

INFORMATION

Proposed Strategy of the European Commission to Protect European Soils

The European Commission has recently proposed a strategy to ensure that the soils of Europe will remain healthy and capable of supporting human activities as they provide us with food, drinking water, biomass and raw materials – and all our human activities are somehow related to the soil.

The assessment of the soil as a non-renewable resource was recently summarized in the following way (Sine 2006): Soil can be considered a non-renewable resource as it takes hundreds of years to produce a few centimetres of soil. Yet the soil is rapidly degrading in many places across the EU exacerbated by human activity, such as certain agricultural and forestry practices, industrial activities, tourism or urban development. Estimated 115 million hectares or 12% of the total land area of Europe are subject to water erosion, and further 42 million hectares are threatened by wind erosion. Approximately 3.5 million sites within the EU could be contaminated. About 45% of European soils have a low organic matter content, principally in southern Europe but also the other Member States are concerned.

It was also emphasized that the soil is a resource of common interest to the EU and a failure to protect it at the EU level will undermine sustainability and long-term competitiveness in Europe while different EU policies already contribute to soil protection but no coherent policy exists. Soil degradation has a strong impact on other areas of common interest to the EU, such as water, human health, climate change, nature and biodiversity protection, and food safety.

The Commission proposes a Soil Strategy for Europe. It is set out in a Communication, containing a proposal for a Framework Directive accompanied by Impact Assessment.

The proposed legislation, which aims at soil protection and preservation of the capacity of soil to perform its environmental, economic, social and cultural functions, is perfectly in line with the objectives of Article 174 of the EC Treaty.

Starting in February 2003 the Commission organized an open stakeholder consultation and established a very wide platform of more than 400 members divided into five Working Groups and an Advisory Forum with a steering role. In June 2004, the Working Groups finished their very thorough reports which included information on the state of soils in Europe, the pressures, the driving forces for soil degradation and a set of recommendations addressed to the Commission for the development of soil policy at the Community level.

In November 2004, the Dutch Presidency of the Council and the Commission held a conference gathering Member States and participants of the stakeholder process who expressed strong support for a framework approach based on the Community action.

Though soil protection provisions exist in the Community acquis, there is no specific Community legislation on soil protection. The current proposal aims at filling this gap and has the objective of establishing a common strategy for the protection and sustainable use of soil based on the principles of integration of soil concerns into other policies, preservation of soil functions within the context of sustainable use, prevention of threats to soil and mitigation of their effects, as well as restoration of degraded soils to a level of functionality consistent at least with the current and approved future use.

In its 2002 Communication “Towards a Thematic Strategy on Soil Protection” (COM(2002) 179 2002),

the Commission identified the main eight threats with which soils in the EU are confronted. These are erosion, organic matter decline, contamination, salinisation, compaction, soil biodiversity loss, sealing, landslides and flooding.

The proposed Directive includes:

- The establishment of a common framework to protect soil on the basis of the principles of preservation of soil functions, prevention of soil degradation, mitigation of its effects, restoration of degraded soils and integration in other sectoral policies.
- The requirement to identify, describe and assess the impact of some sectoral policies on soil degradation processes with a view to protect soil functions.
- The requirement for land users to take precautionary measures when their use of the soil can be expected to significantly hamper soil functions.
- An approach to soil sealing to ensure a more rational use of land in accordance with Article 174 of the EC Treaty and to maintain as many soil functions as possible.
- Identification of areas at risk of erosion, organic matter decline, salinisation, compaction and landslides, and establishment of national programmes of measures. The extent of the areas at risk of these threats needs to be identified. To ensure a coherent and comparable approach, the identification of risk must be carried out on the basis of common elements. These elements include parameters which are known to be driving forces for the different threats. Risk reduction targets and programmes of measures to reach those targets will have to be adopted. Programmes can build on standards and measures already identified and implemented in national and Community contexts.
- Measures to limit the introduction of dangerous substances into the soil, to avoid accumulation

in the soil that would hamper soil functions and create a risk to human health and the environment.

- Setting up an inventory of contaminated sites, a mechanism for funding the remediation of orphan sites, a soil status report, and establishing a national strategy for remediation of the contaminated sites identified. The definition of contaminated sites and a list of potentially soil polluting activities are established. These are the basis for locating the sites which can potentially be contaminated, as a preliminary step to the establishment of an inventory of effectively contaminated sites. This would be complemented by the obligation for sellers or prospective buyers to provide a soil status report for any transaction of land where a potentially contaminating activity has taken or is taking place. A similar provision, concerning the energy performance of buildings, already exists in Community legislation.

It is our common hope that the proposed Directive will enhance the Member States' concern for soils and will lead to their effective protection.

References

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