



## ***EU Soil Protection***

***“FROM NEGLECT TO PROTECTION”***

**Initial EEB Position**

**on the**

**Commission Communication**

**“Towards a Thematic Strategy for Soil  
Protection”**

**Presented at the**

**Informal Council of Environment Ministers**

**Mallorca 24-05-02**

## ***The European Environmental Bureau (EEB)***

*The EEB is a federation of 133 environmental citizens' organisations based in all EU Member States and most Accession Countries, as well as in a few neighbouring countries. These organisations range from local and national, to European and international. The aim of the EEB is to protect and improve the environment of Europe and to enable the citizens of Europe to play their part in achieving that goal.*

*The EEB office in Brussels was established in 1974 to provide a focal point for its Members to monitor and respond to the emerging EU environmental policy. It has an information service, runs 12 working groups of EEB Members, produces position papers on topics that are, or should be, on the EU agenda, and it represents the Membership in discussions with the Commission, the European Parliament and the Council. It closely co-ordinates EU-oriented activities with its Members at the national levels, and also closely follows the EU enlargement process and some pan-European issues.*

Editor responsible: John Hontelez

European Environmental Bureau (EEB)

34 Boulevard de Waterloo

B-1000 Brussels

Tel.: +32 2 289 1090

Fax: +32 2 289 1099

E-mail: [info@eeb.org](mailto:info@eeb.org)

Web-site: [www.eeb.org](http://www.eeb.org)

The EEB gratefully acknowledges the financial assistance of the Commission of the European Communities, and the British Department of the Environment, Food and Rural Affairs.

Copied on recycled chlorine-free paper.

## **THE EEB DELEGATION**

**Mr. Ralph Hallo**, President of the EEB, Stichting Natuur en Milieu, The Netherlands

**Mr. John Hontelez**, EEB, Secretary General, Belgium

**Mr. Roberto Ferrigno**, EEB, Policy Director, Belgium

**Mr. Stefan Scheuer**, EEB, Water and Chemicals Policy Coordinator, Belgium

**Ms. Rikke Lundsgaard**, Danish Society for Conservation of Nature, Denmark

**Ms. Susana Lopez**, International Co-ordinator, Ecologistas en Accion, Spain

**Mr. Rob Jarman**, National Trust, Head of Environmental Practices, UK

**Mr. Ramon Sanromá**, MedForum, Spain



## **START WITH STRATEGIC OBJECTIVES**

The Commission's communication addresses soil functions and highlights problems very well, names important links to existing policies and rightly promotes better internal integration. However, it lacks strategic objectives which would present the necessary political commitment and provide sufficient human and financial resources to drive the integration of environmental policy and the correction of irresponsible sector-related developments.

Stocktaking is important but not an end in itself. Already the existing figures are alarming and much is known about soil deterioration processes.

From a soil strategy, we expect a set of qualitative, and as far as possible quantitative, objectives and targets regarding soil issues.

A soil strategy that is not clear and ambitious about these types of strategic targets will not be able to raise the political profile of soil policies.

Therefore the EEB would like to see a clear commitment to a European policy that gives soil protection equal attention to that provided for other natural resources, such as water, air or nature. Therefore we suggest the following objectives:

- 1. Stop the accumulation in soils of substances harmful to human health and the environment and achieve decreasing concentrations of such hazardous substances by 2020.**
- 2. Reverse the trends of soil erosion, compaction, sealing, removal and contamination caused by agricultural activities and inappropriate land use planning.**
- 3. Protect soils for their crucial role in:**
  - Storing carbon (CO<sub>2</sub>) and helping to prevent global warming;**
  - Safeguarding water resources (quantity and quality); and**
  - Hosting biodiversity.**
- 4. Protect the global importance of EU soils for sustainable food and fibre production.**

In the following chapters these objectives will be further developed and sectorial measures suggested. Since this is an initial EEB position, further development and elaboration will take place.

## **WHAT DO WE EXPECT FROM AN EU APPROACH?**

### ***It should provide European answers to European pressures***

All threats to soils listed in the Commission's communication, are mainly driven by economic activities operating at European level or steered directly through EU sector-related policies such as the CAP, Cohesion and Structural Funds. But soil policies so far are mostly constructed at national level, or lower. This discrepancy weakens decision-makers in protecting soils and makes it easier to result in environmental dumping.

We therefore believe that an adequate EU soil policy, including soil protection legislation, will provide a missing environmental pillar for sustainable development and enable national or local decision makers to better protect their soils within a harmonised European framework.

### ***It should provide improved environmental policy integration***

The EU has an extensive body of environmental legislation in place, which only delivers its objectives slowly or with difficulty, partly due to a lack of internal and external integration. This risks making measures ineffective and allows other sector-related policies to run counter to environmental objectives.

European soil protection is clearly a missing element for improved integration within the body of environmental EU legislation - and subsequently for the development of more effective measures.

The recent EU Water Framework Directive is an example of improved integration within the environmental sector, bringing together different pieces of water protection legislation and establishing strong links with nature protection.

Compliance with the Water Framework Directive will require effective control over diffuse pollution and soil management. Therefore, the WFD will not achieve its objectives without taking soil protection into account.

### ***It should contribute to achieving EU commitments***

The EU has made commitments to combat climate change, to halt the decline of biodiversity by 2010 and to cease emissions of hazardous substances into the marine environment by 2020. All of these commitments will be difficult to deliver if soil is not protected in its role to store carbon, host biodiversity and control substance fluxes. Therefore soil protection must be taken serious and given sufficient political attention at EU level.

### **Final Comment on the Process**

The development of the Commission Communication followed an open and transparent approach. NGOs had the chance to discuss and provide their input into the communication. We expect that the further process of developing an EU soil protection policy will again include environmental NGOs and allow them access to the existing and emerging fora, such as the European Soil Forum.

## **WHAT SHOULD BE INCLUDED IN THE THEMATIC STRATEGY?**

The Commission's communication foresees that the main building blocks and activities for the emerging thematic strategy on soil protection in 2005 will be the:

1. Integration of soil protection into a number of environmental policies (Air Quality Directive on heavy metals and PAH by 2002; Directive on mining waste by 2002; BAT reference document on management of mining waste by 2004; revision of the sludge directive by 2003 and a composting directive by end 2004, strategy on sustainable use of pesticides; extension of annexes of the Habitats Directives; Communication on "Planning and Environment – the territorial dimension);
2. Legislative Proposal by mid 2004 for harmonised monitoring and data gathering on soil deterioration;
3. Commission Communications on soil erosion, soil organic matter decline and soil contamination;
4. Extending financial commitment to Rural Development in the CAP review and reflecting measures to protect soils in agriculture and forestry;
5. Considering further research on soil protection in the structural and cohesion funds and paying attention to soil protection in the accession funds.

### **We recommend supporting the communication's approach and additionally:**

- Asking for a proposal for a Decision of the European Parliament and Council to set strategic soil protection objectives in 2003;
- Asking for an outline of legislation to establish specific quantitative soil protection targets and appropriate measures on soil erosion, soil organic matter decline, and soil contamination;
- Highlighting the potentially substantial contribution of an effective new EU chemicals policy, the need for waste prevention and for increasing the separated collection of waste;
- Asking for a legislative proposal on the Reduction of Pesticides Use before July 2003;
- Asking for a complete revision of the Commission's proposal for a Directive on the promotion of the use of biofuels for transport in order to avoid a major threat of damage to European soils;
- Committing to a mid-term revision of the CAP, including a substantial shift of funds from the first to the second pillar, earmarking at least half of the money shifted to agri-environment payments;
- Highlighting the need for the protection of natural forests and sustainable tree plantations based on domestic species;
- Highlighting the need to integrate soil protection objectives and measures into European structural, cohesion and accession funds and ensuring full cross—compliance with existing environmental policies;
- Committing to the further development of the European Spatial Development Perspective.

## BACKGROUND

Soil is a basic resource which supports the development of life. Soil provides multiple functions. Soil is more than agricultural or forested land – it is the habitat for huge biodiversity, for the filter and storage for water, for support for human settlements, and is a regulative part of many important biogeochemical cycles (Nitrogen, Phosphorus, Carbon, minerals ) and acts as a cultural archive.

The observed and documented deterioration of this basic resource has serious environmental, social and economic consequences on a global and regional scale. The main factors that cause these alarming trends of soil deterioration are the result of human activities, such as intensive agriculture, the increasing consumption of goods, transport, energy and tourism, extensive urban development and the overuse of water resources.

Despite the great importance of soils as a vital resource and an important basis for the development of ecosystems and human life, and despite the alarming global and regional trends in soil degradation, soil protection policies are given much less attention than are other environmental media. This leads to major loopholes for integrated environmental policy and results in responses being late and inadequate. Soil deterioration can be a very slow process, and is often not linear, which may lead to sudden and irreversible damage. **Reparation is therefore not an option – we urgently need a political commitment to wise soil management based on the prevention of deterioration.**

An EU soil strategy should include and develop these key elements and become an important stimulus for Environmental Policy Integration. Soil quantity and quality are frequently affected by developments in a variety of sectors (such as agriculture, transport, industry). The soil strategy must aim to correct sector-related developments, where necessary. The soil strategy must also relate to other EU commitments and priorities; e.g. compliance with the Kyoto protocol for reducing greenhouse gas emissions, which will require effective control over emissions from soil; or the commitment to halt biodiversity decline by 2010, as stated in the 6th EAP. Likewise, compliance with the Water Framework Directive will require effective control over diffuse pollution and soil management.

Until now there has been no direct EU response (in either objectives or measures) to the tackle the problem. Currently, soils only receive indirect protection through other environmental policies (air water, waste), or secondary protection through sector policies. Clearly these indirect or secondary protection measures have not been sufficient to halt current trends in deterioration or degradation, and have certainly not been enough to reverse them.

In addition, the lack of attention given to soil problems has also led to the insufficient protection of water resources, biodiversity and cultural heritage.

The Commission's communication, although it is heading in the right direction, lacks strategic objectives and timeframes to drive the necessary measures forwards, and to provide the resources to achieve an improvement of the situation. The EEB has experienced over the last 30 years that environmental concerns are unlikely to be integrated into sector-related developments without sufficient political commitment expressed through legal objectives.

## DEACTIVATE THE CHEMICAL TIME BOMB

The soils of the EU are a largely unregulated dumping ground for the waste generated by human activities. Most man made chemicals end up in soils (via air

deposition, direct spreading on soils, waste dumping, landfills and water percolation). Some of these chemicals are quickly released into other media and foodstuffs, and therefore receive some specific policy attention. However, most of them are accumulated – a trend which is even promoted by many short-sighted policies (such as that aimed at protecting groundwater). Once the buffering capacity is exceeded, or once erosion takes place, pollutants then end up in other media (water, biota and the food chain). Additionally, the accumulated chemicals reduce soil fertility and cause the deterioration of soil fauna and flora.

European waste generation is growing more quickly than economic growth. Most waste streams, including municipal waste and sewage sludge, are likely to increase over the next decade. In most EU countries, landfilling is still the most common disposal method for waste, which poses a major environmental pressures on soils, by contamination, soil removal and loss of organic matter.

### Objective

Much like the objectives related to marine waters (OSPAR Convention) and freshwaters (Water Framework Directive), a generation target for soils has to be established. Similar substance criteria (persistence, bioaccumulativity, toxicity, hormone disruption etc...) to those used for water can be employed. **The emission, release or discharge of such substances into soils should be phased out by 2020.** This objective is in line with commitments already-made, and will move along measures to prevent the further contamination of soils as well as contributing to achieving the objectives of other environmental policies.

### Measures

The main measures needed to achieve this objective must be incorporated into the EU's waste, air and chemicals policies. We believe that the Commission is right to propose the inclusion of soil protection considerations into the planned revisions and further development of waste (sludge, composting, mining) and air legislation.

Waste prevention, the phase-out of toxic components (chemicals, heavy metals), and the increased separated collection of waste (including the biodegradable fraction to be used as high quality compost) are among the main measures designated to achieve the objective of protecting European soil from pollution through waste disposal.

Most important of all will be a successful and effective new EU chemicals policy. A precautionary EU product and process control would allow problems to be tackled at source, and contribute substantially to the achievement of the objective.

However, the Commission Communication has failed to spell out the need for a new legislative element in pesticides policy: sustainable use of pesticides. NGOs are working on a suggestion for a Directive on the Reduction of Pesticides Use to lay down measures which to contribute to a high level of protection of human health and the environment through reduction of dependency on and, wherever possible, elimination of the use of pesticides.

## **ENDING SOIL DEGRADATION FROM AGRICULTURE/FOREST POLICIES**

Inappropriate agricultural and forestry practices with extended mono-cultures, the excessive use of fertilisers, pesticides and very heavy machinery all lead to soil erosion, contamination and compaction. These, in turn, reduce soil fertility, decrease

bio-diversity, pollute foodstuffs and water resources, and frequently lead to the irreversible loss of topsoil and its more significant properties.

Many of these damages are directly or indirectly driven by:

- EU subsidies for inappropriate farming practices (production based subsidies irrespective of their environmental impact, grain mono-cultures and the decrease of extensive pastures);
- changes of forest types, the introduction of inappropriate species of trees and the lack of a coherent EU forestry policy.

### Strategic Objective

Reverse the trends of soil erosion, compaction and contamination caused by agricultural activities and inappropriate land use.

### Measures:

#### **Mid-term CAP revision**

- A substantial shift in funds from the first to the second pillar, and earmarking at least half of the money to be shifted for agri-environment payments;
- Introduction of general area payments to all agricultural areas in the new Member States. This should be considered as a first step towards fully de-coupled area payments that apply across the whole of the EU;
- Compulsory modulation and cross compliance on area and animal payments in all Member States.

#### **Others:**

- Protection of natural forests and sustainable tree plantations based on domestic species;
- Implementation of the Nitrates Directive throughout the EU.

## **ENDING SOIL DEGRADATION FROM STRUCTURAL, COHESION AND ACCESSION POLICIES AND INAPPROPRIATE LAND USE**

EU Cohesion and Structural Funds and uncoordinated land-use planning contribute to the expansion of transport infrastructures, energy networks, dams, industrial and urban developments. This leads to the removal or sealing of soils, which inhibits most soil functions – such as fertility and buffer functions (purifying and storing water etc.) – and therefore contributes to a series of problems for environmental and human health. A particular problem is posed by Accession Funds, which already contribute to huge environmental problems in the Candidate Countries. The countries' specific situation has to be taken into due consideration.

There is an urgent need to ensure cross-compliance with existing environmental policies and to introduce soil protection objectives for Cohesion, Structural and Accession Funds and incentives for restoration (desealing) of soils in all cases where this is possible.

The Commission's communication fails to properly address this crucial aspect and to outline the way towards a proper spatial planning system to control inappropriate land uses, such as uncontrolled urban sprawl, forest fires, etc.

The European governments have developed a European Spatial Development Perspective, which needs new impetus and support to release its promising potential to reverse soil deterioration trends.

### Strategic Objective

Reverse the trends of soil erosion, compaction, sealing, removal and contamination caused by agricultural activities and inappropriate land use planning.

### Measures:

- Integrate soil protection into European structural and cohesion policies and enforce cross-compliance with existing environmental policies.
- Advance the European Spatial Development Perspective.

## COMBATING CLIMATE CHANGE

The Commission rightly highlights the role of organic matter in soils, one of which is storing carbon and thereby contributing to control global warming. Organic matter in the soil provides many more functions of soils, such as storing water, chemical buffer, habitat for flora and fauna etc. The current trend in decreasing the organic matter in soils in Europe therefore provides a very good indicator for the overall soil degradation driven by many sectoral activities.

The issue here, which is high on the political agenda, is combating climate change. Therefore we fully support the objective to **protect soils in their function to control global warming**, by reversing trends of decreasing organic matter in soils. This will need specific agricultural measures.

**We see a conflict between this objective and the current Commission Proposal for a Directive on the promotion of the use of biofuels for transport.** Although the EEB welcomes the Commission's intention of reducing greenhouse gas emissions from the transport sector, it does not think that the Commission's proposals for the promotion of biofuels represent the right way of tackling this problem. The Commission's proposal will promote an extension of the area used for intensive agriculture, and will require intensive farming with a high chemical input, with the accompanying negative impact on soils. Regarding climate change, the benefits are very uncertain and the reduction costs are high. Therefore the proposal does not make much sense, neither from an economic, an energy, nor an ecological point of view.

The EEB thinks it is much more rational to promote promising and innovative technologies to convert organic waste from the agriculture and forestry production chain into biofuels, rather than to rely on biofuels from intensively farmed crops which, anyway, only have a small potential for replacing fossil fuels. Amongst the fuels and fuel additives mentioned in the Directive on the reduced rate of excise duty, the following are missing: biogas, DME, oils and derivatives from animal slaughterhouse waste and pyrolysis oils. This will block the eligibility of these fuels for tax reduction. Instead of giving them a chance to become competitive, they are excluded.

The Commission Proposal should not result in efforts to increase renewable energy use in the transport sector being turned into an environmentally destructive, and economically unreasonable, agricultural subsidy policy. Vegetable oils should therefore, in principle, not be eligible for reductions in excise duty.

Furthermore, the EEB would like to stress once again the urgent need for developing a modernisation and stabilisation policy for transport, in order to tackle structurally the environmental problems caused by the transport sector.