil Monitoring Law across Member States.

The meeting opened with remarks from the co-moderators **Frida Nilsson**, European Committee of the Regions member for Linköping, Sweden, and Rapporteur on the new Soil Monitoring Law, and **Christian Probst**, Principal Administrator in the Land Use and Management Unit of DG Environment at the European Commission.

Frida Nilsson opened the meeting by saying: *"The local level is where implementation takes place, and given the considerable differences between Member States at regional and local levels, flexibility becomes essential. To effectively address this challenge, it is crucial to engage local actors with in-depth knowledge of soil, establish appropriate governance structures, adequately allocate resources, and leverage capabilities. We share a collective understanding that action is needed, so the focus of today's discussion is not on whether we need to act but rather on how we need to act."*

Christian Probst added: *"Soil not only provides multiple ecosystem services but also serves as an important ally in increasing our ecological resilience. The global concern of soil degradation, as well as the impact of contaminated sites on human health, highlights the issue's urgency. Approximately 60-70% of EU soil currently resides in an unhealthy state, emphasising a significant data and knowledge gap in need of attention. The transition towards sustainable soil management has not yet materialised, emphasising the need for legislative provisions."* The Soil Monitoring Law proposal aims to fill that legislative gap, paving the way for healthy soils in a way that grants Member States flexibility to adapt measures to local needs.

Before handing over the floor to the speakers, the co-moderators Frida Nilsson and Christian Probst highlighted the significant benefits of collaboration between CoR and EC, as well as with stakeholders.

In his opening statement **Holger Robrecht**, Deputy Regional Director, ICLEI European Secretariat, said: *"This proposal brings two perspectives into play: local and regional, with governments being at the forefront of implementing sustainability and climate action, and the global perspective, along with the commitments that the EU has regarding the implementation of the UN Sustainable Development Goals, and particularly the goals related to land degradation neutrality by 2030 and keeping global heating below 1.5 °C. In light of alarming scientific evidence, it is key that we establish a clear connection between soil health local and regional implementation and the fulfilment of our European and global commitments."*

Caroline Heinzl, Associate Policy Officer for Soil, EEB, added: *"There is a clear consensus among us regarding the undeniable impact of degraded soils on all of us. These challenges are of a global nature, and the alarming fact that an estimated 60 to 70% of soils are in a degraded state demonstrates that the 'business as usual' approach is no longer effective. While the Soil Monitoring Law proposal represents a positive starting point to address the insufficient action across the Member States, we must go a step beyond, considering the significance of challenges we currently face. The Commission has provided us with a toolbox that we have to fill with effective and meaningful tools to ensure that the law is suitable for its intended purpose."*

Niall Curley, Senior Policy Advisor for Biodiversity, Soil and Water, COPA COGECA, concluded the round of opening statements by adding: *"Soil is the cornerstone of our economy and community. Soils are considered to be currently in a degraded condition, and whilst we recognise the need for improvement, we must be pragmatic about our ambitions to prevent any resulting polarisations. With several existing legislations addressing these issues related to soil in various ways, it is crucial to ensure that the approach remains coherent, pragmatic, realistic, and flexible for those responsible for implementing it on the ground"*.

The speakers also discussed the strengths and weaknesses of the current proposal. They unanimously acknowledged that the first soil law is a significant milestone in itself. By recognising the fundamental significance of soil, it paves the way for substantial action in soil health provision. Speakers also praised an early evaluation approach to determine the proposal's suitability and the flexibility to accommodate revisions and adapt to changing circumstances. The harmonised approach to soil monitoring was noted as important, allowing a comprehensive understanding of soil conditions before requesting further actions from Member States. Additionally, the proposal was noted as a significant instrument to position Europe as a leader in driving innovative solutions for soil health, aligning with its global sustainability commitments and paving the way for other countries.

On weaknesses, some speakers pointed out the absence of legally binding targets, noting them as instrumental for ensuring continuous progress and accountability. The proposal's lack of focus on soil biodiversity, a critical factor for healthy soils, was also noted by the same speakers, along with its primary emphasis on soil monitoring rather than soil health more broadly. Additionally, all speakers expressed the need for a more prominent role for local and regional authorities. Suggestions for improvement included adopting a systematic and action-oriented multilevel actor approach, incorporating concrete smart targets and intermediate goals. The discussion also highlighted the need to avoid oversimplifying soil health assessments. Labelling soil as solely healthy or unhealthy could create bottlenecks for different actors, especially farmers, forest-owners, and land managers on the ground. Additionally, some speakers noted the need to ensure that revisions foreseen do not burden administrative processes for those involved.

The discussion briefly addressed the risk-based approach related to contaminated soil remediation in the proposal. Concerns were raised on the need for clear definitions of acceptable risks and the significance of EU thresholds for specific contaminants. Some speakers also noted the importance of site-specific assessments and customised approaches as a way forward, accommodating the specific characteristics of Member States and their regions.

The speakers also examined areas where increased involvement and collaboration with local and regional authorities (LRAs) and local-regional actors could further strengthen actions for soil monitoring, sustainable soil management and regeneration. They highlighted the importance of tailored strategies that account for the unique challenges faced by different regions. Key points included local-level planning, Member States defining flexibility for regions and municipalities, and input from regional and local authorities in monitoring. Participative decision-making, legally binding targets, and better synergies with other initiatives where soil health is directly or indirectly addressed, such as climate neutral cities or the Green City Accord, were also noted.

Participants joining online raised concerns about potential contradictions within the proposal, particularly regarding the definition of soil health and the criteria for assessment, as well as the need to emphasise soil use and consider the presence of natural or anthropogenic soil characteristics. Additionally, participants stressed the need for more

clarity on the objective of soil remediation, and the monitoring of point source and diffuse contamination, and highlighted the importance of an integrated perspective on soil-sediment-water systems, as well as resilience, urban soils, and groundwater quality.

Finally, the discussion concluded with the acknowledgement that a holistic approach that involves Member States, LRAs, local and regional actors and communities is needed to achieve the goals outlined in the proposal. The proposal is considered a landmark, but its success will depend on the systemic provisions for its successful implementation.