



THEMATIC STRATEGY ON **SOIL PROTECTION**



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WHY A THEMATIC STRATEGY ON SOIL?



- ❖ Soil is a practically **non-renewable** natural resource
- ❖ Soil performs **crucial functions** for human activities and ecosystems survival
- ❖ Soils are increasingly degrading or irreversibly lost across the EU => the Community *acquis* is manifestly **not sufficient**
- ❖ **Costs** of soil degradation are **very high** and are mainly **borne by society** and not by the land users
- ❖ There is **no specific EU legislation** on soil protection, hence a need for a comprehensive protective approach
- ❖ Commitment in the **6th EAP** to adopt a Thematic Strategy on soil protection



A LONG PREPARATION HISTORY



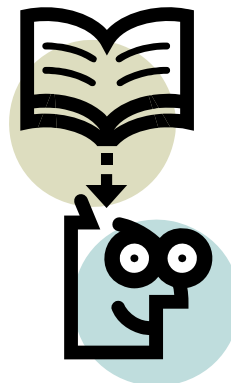
- ❖ 1st meeting in **Bonn in 1998** - creation of European Soil Forum
- ❖ 2nd meeting in **Berlin in 1999**
- ❖ 3rd meeting in **Naples in 2001**
- ❖ **Communication of the Commission « Towards a Soil Thematic Strategy » in 2002 → Positive Council Conclusions**
- ❖ **Very comprehensive stakeholder consultation:** more than 400 organisations and experts involved during 2003/2004
- ❖ Six volumes of **recommendations** from stakeholders (2004)
- ❖ **Internet Consultation** in 2005 with 2,000 replies
- ❖ **Commission adoption** of the proposal for a Soil TS in 2006



CONTENT OF THE THEMATIC STRATEGY



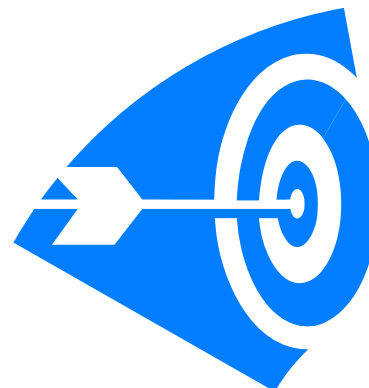
❖ **Communication**



❖ **Proposal for a Soil
Framework Directive**

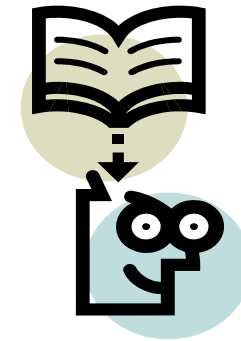


❖ **Impact Assessment**





❖ **Communication
COM(2006)231**





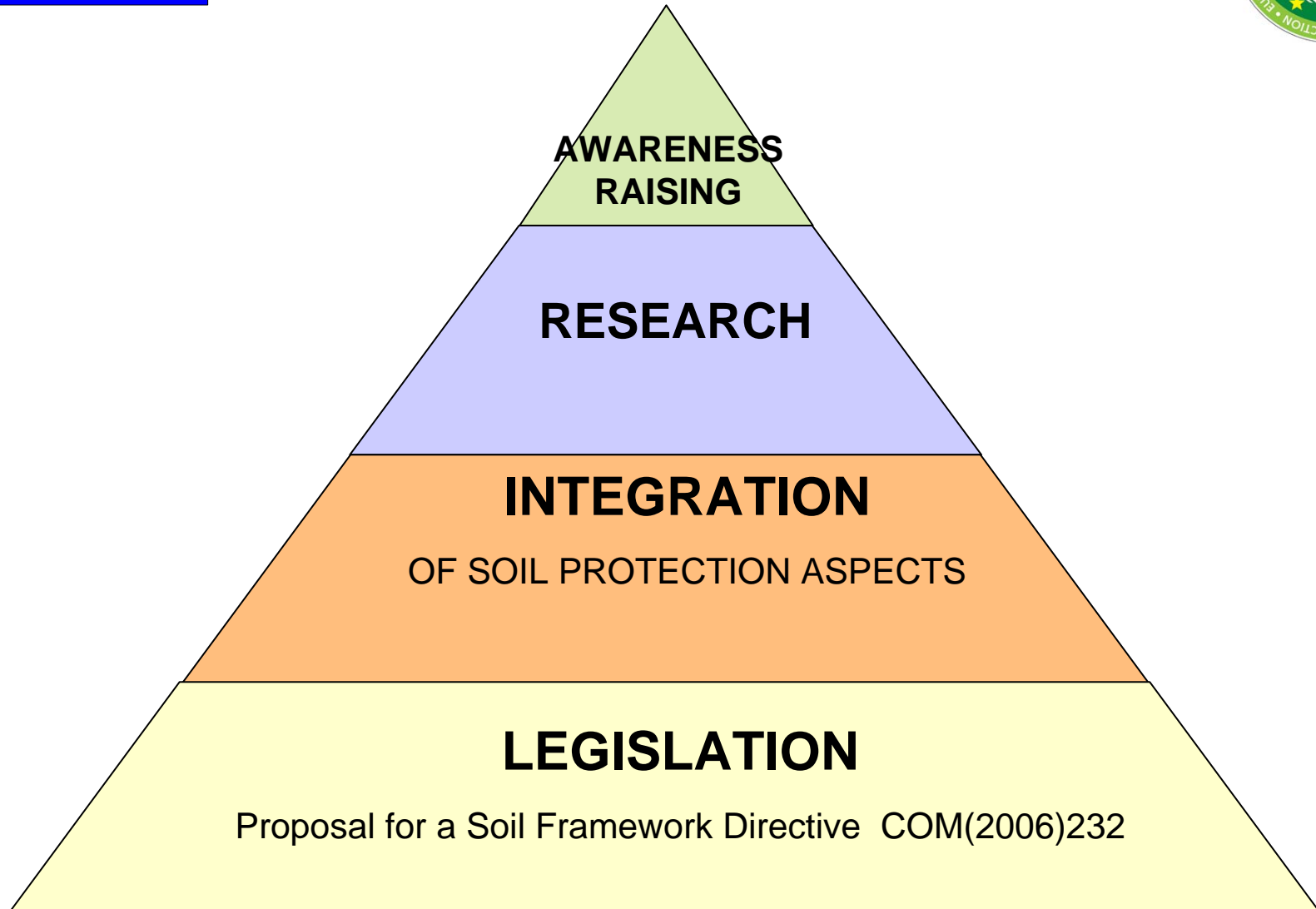
COMMUNICATION



- ❖ It lays down the **objective** of soil policy: the protection of soil functions across the EU
- ❖ Sets out the **four pillars of action**
- ❖ It indicates the **next steps** at EU level



FOUR PILLARS OF EU SOIL POLICY





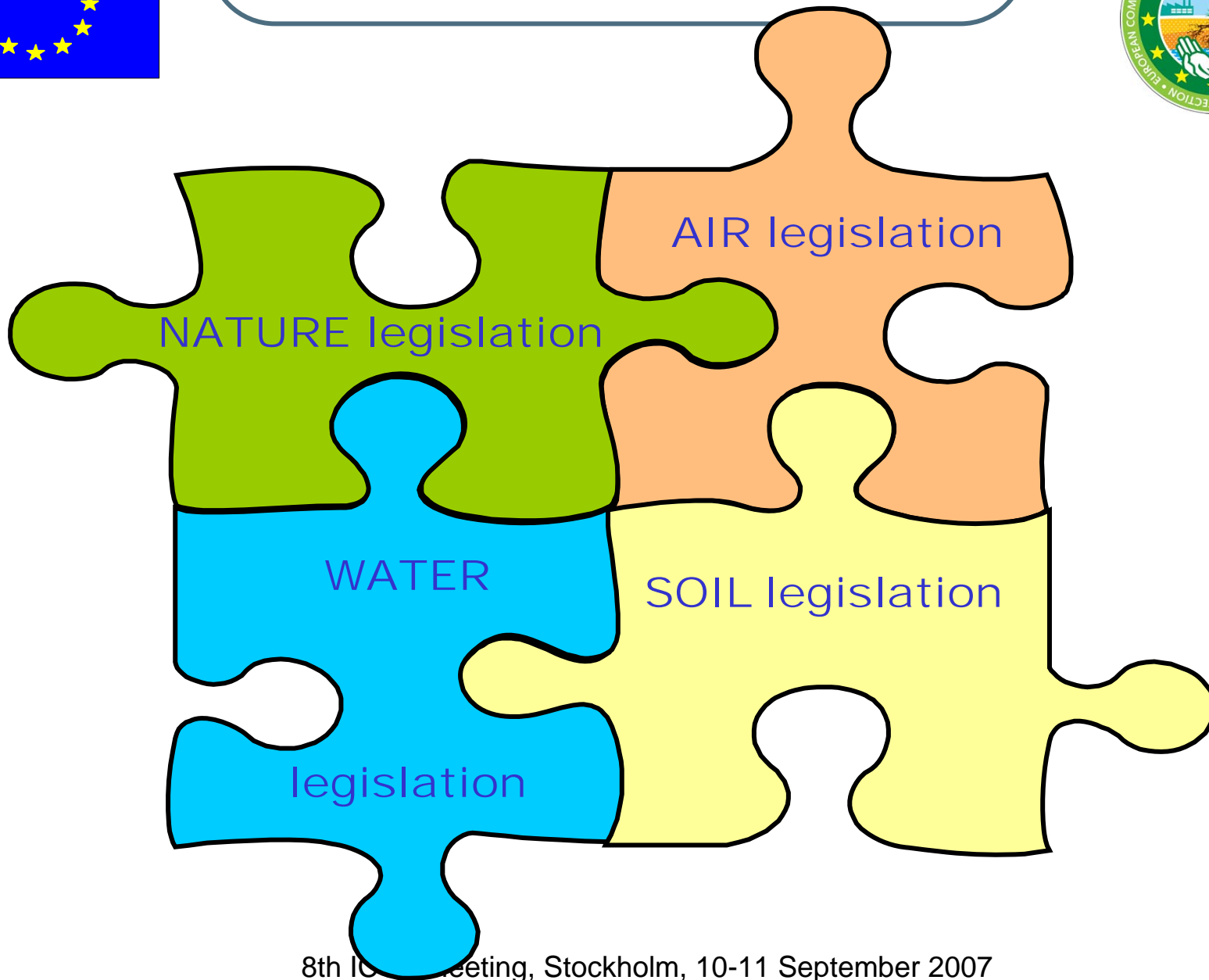
WHY A FLEXIBLE BUT LEGALLY BINDING APPROACH AT EU LEVEL?



- ❖ To protect a **practically non renewable resource of common interest** across the EU
- ❖ To protect **other media** covered by the EU *acquis*
- ❖ To address the **transboundary impacts** of soil degradation
- ❖ To minimise the **distortion of competition** in the internal market
- ❖ To enhance **food safety** of products freely traded in the EU
- ❖ To diminish **human health impacts**
- ❖ To play a **leading role** in the international arena: UNFCCC, CBD, UNCCD



FILLING THE GAP





❖ **Proposal for a Soil
Framework Directive
COM(2006)232**





SOIL THREATS ADDRESSED IN DIRECTIVE



Sealing



Erosion



Organic matter decline



Compaction



Salinisation



Landslides



Contamination

STRUCTURE OF THE DIRECTIVE

OBJECTIVE: Protection soil functions-**Art. 1**



- Integration in sectoral policies-**Art. 3**
- Precautionary measures-**Art. 4**
- Prevention of contamination-**Art. 9**
- Measures to limit or mitigate sealing-**Art. 5**

- Identification of **risk areas** for erosion, organic matter decline, compaction, salinisation, landslides-5 years-**Articles 6, 7**
- Identification of **contaminated sites** - 25 years- **Artt. 10, 11, 12**

- Programmes of Measures-**Art. 8**
- National Remediation Strategy-**Artt. 13, 14**



OBJECTIVES – Art. 1



Protection of soil - the preservation of SOIL FUNCTIONS:

- (a) biomass production, incl. agriculture & forestry; 
- (b) storing, filtering, transforming nutrients, substances, water; 
- (c) biodiversity pool, habitats, species and genes; 
- (d) physical and cultural environment for humans and human activities; 
- (e) source of raw materials; 
- (f) acting as carbon pool;
- (g) archive of geological and archaeological heritage 

Measures for the prevention and restoration of degraded soils



PREVENTIVE OBLIGATIONS



❖ Integration

Identify and assess the impacts of **sectoral policies** likely to exacerbate or reduce soil degradation processes.

❖ Precautionary measures

Obligation for land user to take precautions to **prevent** or **minimise** significant negative effects on soil functions.

❖ Sealing

Member States shall take appropriate measures **to limit** sealing **or**, where sealing is to be carried out, **to mitigate** its effects.

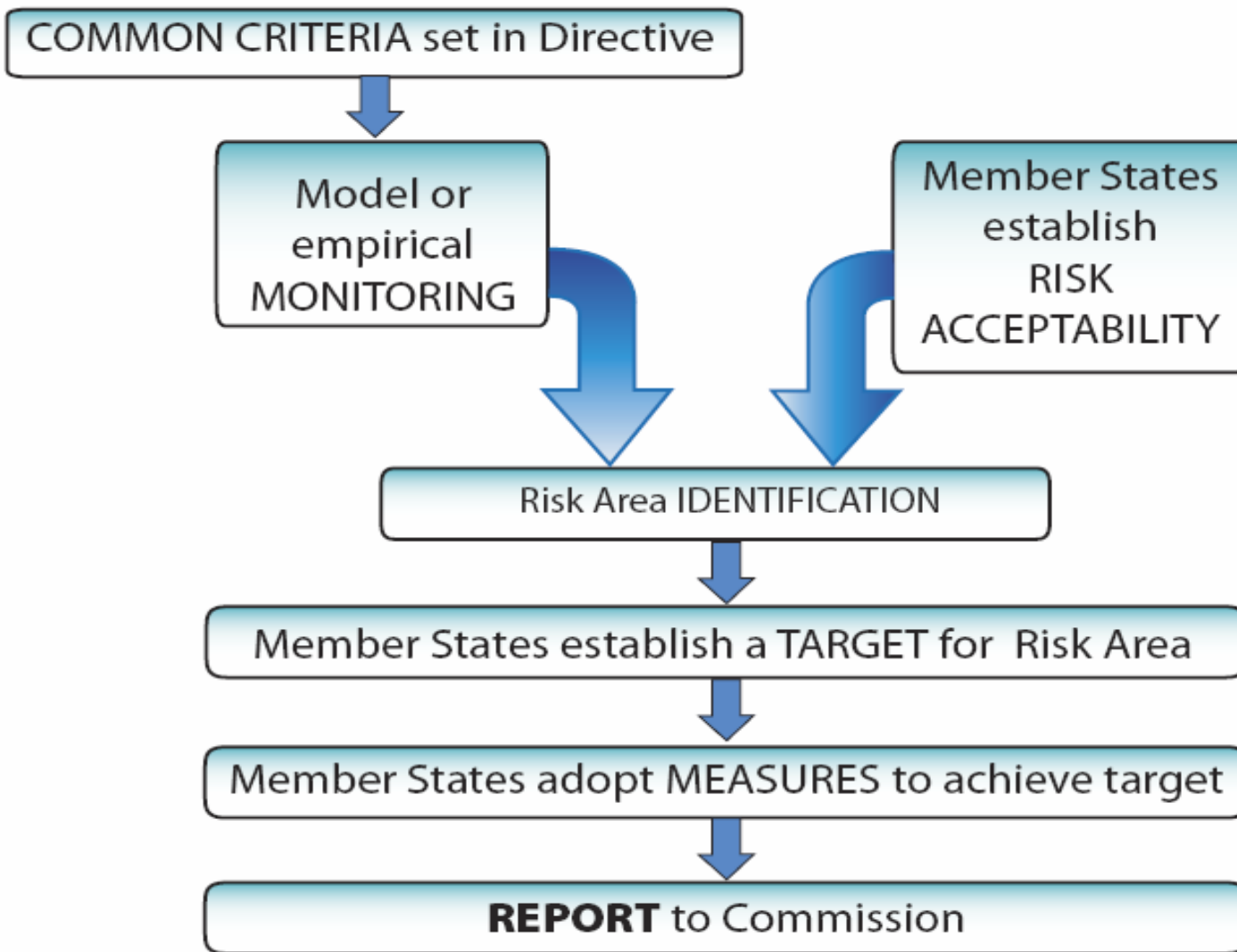


“AGRICULTURAL” THREATS





“AGRICULTURAL” THREATS





CONTAMINATION

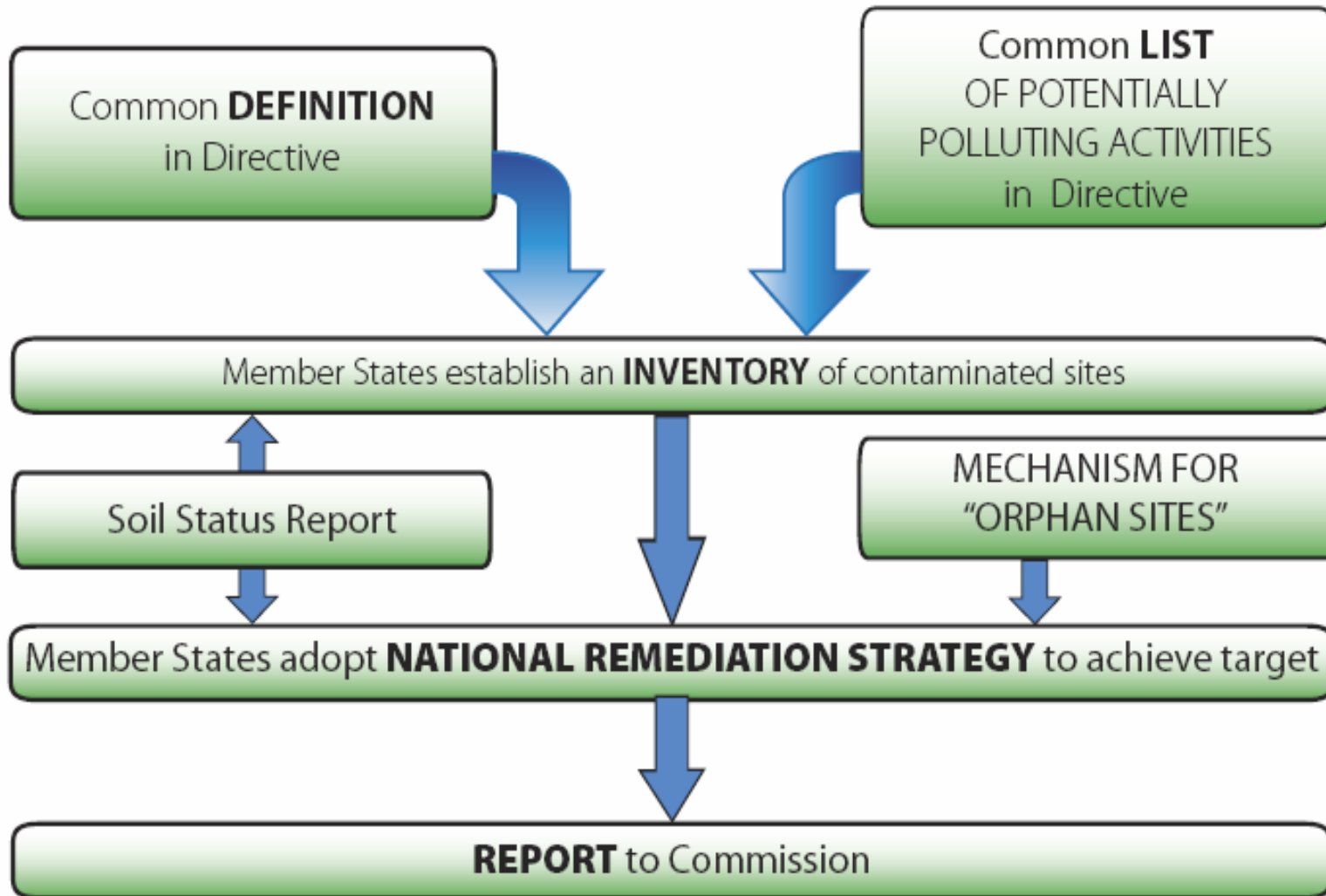
Article 10



Definition of “**contaminated site**”: a site where there is a **confirmed presence**, caused by **man**, of **dangerous substances** of such a level that Member States consider they pose a **significant risk** to human health or the environment. That risk shall be evaluated taking into account **current and approved future use** of the land



CONTAMINATION





INVENTORY AND IDENTIFICATION



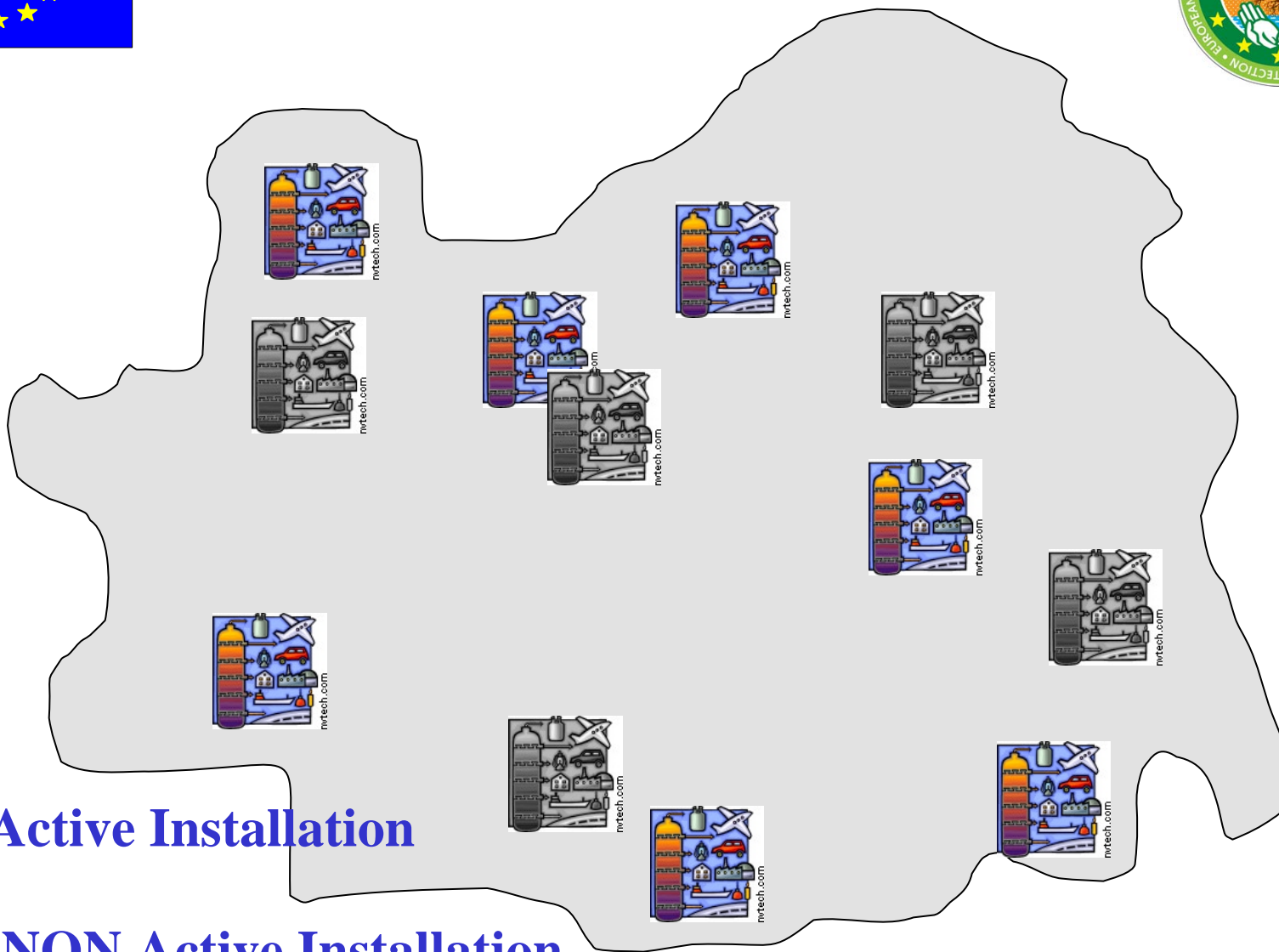
Obligation for Member States to establish an **inventory of contaminated sites in 25 years** and made it **public**, based at least on the following list of **potentially soil-polluting activities** contained in Annex II:

- ❖ Seveso installations
- ❖ Airports
- ❖ Former military sites
- ❖ Dry cleaners
- ❖ Landfills of waste
- ❖ Pipelines for dangerous substances
- ❖ IPPC installations
- ❖ Ports
- ❖ Petrol and filling stations
- ❖ Mining installations
- ❖ Waste water treatment plants



FIRST STEP-INVENTORY

LOCATE THE ACTIVITIES - 5 YEARS

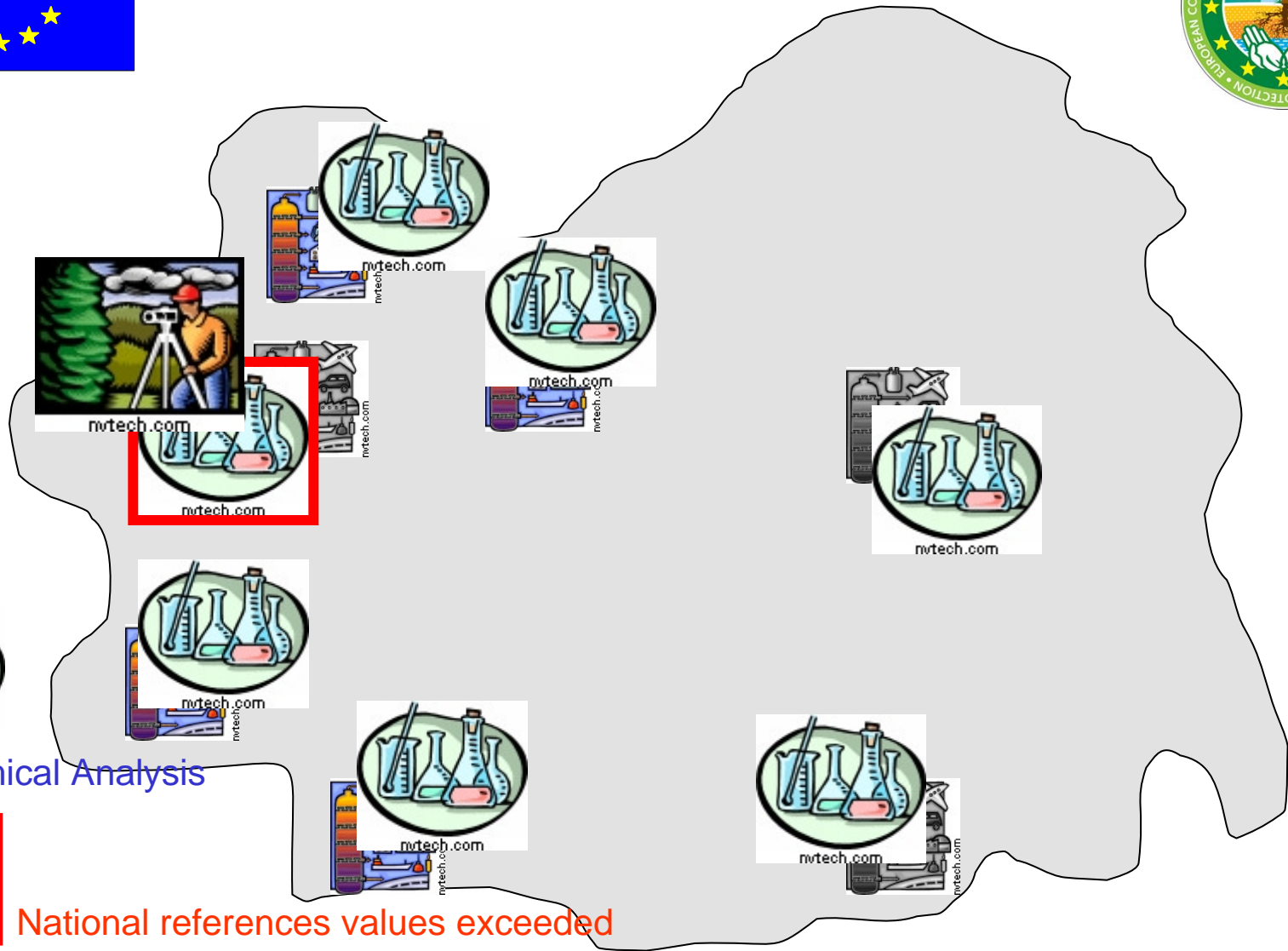


Active Installation

NON Active Installation



INVENTORY- 2nd and 3rd STEPS



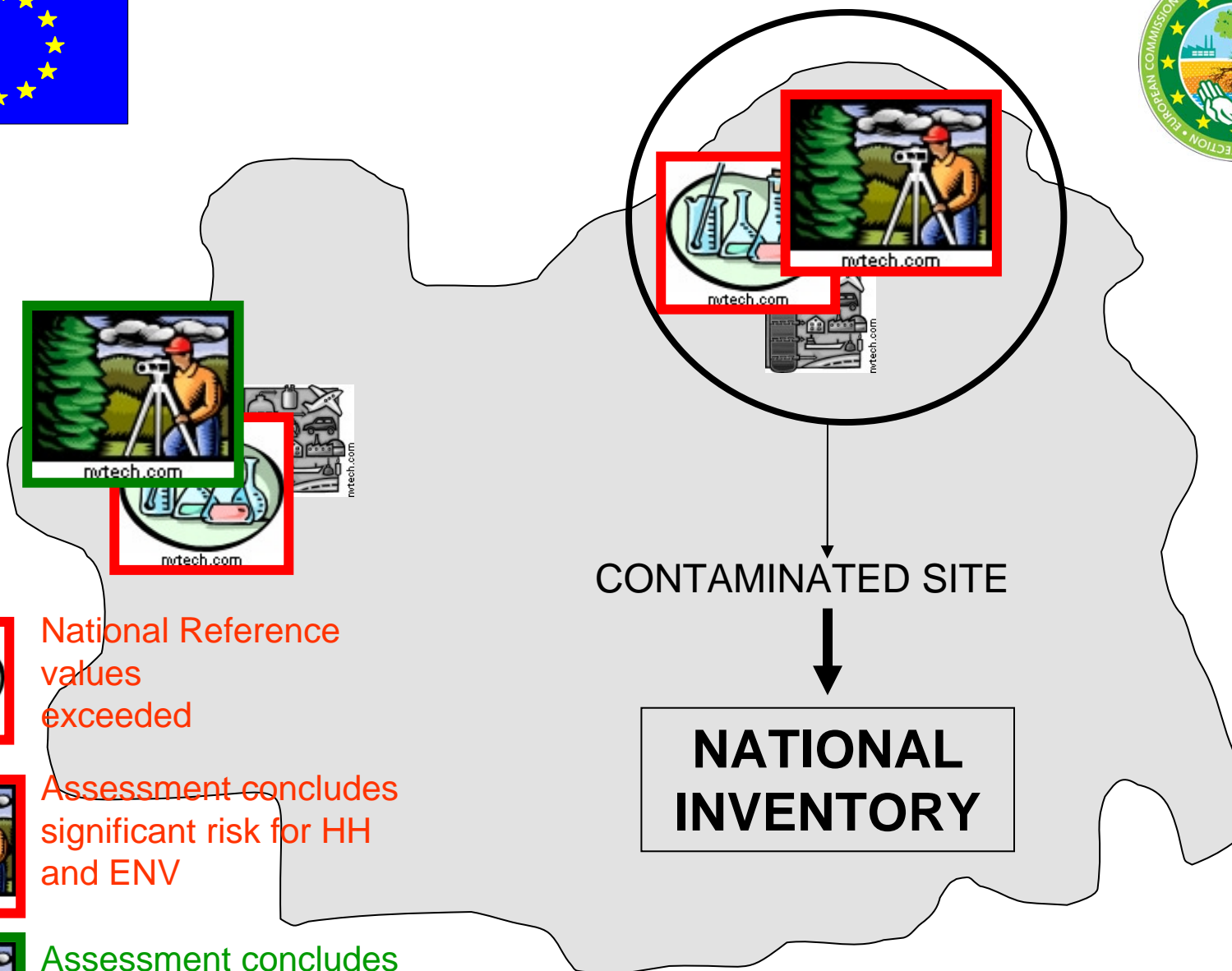
Soil Chemical Analysis

National references values exceeded

On-site Risk Assessment

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CONTAMINATED SITE

NATIONAL INVENTORY



National Reference values exceeded



Assessment concludes significant risk for HH and ENV



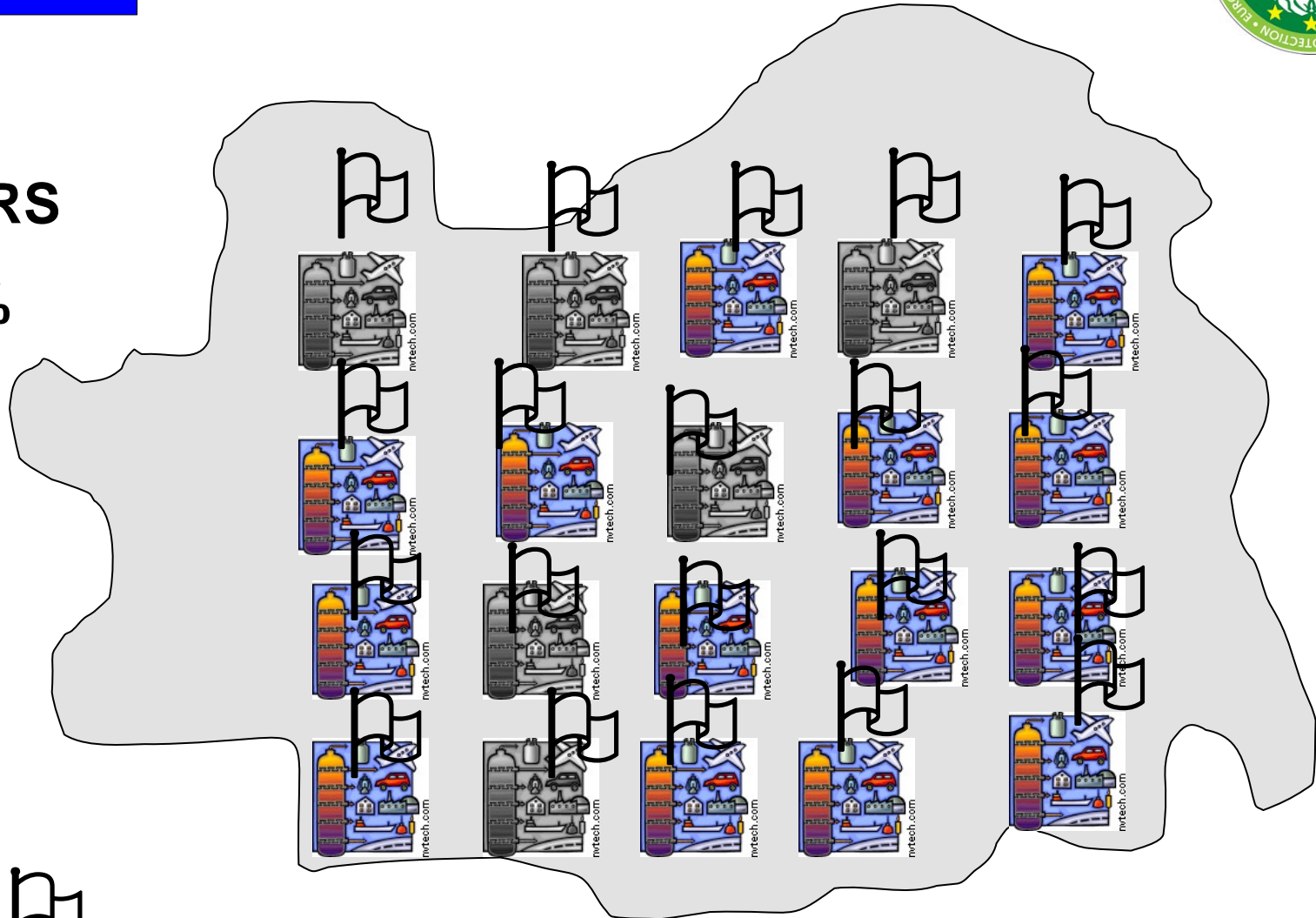
Assessment concludes NO significant risk for HH and ENV



INVENTORY AND IDENTIFICATION



**25
YEARS**
100%



Investigation concluded to determine if contaminated site

8th ICCL Meeting, Stockholm, 10-11 September 2007



NATIONAL REMEDIATION STRATEGY



❖ Obligation to remediate contaminated sites: **no deadline fixed**

❖ Definition of **remediation**:

actions on the soil aimed at the **removal, control, containment or reduction** of contaminants, taking account of its **current use and approved future use**, so that the contaminated site no longer poses **any significant risk to human health or the environment**

❖ Within seven years, draw up a **National Remediation Strategy**, including:

➤ remediation **targets**

➤ a **prioritisation**, starting with those sites which pose a significant risk to human health

➤ a **timetable** for implementation

➤ **funds allocated**



SOIL STATUS REPORT- A12



- ❖ When **selling** a site where there **is or there has been** a **SOIL POLLUTING ACTIVITY**
- ❖ **Buyer or seller** provides it to the **COMPETENT AUTHORITY** and the other party in the transaction a report on the state of the soil
 - the background history of the site
 - a chemical analysis
 - concentration levels posing a risk

OBJECTIVES

- ❖ **Inform** the possible buyer – very similar provision in **Energy Efficiency Directive**
- ❖ **Inform** the competent authorities and **facilitate and speed up** the set up of the inventory of contaminated sites



MECHANISM FOR ORPHAN SITES-A13



- ❖ Set up **appropriate mechanisms to fund** the remediation of the contaminated sites for which the polluter
 - cannot be identified
 - cannot be held liable under Community or national legislation
 - may not be made to bear the costs of remediation



HARMONISATION- ARTICLE 17



Article 17

Exchange of information

Within one year from [entry into force], the Commission shall set up a platform for the exchange of information between Member States and stakeholders on [...] the risk assessment methodologies for contaminated sites currently in use or under development. **I.E. reference to HERACLES Project**

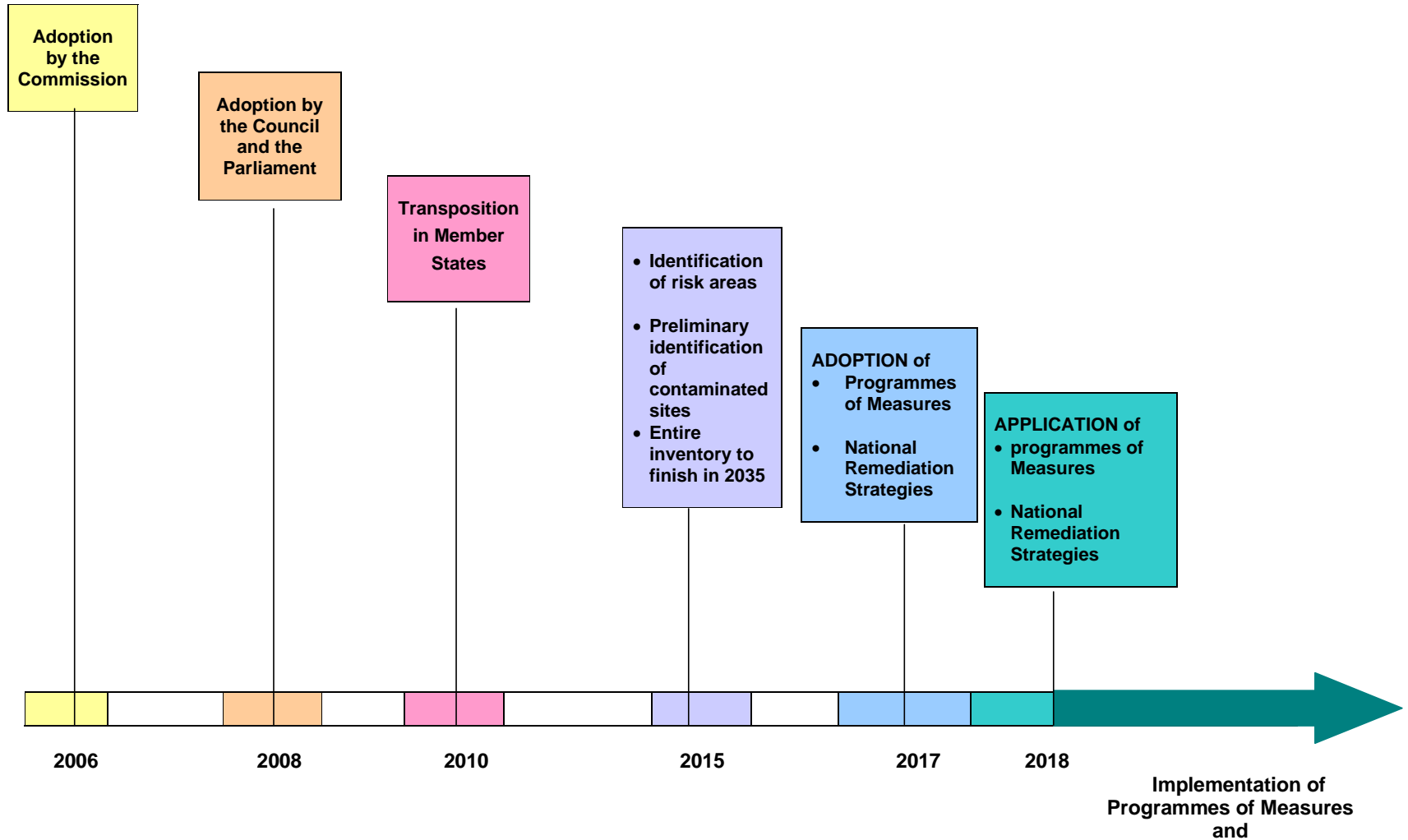
Article 18

Implementation and adaptation to technical progress

2. Where, on the basis of the exchange of information referred to in Article 17, a need to harmonise the risk assessment methodologies for soil contamination is identified, the Commission shall adopt common criteria for soil contamination risk assessment in accordance with the regulatory procedure with scrutiny referred to in Article 19(3).



TENTATIVE TIMETABLE





STS - THE CURRENT DEBATE



- ❖ **Everybody** recognizes need for a Strategy on Soil protection.
- ❖ Favourable opinions from **CoR and ESSC**
- ❖ **EP** position due in Autumn 2007; 4 EP Committees examining: ENVI, AGRI, ITRE, JURI
- ❖ **Council**: ENV Council lead + AGRI Council; Portuguese Presidency aims for agreement in December.
- ❖ **Debate** focused on:
 - concept of a light framework approach
 - Subsidiarity + flexibility issues
 - Need to avoid duplication
 - Timing issues
 - Cost issues



<http://ec.europa.eu/environment/soil/index.htm>