

New EU directive on soil monitoring and resilience

On November 12, the European Parliament and the Council approved [EU Directive 2025/2360](#) on soil monitoring and resilience (the “Directive” or “Soil Monitoring Law”).

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KEY ASPECTS

- This Directive only imposes obligations on Member States, and it does not directly or indirectly impact individuals.
- Soil is recognized as a vital, limited resource and is considered non-renewable. It is crucial for the economy, human health and for the resilience of the food system.
- The Soil Monitoring Law seeks to reverse soil degradation, guarantee soil resilience and secure the capacity of soil to provide ecosystem services, with the objective of achieving healthy soils by 2050.
- It addresses monitoring and assessment of soil health, soil resilience, and management of contaminated sites.
- It incorporates measures for mitigating land take and soil artificialization, integrating them into planning and permits without creating new procedures or preventing projects of public interest.
- It establishes a harmonized and data-based approach (European portal and public registries) and a risk-management framework for contaminated soils, based on the polluter pays principle and on publicly accessible georeferenced databases.





Introduction

EU Directive 2025/2360, of November 12, on soil monitoring and resilience (the “**Soil Monitoring Law**” or the “**Directive**”), approved by the European Parliament and the Council, establishes for the first time a common legal framework for sustainably protecting, assessing and managing soil in the European Union (the “**EU**”).

It comes as a response to the general degradation of European soils—between 60% and 70% of the total—and to the need to comply with international commitments, including the United Nations 2030 Agenda for Sustainable Development and the conventions on biodiversity, desertification and climate change.

The Directive is included in the European Green Deal and in key EU policies, such as the EU Biodiversity Strategy for 2030, the Zero Pollution Action Plan, the EU Climate Adaptation Strategy and, directly in the EU Soil Strategy.

Although **its obligations are directed at Member States—and not at individuals**—the deployment will have practical consequences for spatial planning, risk management and real estate transactions and, with more intensity, in sectors such as infrastructure, energy, agri-food and manufacturing.

The Directive expresses its measures in three blocks:

- monitoring and assessment of soil health (Chapter II);
- soil resilience (Chapter III); and
- management of contaminated sites (Chapter IV).

The long-term objective is to achieve **healthy soils by 2050**, with regular assessment, harmonized standards and the integration of technological tools to boost rational decisions.

Monitoring and assessment obligations for soil health

The Directive imposes a harmonized framework of monitoring and regular assessment for soil health, based on dividing the land of Each Member State into one or several **soil districts**, with appointment of the respective competent authorities, and in **soil units**, for monitoring and assessment purposes. When delineating soil units, Member States should consider at least the soil districts, as well as the soil regions and the EU's harmonized land use categories. Climatic and environmental conditions can also be considered when delineating soil units.

On this basis, a soil monitoring framework must be established, with sampling campaigns every six years. The measurements will be carried out using scientific criteria and standard methodologies (ISO, CEN) or other equivalent standards.

The following are established:

- **Common parameters:** Assessment of soil health is based on common physical, chemical and biological descriptors and soil sealing and soil removal indicators (Annex I of Directive).
- **Target and trigger values:** For the descriptors with defined criteria, there are non-binding sustainable target values and operational trigger values set by each Member State, which activate support and regeneration measures when the defined thresholds are exceeded.
- **Contaminants:** Member States should draw up a list of soil contaminants in addition to an indicative list by the European Commission (the “Commission”). Items such as pesticides (and their metabolites) and per- and polyfluoroalkyl substances (“PFAS”) should be included.



- **Technological tools:** The use of remote-sensing products (Copernicus) is expected, as well as the setting up of a digital portal containing georeferenced data, guaranteeing public access to the aggregate results.
- **Regular reporting:** Every six years, Member States should send the Commission and the European Environment Agency (“EEA”) the data relating to soil health monitoring and the assessments, together with a trend analysis and details of progress.

Managing contaminated soil

The Directive introduces a risk-based and stepwise approach for managing contaminated soil, with specific obligations for Member States.

- **Identification:** They must identify potentially contaminated sites using lists of potentially contaminating activities and prioritize investigation depending on the risk for human health and for the environment.
- **Investigation:** Soil investigations must be carried out on sites identified as potentially contaminated, and in the case of events involving changes of land use, permits, real estate transactions and incidents, detailed methods must be carried out and public participation called on.
- **Assessment:** The contaminated sited must be be assessed for specific risks and, if necessary, risk reduction measures (e.g., soil remediation, use restrictions and containment) must be applied until acceptable levels are achieved for human health and the environment , prioritizing sustainable and proportional solutions.
- **Polluter pays principle:** A hierarchy of responsibility is established to determine the polluter, and Member States can use public or EU funds to meet the obligations under the Directive when it is not possible to identify the polluters.
- **Inventories:** Member States must create and maintain public, georeferenced and updated inventories of contaminated and potentially contaminated sites, with detailed information of activities, risks, measures adopted and management situation.

Mitigation of land take

The Directive establishes principles for mitigating the effects of land take and soil artificialization, with the aim of achieving the “No Net Land Take” in the long term:

- **Minimization of soil sealing and soil removal:** Reuse of artificialized soils is encouraged, as well as a rational densification of urbanized areas, and the safeguarding of green spaces, and soils of high ecological and agricultural value.
- **Compensatory measures for regenerating soil:** Soil desealing and the reconstruction of degraded soils is promoted to bring them as close as possible to their natural functioning.
- **Integration in regional planning:** Without impinging on the autonomy of Member States regarding spatial planning, Member States must incorporate the mitigation measures in their planning and in permitting procedures, conditioning the decision making but without creating new administrative procedures. However, the permitting of activities should not be prevented, especially in the case of public interest projects.
- **Support for landowners:** Member States should advise and finance the landowners and the land managers to promote and facilitate improvement of soil health.



Deadlines and next steps

- **Transposition:** Member States must transpose the Directive before December 17, 2028.
- **Systems for managing contaminated soil:** Before December 17, 2029, the systems for identifying, investigating and managing contaminated soils must be implemented, as well as the public registers.
- **First sampling campaign:** Before December 17, 2030.
- **First soil health assessment:** Before December 17, 2031.
- **Identification and registration in the register of potentially contaminated soils:** Before December 17, 2035.

Conclusion

The Soil Monitoring Law represents a structural change in soil management in the European Union, with direct effects on public and private decision making. It requires a shift from disconnected frameworks to a governance based on comparable data, with transparency and cross-sectoral integration in planning, permitting and risk control. Under this Directive, Member States must anticipate impacts on real estate and industrial transactions, by incorporating inventories, investigation triggers and the polluter pays principle in the analysis of viability and due diligence.



For additional information, please contact our [Knowledge and Innovation Group](#) lawyers or your regular contact person at Cuatrecasas.

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