



15.11.2022

## NOTICE TO MEMBERS

**Subject: Petition No 1346/2021 by Matías María (Spanish), on behalf of the ‘Asociación la Bardal’, on the alleged lack of alignment with European legislation of the new law on land (Ley del suelo) in Cantabria**

### 1. Summary of petition

The petitioner denounces that the draft Law on Spatial Planning and Urban Planning in Cantabria was the subject of a number of complaints warning of the failure to adapt the preliminary draft of this law to the climate emergency as declared in European legislation on climate, on rural development as related to nature and activities specific to the countryside, and on the preservation of the landscape and the environment. The petitioner considers that the project is in breach of European climate legislation, the European Conference on Rural Development in Cork and the European Landscape Convention. The petitioner asks the European Parliament to examine this case and to call on the Government of Cantabria to revise this draft law in order to comply with European legislation on rural development, climate change with regard to land use and the preservation of the landscape and the environment.

### 2. Admissibility

Declared admissible on 5 April 2022. Information requested from Commission under Rule 227(6).

### 3. Commission reply, received on 15 November 2022

For what concerns the alleged breach of the European climate legislation, the land use, land-use change and forestry (LULUCF) Regulation<sup>1</sup> sets a binding commitment for each Member

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<sup>1</sup> Regulation (EU) 2018/841 of the European Parliament and of the Council of 30 May 2018 on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry in the 2030 climate and energy

State, known as the “no debit” rule, to ensure that accounted emissions from land use are entirely compensated by an equivalent accounted removal of carbon dioxide (CO<sub>2</sub>) from the atmosphere through action in the sector, in the period 2021 to 2030. This Regulation provides Member States with a framework to incentivise more climate-friendly land use, without imposing new restrictions or red tape on individual actors or local authorities.

On 14 July 2021, the Commission adopted a series of legislative proposals, known as the Fit for 55 package<sup>2</sup>, setting the path to achieve climate neutrality in the EU by 2050, including the target of an at least 55% net reduction in greenhouse gas emissions by 2030, in accordance with the EU Climate Law<sup>3</sup>. The package includes a LULUCF Regulation Revision<sup>4</sup> which proposes an EU net removal target of at least -310 metric tons of carbon dioxide equivalent (MtCO<sub>2</sub>) by 2030, broken down into national targets. This proposal, in articulation with related policy initiatives of biodiversity and bioenergy, will require Member States to better integrate mitigation and adaptation measures in the land-use, forestry and agriculture sectors into their national plans. After the position<sup>5</sup> adopted by the European Parliament on 8 June 2022, and the general approach<sup>6</sup> adopted by the Council, the LULUCF Regulation Revision proposal is now in the trilogue phase, as part of the ordinary legislative procedure.

For what concerns the alleged breach of the European Conference on Rural Development in Cork and the related Cork Declaration on Rural Development<sup>7</sup>, the policy orientations in the declaration are not legally binding. While the points relevant to the preservation of the rural environment, mentioned in the declaration, can be found in the current agricultural and rural development policy, the petition does not specify by what the Union legislation for the common agricultural policy would be breached

Concerning the European Landscape Convention of the Council of Europe, it is an international treaty that has been ratified by 24 Member States of the European Union. However, this Convention is not part of the European Union *acquis*, therefore its implementation and enforcement is the responsibility of the Council of Europe. Nevertheless, the principles of the Convention are also an integral part of EU agricultural and rural development policy.

The Commission presented on 17 November 2021 a new EU Soil Strategy<sup>8</sup>. The Strategy sets a framework with concrete measures for the protection, restoration and sustainable use of soils and proposes a set of voluntary and legally binding measures. This strategy aims to

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framework, and amending Regulation (EU) No 525/2013 and Decision No 529/2013/EU, <http://data.europa.eu/eli/reg/2018/841/2021-03-14>

<sup>2</sup> [https://ec.europa.eu/clima/eu-action/european-green-deal/delivering-european-green-deal\\_en](https://ec.europa.eu/clima/eu-action/european-green-deal/delivering-european-green-deal_en)

<sup>3</sup> Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 (‘European Climate Law’), *OJ L 243*, 9.7.2021, p. 1–17.

<sup>4</sup> COM (2021) 554 final, available at:

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52021PC0554>

<sup>5</sup> <https://www.europarl.europa.eu/news/en/press-room/20220603IPR32133/fit-for-55-parliament-agrees-to-higher-eu-carbon-sink-ambitions-by-2030>

<sup>6</sup> <https://www.consilium.europa.eu/en/press/press-releases/2022/06/29/fit-for-55-council-reaches-general-approaches-relating-to-emissions-reductions-and-removals-and-their-social-impacts/>

<sup>7</sup> [cork-declaration\\_en.pdf \(europa.eu\)](#)

<sup>8</sup> COM(2021) 699 final, available at:

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52021DC0699>

increase the soil carbon in agricultural land, combat desertification, restore degraded land and soil, and ensure that by 2050, all soil ecosystems are in a healthy condition. The Strategy also mobilises the necessary societal engagement and financial resources, shared knowledge, and promotes sustainable soil management practices and monitoring, supporting the EU ambition for global action on soil.

The Strategy calls for ensuring the same level of protection to soil that exists for water, the marine environment and air in the EU. This will be done through a proposal by 2023 for a new Soil Health Law, following an impact assessment and broad consultation of stakeholders and Member States. Among others, the future proposal intends to provide a definition of net land take and options for monitoring and reporting on progress towards the no net land take targets and the implementation of the land take hierarchy on the basis of the data reported by Member States.

The EU Soil Strategy calls on Member States to set by 2023 their own ambitious national, regional and local targets to reduce net land take by 2030 in order to make a measurable contribution to the EU target of 2050, and report on progress. However, this Strategy is not legally binding for Member States.

The Strategy will be complemented by a number of legally binding provisions in the future Soil Health Law proposal currently being developed. The Commission has engaged in a broad and inclusive consultation with Member States, the European Parliament and all relevant stakeholders, including citizens<sup>9</sup>.

## Conclusion

For what concerns the alleged breach of the European climate legislation, the EU regulation on the land-use, forestry and agriculture sectors, while setting the rules at national level for ensuring these sectors contribute to the achievement of climate neutrality within the Union, does not impose restrictions or administrative formalities on individual actors or local authorities.

As regards the European Conference on Rural Development in Cork and the related Cork Declaration on Rural Development, the policy orientations in the declaration are not legally binding, but the points relevant to the preservation of the rural environment, mentioned in the declaration, can be found in the current agricultural and rural development policy. The petition does not specify by what the Union legislation for the common agricultural policy would be breached.

As regards the European Landscape Convention of the Council of Europe, the Commission has no remit of competence and cannot intervene, as it is not part of the EU *acquis*.

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<sup>9</sup>[https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13350-Soil-health-protecting-sustainably-managing-and-restoring-EU-soils\\_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13350-Soil-health-protecting-sustainably-managing-and-restoring-EU-soils_en)