

3 November 2023, Brussels

## FEAD feedback to the Soil Monitoring Law proposal

**FEAD welcomes the objective to achieve healthy soils by 2050.** The waste sector contributes to both:

- Soils quality and supply of nutrients and organic matter (through sewage sludge, composting, biowaste treatment, production of fertiliser), which is recognised as a good carbon farming practice in the Commission’s communication on ‘sustainable carbon cycles’ under the item ‘enhancing soil organic carbon on degraded arable land’;
- Removal of hazardous substances and protection of human health through remediation of contaminated sites.

Of particular relevance to this proposal is the production of compost. Compost gradually makes nitrogen available to the soil during degradation, of which 80-90% is in organic form. It has long-lasting fertilising effects, allows the formation of humus, improves carbon sequestration, avoids soil salinisation, improves water retention, porosity, reduces erosion, and lowers the concentration of pure nutrients. In addition, its use reduces the application of pesticides.

As an example, in Germany, when the composting potential is fully utilised, the formation of 1.24 million tonnes of humus is accompanied by the sequestration of around 0.62 million tonnes of carbon.<sup>1</sup> This corresponds to an avoidance of 2.26 million tonnes of CO<sub>2</sub> emissions. Furthermore, fertilising with compost makes part of the production of synthetic mineral fertilisers superfluous, which also leads to the avoidance of CO<sub>2</sub> emissions.

**FEAD notes the following points on the proposal:**

- **In the assessment of the soil health, the Directive should not follow the proposed ‘all in or out principle’** in Article 9. According to this, soils are considered unhealthy where *at least one of the criteria* foreseen is not met, and Member States can deviate, but only if, or as, foreseen in Annex I. The proposal is excessively strict on this point and does not take sufficient account of the particularities of each soil.

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<sup>1</sup> EPEA Internationale Umweltforschung GmbH, *Boden-, Ressourcen- und Klimaschutz durch Kompostierung in Deutschland*, p. 6, Hamburg, April 2024, [https://epea.com/fileadmin/user\\_upload/4.0\\_Ueber-uns/4.3\\_Position/EPEA\\_Factsheet-Kompostierung.pdf](https://epea.com/fileadmin/user_upload/4.0_Ueber-uns/4.3_Position/EPEA_Factsheet-Kompostierung.pdf).

For example, extractable phosphorus, if understood as available to plants, depends on the conditions and characteristics of the soil itself. In certain conditions it fixes to the soil and is unavailable to plants, in other conditions it dissolves and becomes available to plants. For instance, a clayey soil fixes more than a sandy soil. To be able to qualify a soil as healthy or unhealthy, a more thorough analysis must be conducted. It is insufficient to base such a decision on whether a single criterion is met or not. Therefore, national authorities must be given more freedom in deciding when to classify a soil as 'unhealthy'. A suggestion would be that the non-fulfilment of one or more criteria must necessarily be considered by the competent authority, **but the final decision should be made by way of an overall assessment of the soil.**

- **The definition of sustainable soil management practices** is to be undertaken by Member States. However, **the proposed timeline** (from four years after entry into force of the Directive) **is undefined and lacks ambition**. Hence, we suggest that within two years after the Directive's entry into force, sustainable soil management practices should be defined by the Member States in a way that promotes and emphasises the benefits of the use of organic fertilisers. The role of composting as a risk reduction measure, as indicated in Annex V, should be strongly promoted.
- It must be ensured that this new EU proposal is coherent and does not interfere in a counterproductive way with already existing frameworks and measures at national level.
- **National legislation must be guaranteed when undertaking soil measurements.**
- **The register and information foreseen in Article 16 should not be published.** Access to information may be granted while ensuring the protection of sensitive business data, data protection and public access to information requirements.

*FEAD is the European Waste Management Association, representing the private waste and resource management industry across Europe, including 18 national waste management federations and 3,000 waste management companies. Private waste management companies operate in 60% of municipal waste markets in Europe and in 75% of industrial and commercial waste. This means more than 320,000 local jobs, fuelling €5 billion investments into the economy every year. For more information, please contact:*

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