



# 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



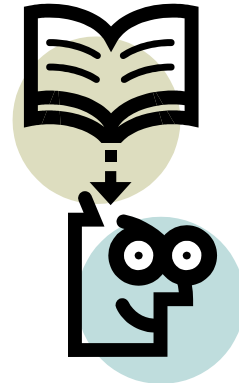
- ❖ 1st meeting in **Bonn in 1998** - creation of European Soil Forum
- ❖ 2nd meeting in **Berlin in 1999**
- ❖ 3rd meeting in **Naples in 2001**
- ❖ **Communication of the Commission « Towards a Soil Thematic Strategy » in 2002 → Positive Council Conclusions**
- ❖ **Very comprehensive stakeholder consultation:** 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



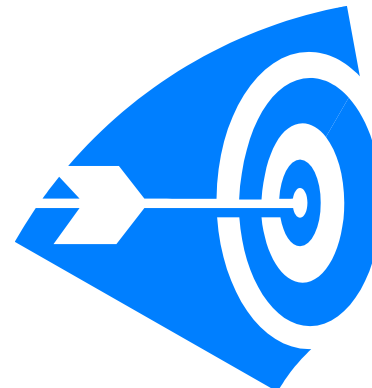
❖ **Communication**



❖ **Proposal for a Soil  
Framework Directive**

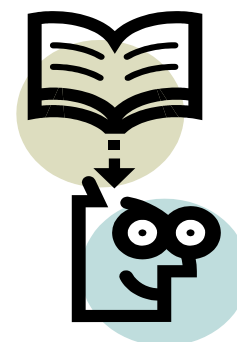


❖ **Impact Assessment**





❖ **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



**AWARENESS  
RAISING**

**RESEARCH**

**INTEGRATION**  
OF SOIL PROTECTION ASPECTS

**LEGISLATION**

Proposal for a Soil Framework Directive COM(2006)232



## WHY A FLEXIBLE BUT LEGALLY BINDING APPROACH AT EU LEVEL?

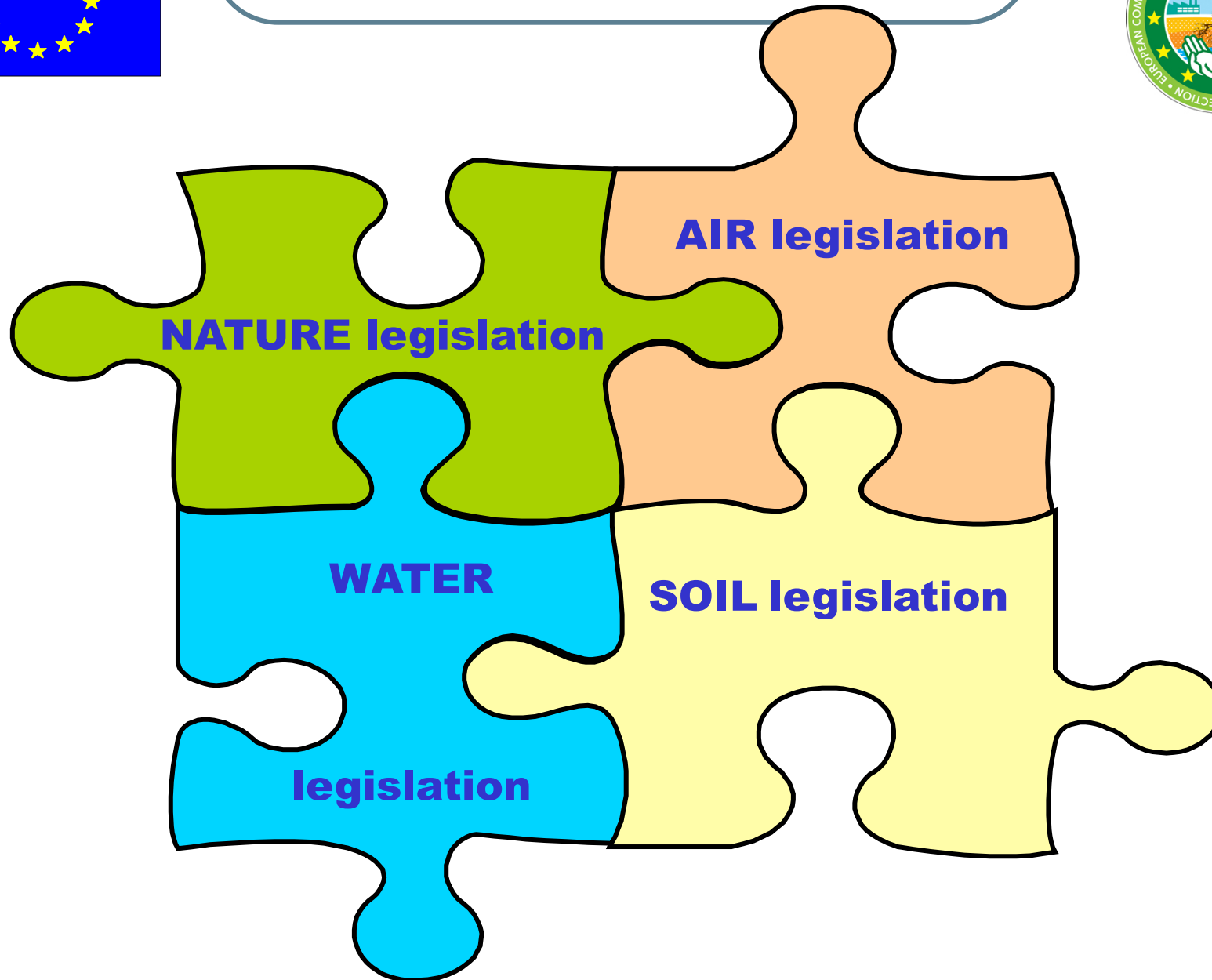


- ❖ To protect a **practically non renewable resource of common interest** across the EU
- ❖ To protect **other media** covered by the EU *acquis*
- ❖ To address the **transboundary impacts** of soil degradation
- ❖ To minimise the **distortion of competition** in the internal market
- ❖ To enhance **food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





# 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**

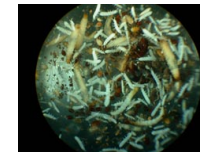


## OBJECTIVES – Art. 1



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 – Art. 3

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

### ❖ Precautionary measures – Art. 4

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

### ❖ Sealing – Art. 5

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



# 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



## PREVENTIVE OBLIGATION CONCERNING DIFFUSE AND LOCAL CONTAMINATION – Art. 9

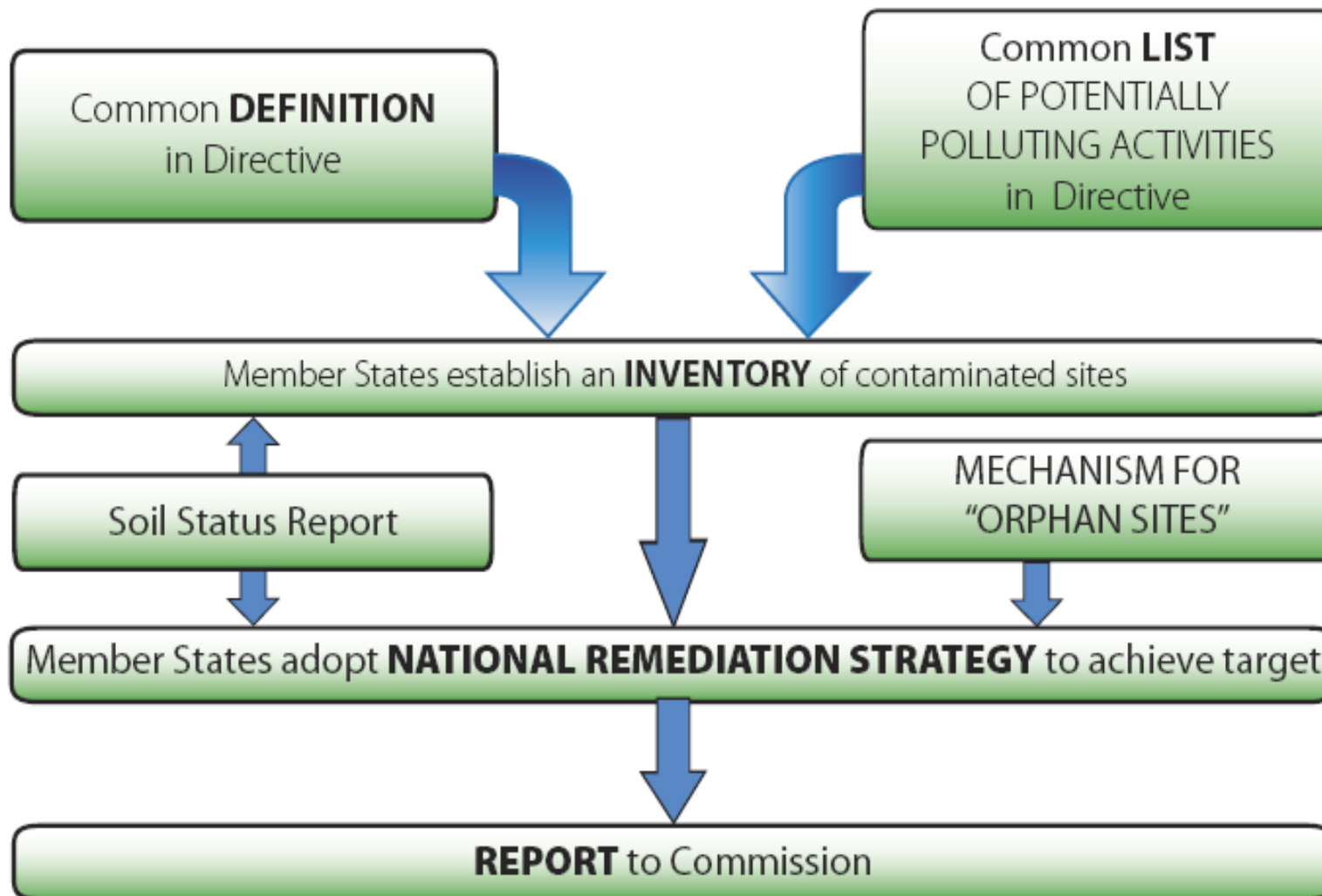


To limit  
the (un)intentional introduction of dangerous substances  
to avoid accumulation  
that would hamper soil functions or  
cause significant risks to human health or environment  
Provision to be read in conjunction with other EU legislation





# CONTAMINATION





## INVENTORY AND IDENTIFICATION

### Articles 10 and 11



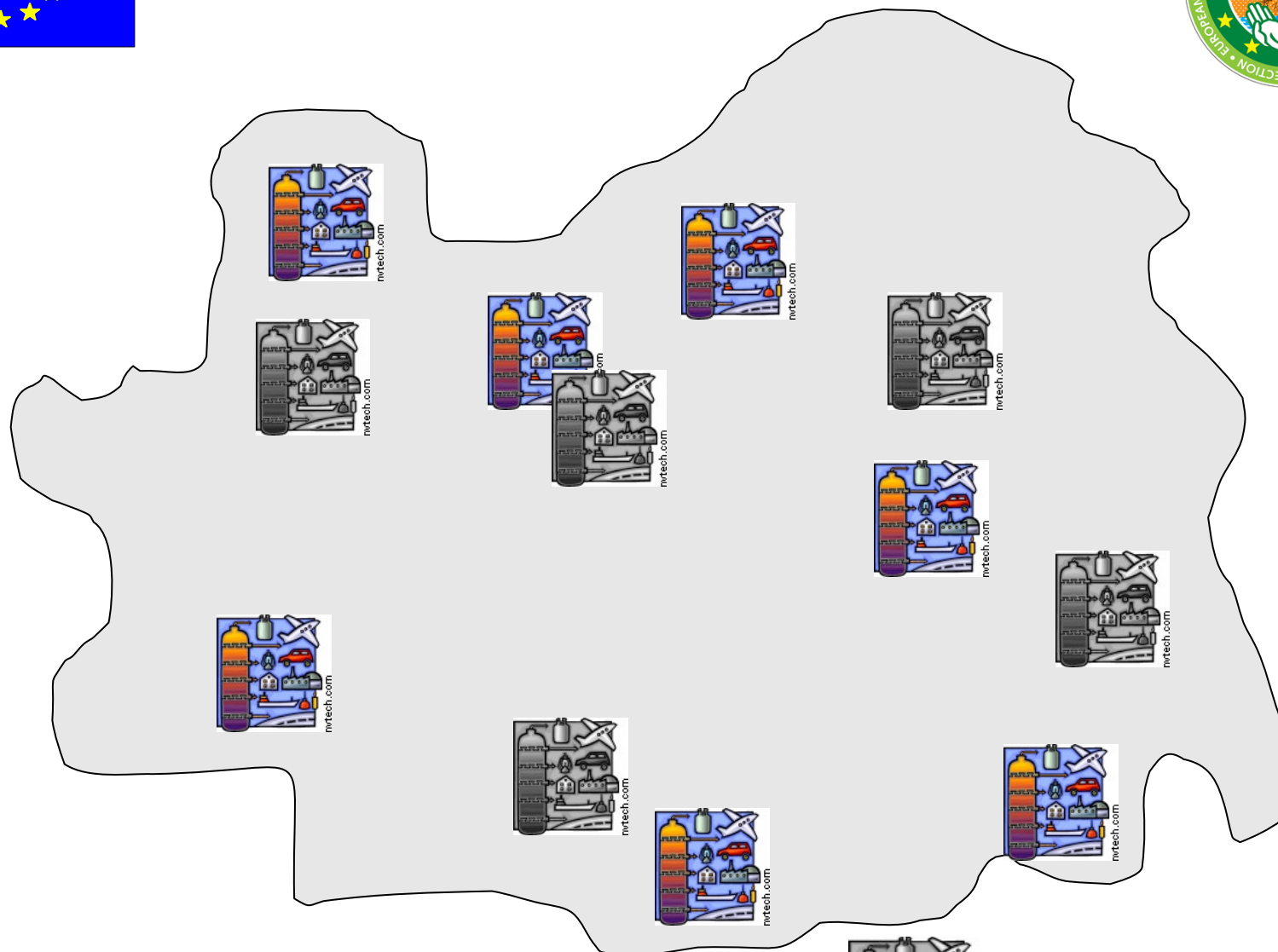
Obligation for Member States to establish an **inventory of contaminated sites in 25 years** and made it **public**, based at least on the following list of **potentially soil-polluting activities** contained in Annex II:

- ❖ 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

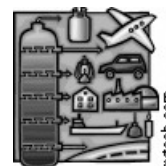


# FIRST STEP-INVENTORY

## LOCATE THE ACTIVITIES - 5 YEARS



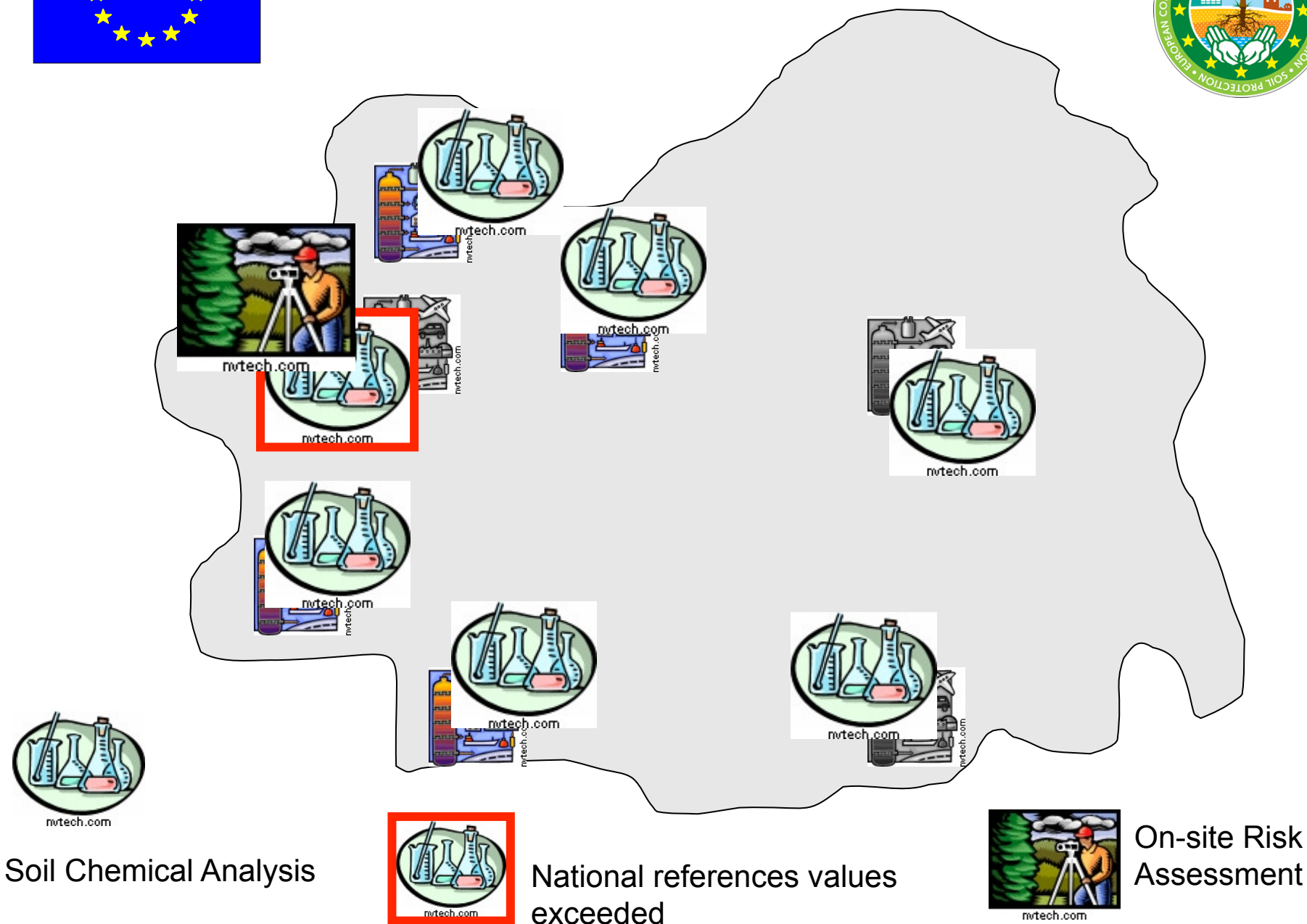
**Active Installation**

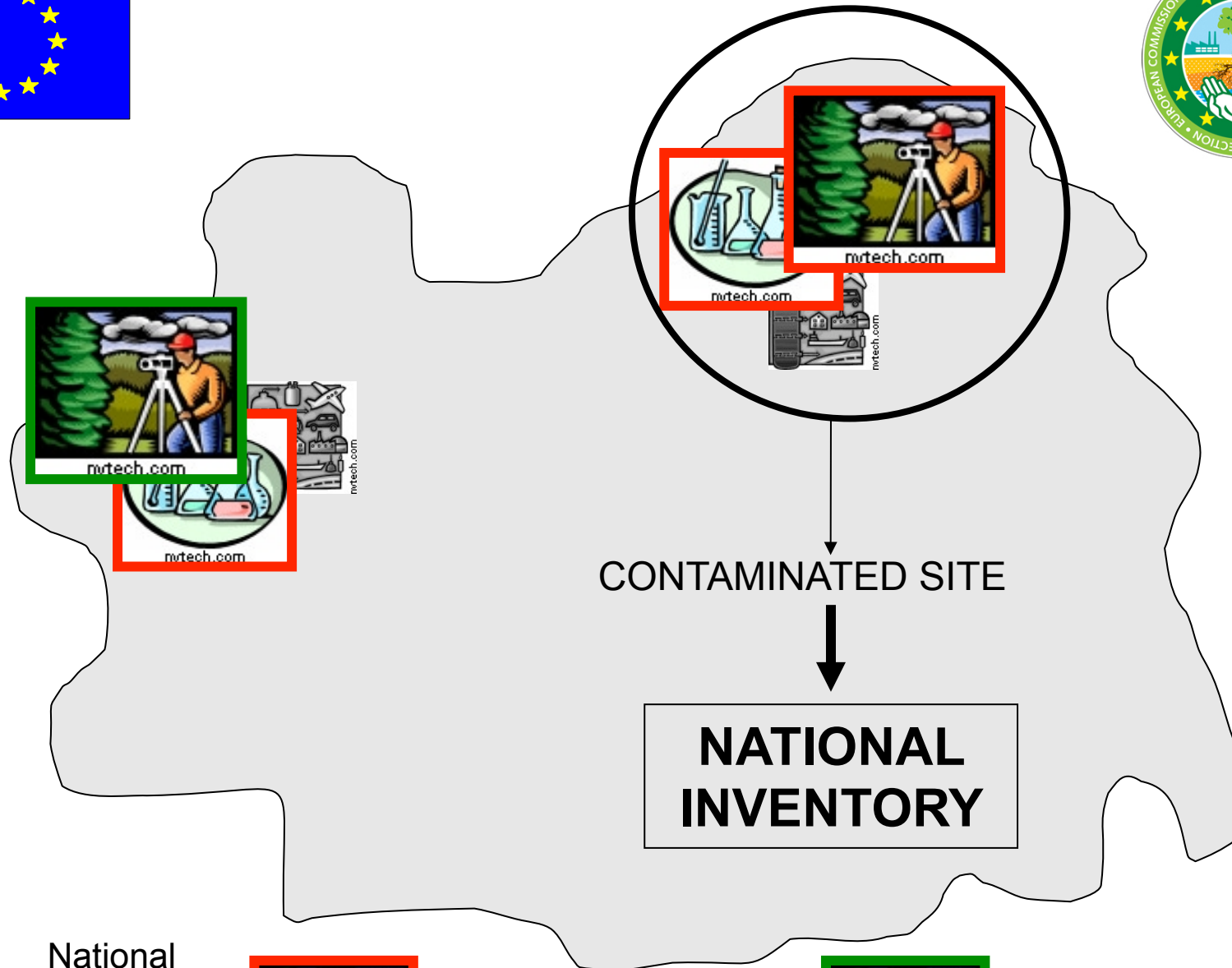


**NON Active Installation**



## INVENTORY- 2<sup>nd</sup> and 3<sup>rd</sup> STEPS





National  
Reference  
values  
exceeded



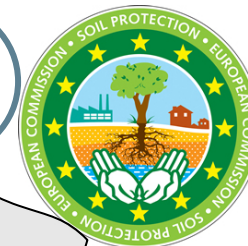
Assessment concludes  
significant risk for HH  
and ENV



Assessment concludes  
NO significant risk for  
HH and ENV



## INTERMEDIATE OBJECTIVES OF THE IDENTIFICATION PROCEDURE – Art. 11(3)



Within 5 years: 10%  
Within 15 years: 60%  
Within 25 years: 100%



: Investigation concluded to determine if contaminated site





## NATIONAL REMEDIATION STRATEGY – Articles 13 and 14



- ❖ 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

## Article 12



- ❖ 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 – Article 13(3)

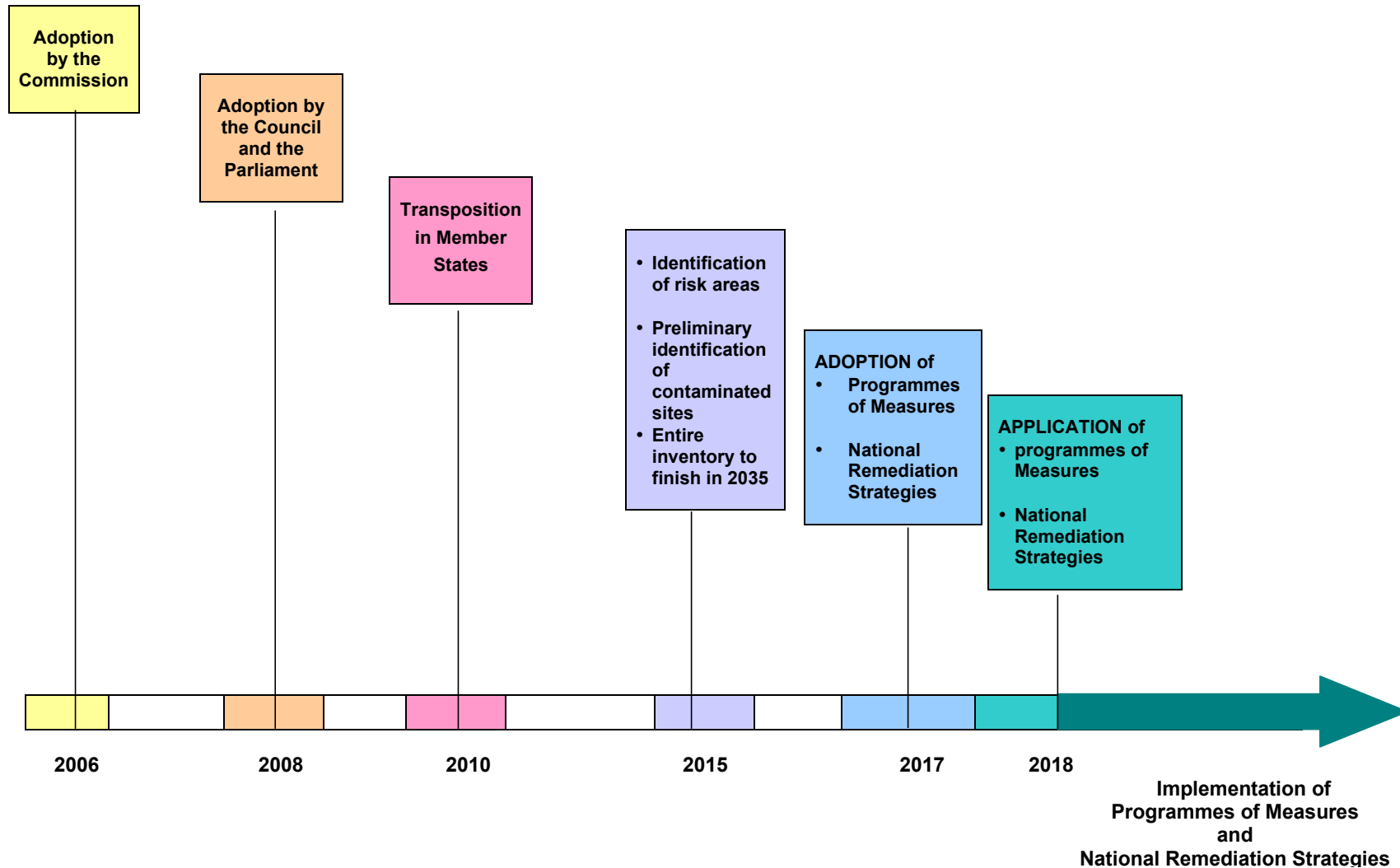
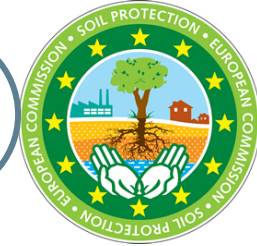


Set up **appropriate mechanisms to fund** the remediation of the contaminated sites for which the polluter

- cannot be identified
- cannot be held liable under Community or national legislation
- may not be made to bear the costs of remediation



# TENTATIVE TIMETABLE





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