

# Public Consultation on a possible EU Soil Health Law for protecting, sustainably managing and restoring EU soils

Fields marked with \* are mandatory.

## Introduction

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[The EU Soil Strategy for 2030](#) 'Reaping the benefits of healthy soils for people, food, nature and climate' envisages that all soils in the EU should be in a healthy condition by 2050 and that the protection, sustainable use and restoration of soil should become the norm. The Strategy announces that the Commission will table a new legislative proposal on soil health to ensure the same level of protection to soil that exists for water, the marine environment and air in the EU. Such a legislative initiative will be based on an impact assessment, including a subsidiarity check, and fully respect the better regulation requirements and the competences of Member States.

**Soil has mainly been associated with food production, but healthy soils are vital for life on Earth and are an ecosystem delivering many other crucial services, such as energy and raw materials, carbon sequestration, water purification and infiltration.** Healthy soils sustain many sectors of the economy, well beyond individual parcels of land, be they privately or publicly owned. Soil is an extremely complex, variable and living medium, hosting more than 25% of all biodiversity on the planet and being the foundation of the food chain. This fragile layer of a few centimetres will need to feed and filter drinking water fit for consumption for a global population of nearly 10 billion people by 2050.

**As the largest terrestrial carbon pool on the planet, healthy soils are instrumental for climate adaptation and mitigation** and are a key enabler to achieve the objectives of the [European Green Deal](#) such as climate neutrality, zero pollution, sustainable food systems and a resilient environment.

However, land and soil are subject to severe degradation processes: 60-70% of soil ecosystems in the EU are estimated to be unhealthy and suffering from continuing degradation resulting in reduced provision of ecosystem services. Soil erosion, soil sealing (i.e. covering soils by concrete or other impermeable material), waste of excavated soils, soil compaction (i.e. compression of the soil, preventing water to infiltrate in soil), diffuse and local soil contamination, salinisation and peatland drainage are the main drivers of land and soil degradation. Most of these drivers are not projected to change favourably in the coming years due to climate change and unsustainable soil management, leading to a further reduction in the provision of ecosystem services.

The drivers and impacts of soil degradation know no borders. An uneven and fragmented response by Member States to tackle soil degradation has led to an uneven playing field for economic operators who have to operate under different rules on soil protection while competing in the same market. The fragmented response has also prevented the halt of soil degradation in the EU and its effective restoration.

To address transboundary impacts of soil degradation, secure equal market conditions, promote policy coherence at EU and national level and thus **be able to achieve the EU goals on climate change, biodiversity, food security and safety, and water protection, the Commission is working to table a dedicated legislative proposal on soil health by 2023.**

## Guidance on the questionnaire

This consultation is open to all to provide input to help the Commission prepare its initiative on soil and land protection, sustainable management and restoration, as described in the EU Soil Strategy for 2030.

To ensure a broad feedback, the questionnaire is divided into two parts. The first part (up to q. 13) is more general and intended for everyone, while the second part (from q. 14 to q. 21) is aimed at stakeholders with some expertise on the subject. The first part of the questionnaire may be submitted without the need to complete also the second 'expert' part.

The estimated time for completion is 10 minutes for the first part and a total of 25 minutes if the second part is also completed.

Please read [the privacy statement](#) on how personal data associated with your contribution will be processed.

All the responses to this consultation will be assessed and reported in the Commission's impact assessment of the Soil Health Law. We will also produce a stand-alone summary of the results of the consultation.

Thank you for taking part in this consultation.

## About you

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Text

### \* Language of my contribution

- Bulgarian
- Croatian
- Czech
- Danish
- Dutch
- English
- Estonian

- Finnish
- French
- German
- Greek
- Hungarian
- Irish
- Italian
- Latvian
- Lithuanian
- Maltese
- Polish
- Portuguese
- Romanian
- Slovak
- Slovenian
- Spanish
- Swedish

\* First name

Sophie

\* Surname

Redon

\* Email (this won't be published)

sre@iogp.org

\* I am giving my contribution as

- Academic/research institution
- Business association
- Company/business organisation
- Consumer organisation
- EU citizen
- Environmental organisation
- Non-EU citizen

- Non-governmental organisation (NGO)
- Public authority
- Trade union
- Other

\* Please indicate the sector you are active in

- Agriculture
- Agro-industry (chemical inputs, seeds, machinery)
- Bio-technology
- Construction, urban planning & development
- Disaster prevention
- Education
- Energy (electricity, gas and water)
- Environment & nature protection
- Financial business (bank, insurance, etc.)
- Food/beverage industry
- Forestry and hunting
- Health and social work
- Mining and quarrying
- Soil remediation
- Tourism/recreation
- Waste & waste recycling
- Other

Please indicate the other sector

*50 character(s) maximum*

oil and gas industry

\* Organisation name

*255 character(s) maximum*

IOGP

\* Organisation size

- Micro (1 to 9 employees)
- Small (10 to 49 employees)

- Medium (50 to 249 employees)
- Large (250 or more)

## Transparency register number

*255 character(s) maximum*

Check if your organisation is on the [transparency register](#). It's a voluntary database for organisations seeking to influence EU decision-making.

3954187491-70

## \*Country of origin

Please add your country of origin, or that of your organisation.

*This list does not represent the official position of the European institutions with regard to the legal status or policy of the entities mentioned. It is a harmonisation of often divergent lists and practices.*

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| <input type="radio"/> Afghanistan         | <input type="radio"/> Djibouti           | <input type="radio"/> Libya            | <input type="radio"/> Saint Martin                     |
| <input type="radio"/> Åland Islands       | <input type="radio"/> Dominica           | <input type="radio"/> Liechtenstein    | <input type="radio"/> Saint Pierre and Miquelon        |
| <input type="radio"/> Albania             | <input type="radio"/> Dominican Republic | <input type="radio"/> Lithuania        | <input type="radio"/> Saint Vincent and the Grenadines |
| <input type="radio"/> Algeria             | <input type="radio"/> Ecuador            | <input type="radio"/> Luxembourg       | <input type="radio"/> Samoa                            |
| <input type="radio"/> American Samoa      | <input type="radio"/> Egypt              | <input type="radio"/> Macau            | <input type="radio"/> San Marino                       |
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| <input type="radio"/> Angola              | <input type="radio"/> Equatorial Guinea  | <input type="radio"/> Malawi           | <input type="radio"/> Saudi Arabia                     |
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| <input type="radio"/> Antarctica          | <input type="radio"/> Estonia            | <input type="radio"/> Maldives         | <input type="radio"/> Serbia                           |
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| <input type="radio"/> Aruba               | <input type="radio"/> Faroe Islands      | <input type="radio"/> Martinique       | <input type="radio"/> Sint Maarten                     |
| <input type="radio"/> Australia           | <input type="radio"/> Fiji               | <input type="radio"/> Mauritania       | <input type="radio"/> Slovakia                         |
| <input type="radio"/> Austria             | <input type="radio"/> Finland            | <input type="radio"/> Mauritius        | <input type="radio"/> Slovenia                         |
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| <input type="radio"/> Bahamas             | <input type="radio"/> French Guiana      | <input type="radio"/> Mexico           | <input type="radio"/> Somalia                          |
| <input type="radio"/> Bahrain             | <input type="radio"/> French Polynesia   | <input type="radio"/> Micronesia       | <input type="radio"/> South Africa                     |
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Bangladesh	French Southern and Antarctic Lands	Moldova	South Georgia and the South Sandwich Islands
<input type="radio"/> Barbados	<input type="radio"/> Gabon	<input type="radio"/> Monaco	<input type="radio"/> South Korea
<input type="radio"/> Belarus	<input type="radio"/> Georgia	<input type="radio"/> Mongolia	<input type="radio"/> South Sudan
<input checked="" type="radio"/> Belgium	<input type="radio"/> Germany	<input type="radio"/> Montenegro	<input type="radio"/> Spain
<input type="radio"/> Belize	<input type="radio"/> Ghana	<input type="radio"/> Montserrat	<input type="radio"/> Sri Lanka
<input type="radio"/> Benin	<input type="radio"/> Gibraltar	<input type="radio"/> Morocco	<input type="radio"/> Sudan
<input type="radio"/> Bermuda	<input type="radio"/> Greece	<input type="radio"/> Mozambique	<input type="radio"/> Suriname
<input type="radio"/> Bhutan	<input type="radio"/> Greenland	<input type="radio"/> Myanmar/Burma	<input type="radio"/> Svalbard and Jan Mayen
<input type="radio"/> Bolivia	<input type="radio"/> Grenada	<input type="radio"/> Namibia	<input type="radio"/> Sweden
<input type="radio"/> Bonaire Saint Eustatius and Saba	<input type="radio"/> Guadeloupe	<input type="radio"/> Nauru	<input type="radio"/> Switzerland
<input type="radio"/> Bosnia and Herzegovina	<input type="radio"/> Guam	<input type="radio"/> Nepal	<input type="radio"/> Syria
<input type="radio"/> Botswana	<input type="radio"/> Guatemala	<input type="radio"/> Netherlands	<input type="radio"/> Taiwan
<input type="radio"/> Bouvet Island	<input type="radio"/> Guernsey	<input type="radio"/> New Caledonia	<input type="radio"/> Tajikistan
<input type="radio"/> Brazil	<input type="radio"/> Guinea	<input type="radio"/> New Zealand	<input type="radio"/> Tanzania
<input type="radio"/> British Indian Ocean Territory	<input type="radio"/> Guinea-Bissau	<input type="radio"/> Nicaragua	<input type="radio"/> Thailand
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<input type="radio"/> Brunei	<input type="radio"/> Haiti	<input type="radio"/> Nigeria	<input type="radio"/> Timor-Leste
<input type="radio"/> Bulgaria	<input type="radio"/> Heard Island and McDonald Islands	<input type="radio"/> Niue	<input type="radio"/> Togo
<input type="radio"/> Burkina Faso	<input type="radio"/> Honduras	<input type="radio"/> Norfolk Island	<input type="radio"/> Tokelau
<input type="radio"/> Burundi	<input type="radio"/> Hong Kong	<input type="radio"/> Northern Mariana Islands	<input type="radio"/> Tonga
<input type="radio"/> Cambodia	<input type="radio"/> Hungary	<input type="radio"/> North Korea	<input type="radio"/> Trinidad and Tobago
<input type="radio"/> Cameroon	<input type="radio"/> Iceland	<input type="radio"/> North Macedonia	<input type="radio"/> Tunisia
<input type="radio"/> Canada	<input type="radio"/> India	<input type="radio"/> Norway	<input type="radio"/> Turkey
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- Cape Verde
- Cayman Islands
- Central African Republic
- Chad
- Chile
- China
- Christmas Island
- Clipperton
- Cocos (Keeling) Islands
- Colombia
- Comoros
- Congo
- Cook Islands
- Costa Rica
- Côte d'Ivoire
- Croatia
- Cuba
- Curaçao
- Cyprus
- Czechia
- Democratic Republic of the Congo
- Denmark
- Indonesia
- Iran
- Iraq
- Ireland
- Isle of Man
- Israel
- Italy
- Jamaica
- Japan
- Jersey
- Jordan
- Kazakhstan
- Kenya
- Kiribati
- Kosovo
- Kuwait
- Kyrgyzstan
- Laos
- Latvia
- Lebanon
- Lesotho
- Liberia
- Oman
- Pakistan
- Palau
- Palestine
- Panama
- Papua New Guinea
- Paraguay
- Peru
- Philippines
- Pitcairn Islands
- Poland
- Portugal
- Puerto Rico
- Qatar
- Réunion
- Romania
- Russia
- Rwanda
- Saint Barthélemy
- Saint Helena
- Ascension and Tristan da Cunha
- Saint Kitts and Nevis
- Saint Lucia
- Turkmenistan
- Turks and Caicos Islands
- Tuvalu
- Uganda
- Ukraine
- United Arab Emirates
- United Kingdom
- United States
- United States Minor Outlying Islands
- Uruguay
- US Virgin Islands
- Uzbekistan
- Vanuatu
- Vatican City
- Venezuela
- Vietnam
- Wallis and Futuna
- Western Sahara
- Yemen
- Zambia
- Zimbabwe

The Commission will publish all contributions to this public consultation. You can choose whether you would prefer to have your details published or to remain anonymous when your contribution is published. **For the purpose of transparency, the type of respondent (for example, 'business association, 'consumer association', 'EU citizen') country of origin, organisation name and size, and its**

transparency register number, are always published. Your e-mail address will never be published.

Opt in to select the privacy option that best suits you. Privacy options default based on the type of respondent selected

### \* Contribution publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

**Anonymous**

Only organisation details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.

**Public**

Organisation details and respondent details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published. Your name will also be published.

I agree with the [personal data protection provisions](#)

## I. part

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### Question 1:

Please rank the importance of addressing the following issues at EU level:

	Very important	Important	Of limited importance	Not at all important	I don't know / no opinion
* Protection of soil health	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Sustainable use of soils	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Soil restoration, including remediation of contaminated sites	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

### Question 2:

Please rank the importance of the following drivers of the degradation of soils:

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	Very important	Important	Of limited importance	Not at all important	I don't know / no opinion
* Climate change, drought, extreme weather events	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Unsustainable soil management and intensification of agricultural and forestry practices (e.g. mono-cropping and intensive livestock production)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Industrial activities, unsustainable waste management and energy production	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Improper water management, reuse and irrigation	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Overexploitation and consumption of natural resources	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Soil sealing and land take for infrastructure and construction (e.g. buildings, roads and railways, parking lots, airports)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Other land-use changes such as conversion of natural grasslands and forests into arable land	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Other [please specify]:

*Text of 10 to 100 characters will be accepted*

**\* Question 3:**

In your opinion, are the causes of soil and land degradation sufficiently addressed a  
t EU level:

- Sufficiently
- Not enough
- Not at all
- I don't know / no opinion

\* In your opinion, are the causes of soil and land degradation sufficiently addressed a  
t national level:

- Sufficiently
-

- Not enough
- Not at all
- I don't know / no opinion

**Question 4:**

Although soils are often associated with agricultural use of soil, they are part of every terrestrial ecosystem and their health is crucial for the environment and the provision of many ecosystem services.

Which types of soil use should be addressed by the initiative:

	Totally agree	Somewhat agree	Somewhat disagree	Totally disagree	I don't know / no opinion
* All types of soil uses should be addressed	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Agricultural soils	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Artificial and built areas	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Industrial soils	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Forest soils	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Wetlands	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Other [please specify]:

*Text of 10 to 500 characters will be accepted*

All soil types provide different functions to mankind and the environment.  
 The need each soil type fulfils, and the risks to each user are different.  
 All must be separately assessed.

Different policy options will be assessed to reach healthy soils in the EU by 2050. The following **questions 5-13 address different measures that will be considered in the impact assessment.**

**\* Question 5:**

According to the EU Soil Strategy, soils are healthy when they are in good chemical, biological and physical condition, and thus able to continuously provide as many ecosystem services as possible.

In your view, should the future EU Soil Health Law set legal obligations for Member States to achieve healthy soils by 2050:

- Totally agree
-

- Somewhat agree
- Somewhat disagree
- Totally disagree
- I don't know / no opinion / not applicable

**\* Question 6:**

Soil health depends on its management and land use changes. Indeed, a sustainable use requires care and effort, and transitioning from unsustainable to sustainable use can be difficult. Notwithstanding the current efforts to promote a sustainable use of soil, urban, industrial, forest and agricultural soils are still under continuous degradation.

Do you agree that there should be a legal obligation for Member States to set requirements for the sustainable use of soil so that its capacity to produce food, filtrate water, host and support biodiversity, store carbon etc. is not hampered:

- Totally agree
- Somewhat agree
- Somewhat disagree
- Totally disagree
- I don't know / no opinion / not applicable

**\* Question 7:**

Measurements and monitoring of soil health and threats are incomplete. Improved soil monitoring across Europe is needed to develop early warnings of exceedances of critical thresholds and to guide sustainable soil management.

Do you agree that there should be legal obligations for Member States to monitor soil health in their national territory and report on it:

- Totally agree
- Somewhat agree
- Somewhat disagree
- Totally disagree
- I don't know / no opinion / not applicable

**\* Question 8:**

In the EU, it is estimated that 2.8 million sites may have been potentially contaminated by polluting activities. The EU already has some legal tools such as [th](#)

[e Industrial Emissions Directive](#) and [the Environmental Liability Directive](#) with provisions on soil investigation and remediation, but their scope is rather on prevention, limited in time and to specific risk activities.

Do you agree that there should be legal obligations for Member States to identify contaminated sites that pose a significant risk to human health and the environment:

- Totally agree
- Somewhat agree
- Somewhat disagree
- Totally disagree
- I don't know / no opinion / not applicable

\* Do you agree that there should be legal obligations for Member States to remediate those contaminated sites:

- Totally agree
- Somewhat agree
- Somewhat disagree
- Totally disagree
- I don't know / no opinion / not applicable

**\* Question 9:**

Should the information and environmental data from a registry of contaminated sites be publicly available:

- Totally agree
- Somewhat agree, i.e. only under specific conditions
- Somewhat disagree, i.e. only under specific conditions
- Totally disagree
- I don't know / no opinion / not applicable

Please indicate which specific conditions (optional):

*Text of 10 to 500 characters will be accepted*

Business confidential information should be protected.

**\* Question 10:**

[Land take](#) has been defined by the European Environment Agency as the loss of

agricultural, forest and other semi-natural and natural land to urban and other artificial land development. The EU has an objective to achieve a state of no net land take by 2050. Net land take is the difference between land take and land recultivation.

Do you agree that the legal proposal should include obligations for Member States to monitor and report on the progress towards the EU objective of “no net land take” by 2050:

- Totally agree
- Somewhat agree
- Somewhat disagree
- Totally disagree
- I don't know / no opinion / not applicable

**\* Question 11:**

Soil health is very relevant for farmers, foresters and landowners in general, but also for investors, public authorities and businesses. As a way of creating a bigger awareness of the state of soils, some Member States have developed certificates of soil health. In some cases, these have to be provided during land transactions to adequately inform the buyer on soil status, similar to a certificate of energy performance that provides information on the energy efficiency of a house when selling it.

Do you agree that there should be legal obligations for Member States to set mechanism informing the buyer about the health of the soil when land is sold:

- Totally agree
- Somewhat agree
- Somewhat disagree
- Totally disagree
- I don't know / no opinion / not applicable

If you agree, how should the buyer be informed?

- With an official and mandatory “certificate” on soil health
- By consulting a website with official soil health information on all land parcels
- Through a declaration of honour from the seller or lessor
- Other

**Other [please specify]:**

*Text of 10 to 500 characters will be accepted*

Buyer must understand the soil health when land is sold, especially that it should be possible to sell a site un-remediated when detailed information is provided. The information requirement shall not impact the freedom of contractual relations in selling/ buying land containing “unhealthy” soils, if future usage of land is defined. MS require this information during sale, so a new mechanism, should consider existing practices on national level, and avoid any additional obligations on the seller

**Question 12:**

When a new building or infrastructure is built, and soils are excavated for this purpose, in many cases these excavated soils are clean and fertile and can be reused in the same or another appropriate location. In 2018, more than 530 million tonnes of excavated soils in EU were generated and reported as waste. In order to improve the safe recycling of healthy soils, several measures can be envisaged. To keep separate contaminated soil from clean soil, these streams have to be monitored more closely throughout the value chain, with traceability and quality control from the excavation site up to the receiving end.

In your view, which measures for ensuring the safe transportation, treatment, or reuse of excavated soils should be considered by the initiative:

	Totally agree	Somewhat agree	Somewhat disagree	Totally disagree	I don't know/ no opinion
* Obligation for Member States to create a soil passport for excavated soil (a passport that accompanies the soil shipment and allows to properly plan the end destination of that soil)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Mandatory notification of each transport of soil	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* An EU target for the reuse of excavated soil	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Quality standards for the reuse of soil	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Intermediary organizations that trace and register the movements of excavated soils	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Other [please specify]:**

*Text of 10 to 500 characters will be accepted*

An EU soil passport would facilitate soil treatment across the member states.  
 Sustainable use of soils is essential & part of the circular economy.  
 Existing Waste Framework Directive seems to not be optimised for this - careful integration of this Soil Health Law & alignment with revisions of Waste Framework are critical.  
 Targets / standards should be end-use specific (and thus probably national).

### Question 13:

Please rank the importance you attribute to the different provisions for achieving healthy soils in the EU by 2050 described in the questions 5-12:

	Very important	Important	Of limited importance	Not at all important	I don't know / no opinion
* Obligation of results for Member States to achieve healthy soils (see question 5)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Mandatory requirements for the sustainable management of soil (see question 6)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Obligation for Member States on Soil health monitoring and reporting (see question 7)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Obligation to identify contaminated sites (see question 8)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Obligation to remediate contaminated sites (see question 8)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Public access to data on contaminated sites (see question 9)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Mandatory Member States' reporting on progress towards no net land take (see question 10)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Legal obligation to inform the buyer of a land on soil health (soil health certificates) (see question 11)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Legal obligation for a soil passport for excavated soils (see question 12)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

If you wish to make other comments including on whether there are additional issues to be tackled or approaches to be taken, please list and describe them here:

*Text of 10 to 1000 characters will be accepted*

**Do you want to also provide input on the questions of a more technical nature where expertise in soil or related fields may be useful?**

- Yes
- No

II. part

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**Question 14:**

Due to the enormous variability of soils across Europe, the definition of healthy soils with parameters and indicators must consider intrinsic characteristics of soil and land use together with characteristics sensitive to management practices. In your opinion, which of these indicators are most effective to assess soil health:

<i>Chemical conditions -</i> Indicators:	Very effective	Reasonably effective	Partially ineffective	Very ineffective	I don't know / no opinion / not applicable
* Acidification/Basification	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Non-optimal soil organic carbon levels in mineral soils	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Nutrient losses	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Exceedance pollutants	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

B.

<i>Physical conditions - Indicators:</i>	Very effective	Reasonably effective	Partially ineffective	Very ineffective	I don't know / no opinion / not applicable
* Critical soil loss (wind)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Critical soil loss (water)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Sealing	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Topsoil compaction	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Subsurface compaction	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

C.

<i>Water-related indicators - Indicators:</i>	Very effective	Reasonably effective	Partially ineffective	Very ineffective	I don't know / no opinion / not applicable
* Water holding capacity	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Soil moisture deficit	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Permafrost	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

D.

<i>Biological conditions - Indicators:</i>	Very effective	Reasonably effective	Partially ineffective	Very ineffective	I don't know / no opinion / not applicable
* Microbial biomass	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Abundance and diversity of earthworms	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Fungal Metrics	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Other [please specify]:

*Text of 10 to 1000 characters will be accepted*

Within soils - indicators should be selected carefully with understanding of their purpose. A natural low organic soil is not unhealthy if it does not contain earthworms as they would not be normally present. A soil may have a huge biomass as the microbial community is degrading a significant organic contaminant - but is still unhealthy.

**\* Question 15:**

In your view, in order to reach healthy soils in the EU, at which spatial level should Member States be required to assess and monitor soil health with the understanding that they can also choose to be more detailed? (*more than one choice possible*)

- At national level
- At regional level
- At local administrative level
- At the landscape level
- At the level of a zone homogeneous for pedo-climatic conditions and use
- At the level of a zone homogeneous for pedo-climatic conditions (whatever the land use)
- At field/parcel level
- I don't know / no opinion
- Other

Other [please specify]:

*Text of 10 to 500 characters will be accepted*

Soil really remains best regulated and thus tracked at national level - with assessments being done relative to the area & end use.

**Question 16:**

In your view, how do you rank the effectiveness of the following measures in helping to ensure sustainable soil management (SSM) practices across different economic sectors:

	Very effective	Reasonably effective	Partially ineffective	Very ineffective	I don't know / no opinion / not applicable
* EU setting minimum mandatory standards for SSM	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Member States setting minimum mandatory standards for SSM	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Making EU subsidies conditional on applying SSM practices	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
*					

Eliminating any EU subsidy that would support unsustainable soil management practices	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Member States funding awareness-raising campaigns on the importance of soils in general and of the positive effects of SSM	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Member States funding SSM training for farmers and farm advisory services	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Creating networks, collecting and disseminating good practices and success stories	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Provide platforms for promoting SSM practices (e.g. lighthouses, living labs)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Other [please specify]:**

*Text of 10 to 1000 characters will be accepted*

**Question 17:**

The European Commission has set a target for the reduction of nutrient losses by at least 50% (resulting in the reduction of use of fertilizers by at least 20%) by 2030 while ensuring no deterioration in soil fertility.

How would you rank the effectiveness of the following measures in achieving the 50% reduction of nutrient losses by 2030:

	Very effective	Reasonably effective	Partially ineffective	Very ineffective	I don't know / no opinion / not applicable
* Advisory services for farmers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Recommendations to Member States on nutrient management	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Action plan at EU level	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* National/regional action plans	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
*					

Legally binding fertilisation rates for the main crops, adapted to regional pedo-climatic conditions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Legally binding targets at EU level	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Legally binding targets at national /regional level	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Continue funding research and innovation actions to address safe and environmentally sound solutions	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Other [please specify]:**

*Text of 10 to 500 characters will be accepted*

It's not clear / understood for the Oil & Gas industry how these soil nutrient measures will work in fact that our activities are not part of the primary targeted sector.  
 What is clear is that investment in sound science to understand nutrient loss issues will make a difference.

**Question 18:**

Do you consider the following measures related to soil contamination should be included in the Soil Health Law:

	Totally agree	Somewhat agree	Somewhat disagree	Totally disagree	I don't know / no opinion / not applicable
* Base the risk assessment of potentially contaminated sites on current and planned use	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Harmonise at EU level the threshold values for contaminants that would trigger a risk assessment	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Harmonise at EU level the criteria for a "significant risk" that would consider a site as contaminated	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Establish mechanisms to prioritise action for sites with highest risk	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Establish a hierarchy of remediation actions at EU level (decontamination, containment, capping, landfilling, etc.) that should be considered to remediate contaminated sites	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

\* Set binding intermediate targets between now and 2050 for the identification, registration and remediation of contaminated sites



Only under specific conditions [please indicate which specific conditions]:

*Text of 10 to 1000 characters will be accepted*

we have marked "Totally disagree" since a hierarchy of action is not what is needed - one needs the right solution for the right problem, and one need to design that in line with key criteria. The use of sustainable principles as outlined in ISO 18504 will ensure appropriate process are used to determine need and appropriate option selection.

Other measures [please specify]:

*Text of 10 to 500 characters will be accepted*

**\* Question 19:**

Do you agree that Member States should be required, within a legally-binding time frame, to establish and implement a national plan to remediate sites that represent a significant risk to human health or the environment:

- Totally agree
- Somewhat agree
- Somewhat disagree
- Totally disagree
- Only under specific condition
- I don't know / no opinion / not applicable

**Question 20:**

Which aspects should Member States report on in relation to the 2050 target on 'no net land take':

Aspects to be monitored:	Totally agree	Somewhat agree	Somewhat disagree	Totally disagree	I don't know / no opinion / not applicable
* Soil sealing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Land take	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Land recycling	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Land fragmentation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

B.

Specific land use changes to be monitored:	Totally agree	Somewhat agree	Somewhat disagree	Totally disagree	I don't know / no opinion / not applicable
* Soil consumed for commercial activities and logistic hubs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Soil consumed for renewable energies	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Soil consumed for "carbon-consuming" surfaces such as airports, roads, carbon mines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

C.

Consequences of land take to be monitored:	Totally agree	Somewhat agree	Somewhat disagree	Totally disagree	I don't know / no opinion / not applicable
* Quantification of loss of ecosystem services following land take	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Monetary value of soil for public interest lost from land take	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Off-site environmental degradation related to land take (rivers affected by modified trends, floods, etc.)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

D.

Actions taken:	Totally agree	Somewhat agree	Somewhat disagree	Totally disagree	I don't know / no opinion / not applicable
* Progress in implementing the land take hierarchy	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Progress in national legal actions taken	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Progress in voluntary actions taken	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Only under specific conditions [please indicate which specific conditions]:

Text of 10 to 1000 characters will be accepted

**Other aspects [please specify]:**

Text of 10 to 500 characters will be accepted

**Question 21:**

How would you rank the effectiveness of the following measure for ensuring the safe transportation, treatment, or reuse of excavated soils:

	Very effective	Reasonably effective	Partially ineffective	Very ineffective	I don't know / no opinion / not applicable
* Obligation for Member States to create a soil passport for excavated soil (a passport that accompanies the soil shipment and allows to properly plan the end destination of that soils)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Mandatory notification of each transport of soil	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* An EU target for the reuse of excavated soil	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Quality standards for the reuse of soil	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Intermediary organizations that trace and register the movements of excavated soils	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Other [please specify]:**

Text of 10 to 500 characters will be accepted

**Do you want to add any other suggestions/opinions?**

Text of 10 to 1000 characters will be accepted

Further comments for Question 3, 5, 7, 8 and 11 are provided on the attached IOGP input document.

You can upload here any relevant document you want to share:

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

**c35232a0-e75d-4a66-92ad-6b83b3f4cb2c/IOGP\_input\_to\_Soil\_Health\_Law\_consultation\_October2022.pdf**

## **Contact**

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# IOGP input to public consultation on a possible EU Soil Health Law for protecting, sustainably managing and restoring EU soils

**IOGP, the International Association of Oil and Gas Producers whose member companies account for approximately 90% of oil and gas produced in Europe, supports the goals of the Paris Agreement and the EU's ambition to reach climate neutrality by 2050. We are committed to provide input and expert advice to the EU Institutions, Member State Governments, and the wider community, to contribute in a constructive and pro-active way to the development and implementation of the EU policies and regulations.**

We would like to share further comments to the public consultation on a possible EU Soil Health Law, in particular regarding:

### **Question 3:**

There are several existing pieces of legislation in the EU which are effective in addressing soil health provisions at EU and national level, which should be taken into consideration in any proposal for an EU-wide Soil Health Law. The aspects of soil health which are addressed in these existing legislative instruments are comprehensively regulated as a result.

We would recommend strengthening the implementation, enforcement, and harmonization of existing legislation among Member States.

Soil remediation at national level is the correct level for action - but again clearly there are different legal systems in various Member States, and therefore there might be some gaps that could be filled.

There could be potentially a need for better science and research to set the EU wide fundamentals for a risk-based approach for soil protection.

### **Question 5:**

The EU soil targets do not exist, national targets are variable. If the EU has an aspiration to improve soils there must be some baseline and some measurement of how much improvement there has been. A target also drives action, however, each Member State has a different legal framework, different geographical conditions for soil generation, and different uses (e.g. industry vs. agriculture / grain vs. grapes).

### **Question 7:**

Monitoring is one aspect, but the non-consistency of enforcement measures in the Member States is another important aspect that should be addressed.

## Question 8:

Industrial activities, including oil and gas exploration and production, are already covered by national legislative frameworks that identify contaminated soils and impose obligations for their remediation within the risk-based framework. If there are genuine risks for the environment then appropriate actions have to be taken.

For permitted installations, IED and ELD already secures sufficient soil protection and ensures preventive measures.

Many operators also take voluntary actions that go beyond the legislative framework, to ensure maximum of protection.

We would like to provide a specific example: remediation of mud pits in Germany on leased farm land; instead of remediation into farmland and give it back to the farmer - the O&G company has purchased the land and reforested it close to nature.

## Question 11:

It is important that a buyer is aware and fully understands the health of the soil when land is sold, especially that it should be possible to sell a site un-remediated when detailed information is provided beforehand. The land sale price will account for conditions.

The information requirement in potential new mechanism shall not impact the freedom of contractual relations between seller and buyer in selling/ buying land containing "unhealthy" soils if the future usage of the land is clearly defined, and there are no risks to health and environment (groundwater). For example, land after oil and gas production could be used as land for other type of industrial activity (e.g. production of hydrogen).

However, we have to take into account that most Member States already require to provide this information as part of the sales process. Protective buyer's mechanisms are already in place.

Therefore, any potential new mechanism for this process, should take into account existing practices on national level, and avoid any additional or double obligations on the land seller.

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