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DRAFT STATEMENT OF THE COUNCIL'S REASONS

Subject:	Position of the Council at first reading with a view to the adoption of a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on Soil Monitoring and Resilience (Soil Monitoring Law) – Draft Statement of the Council's reasons

I. INTRODUCTION

1. On 5 July 2023, the Commission transmitted to the European Parliament and the Council the proposal for a Directive on Soil Monitoring and Resilience (Soil Monitoring Law). The proposal aims to put the EU on a pathway to healthy soils by 2050. It makes soil health monitoring obligatory, initiates the gradual implementation of sustainable soil management and lays down measures to tackle soil contamination. The proposal is in line with the 2021 EU Soil Strategy, an important component of the European Green Deal and of the EU Biodiversity Strategy for 2030.

2. The draft Directive is based on Article 192(1) of the Treaty on the Functioning of the European Union (TFEU) (ordinary legislative procedure).

3. In the European Parliament (EP), the Committee on the Environment, Public Health and Food Safety (ENVI) was designated as the lead committee for this file. The EP adopted its first-reading position on 10 April 2024.

4. The European Economic and Social Committee delivered its opinion on 25 October 2023, and the Committee of the Regions on 19 June 2024.

5. The Commission presented its proposal and the accompanying impact assessment to the Working Party on Environment (WPE) on 27 July (videoconference) and on 6 October 2023. The WPE continued to examine the proposal during the Spanish and Belgian Presidencies. The Council (Environment) approved its General Approach (GA) on 17 June 2024.

6. Subsequently, three informal political trilogues were held on 22 October 2024, 12 December 2024 and 9 April 2025, resulting in a provisional agreement between the Council and the European Parliament. On 21 May 2025, the Permanent Representatives Committee confirmed the compromise text as provisionally agreed at the informal trilogue of 9 April 2025.

7. The European Parliament's ENVI Committee voted in favour of the same compromise text on 4 June 2025. Subsequently, the Chair of the ENVI Committee addressed a letter dated 5 June 2025 to the Chair of the Permanent Representatives Committee stating that, if the Council adopted its position at first reading in accordance with the agreed overall provisional agreement, he would recommend to the Plenary that the Council's position be accepted without amendment at Parliament's second reading, subject to legal-linguistic verification.

II. OBJECTIVE

8. The overall objective of the proposed Directive is to put the EU on a pathway to healthy soils by 2050 through setting measures for Union-wide harmonised monitoring which builds on national systems, and for the assessment of, and support for, soil health and soil resilience, as well as for tackling contaminated sites.

III. ANALYSIS OF THE COUNCIL'S POSITION AT FIRST READING

9. The Council's position at first reading contains elements, on which an agreement between the co-legislators has been found:

   i. The soil monitoring framework allows sufficient level of harmonisation and necessary flexibilities for Member States to facilitate implementation. Monitoring of some important aspects of soil health, such as soil biodiversity and soil contaminants, including PFAS and pesticides, has been strengthened. The Commission's voluntary assistance in monitoring of soil health and storing of soil samples would further support the implementation where needed.

   ii. The draft Directive foresees support to landowners and land managers to encourage and assist them to improve soil health and soil resilience.

   iii. As regards land take the provisional agreement focuses on monitoring of its most visible aspects, soil sealing and soil removal and lays down certain principles to mitigate the impacts of soil sealing and soil removal.

iv. The management of contaminated sites is based on stepwise and risk-based approach.

v. The 2050 target to achieve healthy soils remains aspirational.

IV. CONCLUSION

10. The Council's position builds on the main objective of the Commission proposal and fully reflects the compromise reached in the informal negotiations between the Council and the European Parliament, with the support of the Commission.

11. The Council therefore believes that its position at first reading is a balanced representation of the outcome of the negotiations. Once adopted, the Directive will provide the first dedicated framework on soil and will contribute to the achievement of healthy soils in the EU.