

Environment: strategy for the protection and sustainable use of soil

2006/0086(COD) - 22/09/2006 - Legislative proposal

PURPOSE: to establish a framework for the protection of soil and to amend Directive 2004/35/EC.

PROPOSED ACT: Directive of the European Parliament and of the Council.

CONTENT: the purpose of this proposed Directive is to establish a common framework for the protection of soil. Soil is essentially a non renewable source. Available information indicates that there has been significant increase in soil degradation and evidence exists showing that this degradation process will continue.

Current Community provisions lay scattered across various sectoral acts including water, waste, chemical, industrial, pesticides and nature protection legislation. Provisions can also be found in the reformed Common Agricultural Policy. Their different objectives and scopes, however, means that the overall approach to soil protection at an EU level is fragmented. Hence the need for a framework Directive on the protection of soil across the EU. Of the various options available to the Commission, the Commission has opted for a framework Directive, which is flexible, ambitious in scope and not overly prescriptive in content. Member States will be free to define their own level of intervention allowing for a more efficient use of their national administrative capabilities.

The proposed legislation aims to protect soil and to preserve the capacity of soil to perform its environmental, economic, social and cultural functions. It is based on the precautionary principle and the principle of preventive actions; that environmental damage should be rectified at source and that the polluter should pay.

In essence, the Directive proposes the following provisions:

- The establishment of a common framework to protect soil. It is based on the principle of preserving soil functions, preventing soil degradation; mitigating the effects of soil degradation; restoring degraded soil and integrating soil issues into other sectoral policies.
- Allowing soil to continue with the vital role of: biomass production (agriculture and forestry); storing, filtering and transforming nutrients, substances and water; acting as a biodiversity pool; acting as a physical and cultural environment for humans and human activities; acting as a source of raw material; acting as a carbon pool and helping to archive the Community's archeologically heritage.
- In cases where other sectoral policies are likely to exacerbate or reduce soil degradation, Member State will be obliged to identify, describe and assess the impacts of such policies on the soil. This applies for example, to urban spatial planning, transport, energy, agriculture, rural development and forestry.
- In cases where a land user uses their soil in a way which can hamper soil functions, obliging them to take preventative precautions to minimise any adverse effects.
- Expecting Member States to take measures that limit sealing (the permanent covering of the soil surface with an impermeable material).

- Expecting Member States to identify the areas most at risk from soil erosion, organic matter decline, salinisation, compaction and landslides. The identification of risks will be carried out on common elements. Further, Member States will be asked to adopt risk reduction targets and programmes.
- Introducing measures which limit the leakage of dangerous substance into the soil.
- Setting up of an inventory of contaminated sites.
- Introducing a mechanism for funding the remediation of orphan sites.
- Requiring a soil status report.
- Establishing a national strategy to help remedy contaminated sites.
- Creating a definition of “contaminated sites”.
- Setting up a list of activities that could, potentially, pollute sites.
- Obliging sellers and buyers to provide a soil status report for any transaction of land where a potentially contaminating activity has taken, or is taking place.

Action at a Community level is needed, argues the Commission, because soil degradation in one Member State or region can have trans-boundary consequences. For example, dams can become blocked and infrastructure damaged downstream by sediments massively eroded in another country further upstream. Differences in national soil protection measures can, in some cases, impose different obligations on economic operators thus creating a distortion of competition. Lastly, soil protection measures contribute to food safety and agricultural productivity. Having common principles to define facilitates research agendas at both a national and a Community level.

The proposal will have no impact on the Community budget.