



**EEB soil workshop, "Towards a Soil Framework Directive"**

July 4, Brussels

**Workshop proceedings and highlights from presentations:**

The complete presentations given at the workshop can be found on the EEB website.

Stefan Scheuer, EEB policy director, opened the workshop with a presentation of an EEB discussion paper on an EU Soil Policy. He underlined that a soil policy without clear and measurable targets and objectives has little potential of being a driving force for change. He ended by setting soil policy in a wider context of addressing the current "EU crisis" as an opportunity for environmental policy. Citizens do not reject the EU for its environmental policy and exactly in this field the EU can do more and demonstrate that it can deliver tangible benefits for its citizens.

Michael Hamell, Head of Unit Agriculture and Soil at DG Environment, presented the draft of the EU thematic strategy.

He stressed that a clear communication of the needs for a soil policy towards stakeholders and decisionmakers is crucial.

An international conference on soil, 'Vital Soil', in The Hague, the Netherlands in November 2004 steered the policy package towards a framework approach and to a large extent determined the outlook of the current proposal. Unlike water and air, soil has no history of protection at an EU level which makes a cautious approach necessary, to keep people aboard.

Good arguments for protection are both needed and available to counter the argumentation that soil can be dealt with on the national level.

It is the soil functions that we need to protect. This is hard to convince people of, yet this is exactly what needs to be done now.

The risk area approach is really intended for the threats coming from the landuse sector (forestry, agriculture) whereas the regional and national approach is to deal with other threats, specifically contamination.

Claudia Olazabel from DG Environment continued on contamination.

The most consensus among Member States can be found on contamination; define what a contaminated soil is. It was decided on a risk based definition, however not only based on human health risks but also environmental risk; eco-toxicology. Soil polluting activities are mostly IPCC activities but also others. Land status report will be required when selling or buying land but only when potentially polluting activities have taken place; the idea is to share the burden between public authority and landowner;

It is very important to establish a mechanism to fund remediation in order to avoid a black hole for SF; this mechanism needs to do two things: pay for the cleaning of sites as well as prevent further pollution.

Revision of IPCC will deal with all the revisions suggested by all the thematic strategies; harmonise the definition of a satisfactory state.

On prevention, this will be done through the IPCC; but we are still working on integration.

Sealing is a separate case as it is done 'with intention'. It is mostly done through landplanning or a lack thereof, which means it needs unanimity in Council and complicates things. For this reason the Commission will only address this issue via a legally non-binding recommendation.

It was stressed that there will be no extra funding for soil protection, which means national funding plus possible use of existing EU funds. It must be ensured that monitoring and reporting will not be 'a monster'.

We need to combine ambition with realism. The example of Switzerland was given which stated that it can take up to 50 years to come to good soil protection. It will be 3 to 4 years to come to a good directive; from there we can build and improve.

An internet consultation will be online from mid July. It is likely to take a two-tier approach, one on the citizens' level and one on the expert level.

Some Questions and Answers:

Several questions were asked about the role of the biowaste and sludge directive. It was made clear that it is not the Commission's intention to come with a separate biowaste directive. On sludge no decision has been made yet.

Gian Paolo Meneghini, EP: How are the competent authorities defined? The same way as in WFD? Impact assessment for diffuse contamination?

Micheal Hamell: Someone needs to take responsibility there, a good approach is taken in Spain.

Impact assessment is done for the most of the directive, the question is what level of prevention do we want? We need to hit the right balance which is difficult.

Wolfgang Gussow, Bavarian representation: For all 7 Thematic Strategies; cost benefit analysis are done, can some figures for this be presented? As an advice, it may be good to have some idea and communicate this so not to take local government by surprise.

Micheal Hamell: A study done to off-side effects indicated these were much bigger than on-side effects. Claudia Olazabel: Cost will become clearer when the proposal is there. However, it is very difficult and dangerous to hang a price tag to protection.

Gerassimos Arapis: from the original 8 threats identified, now only 6,5 remain, i.e biodiversity and flooding have been dropped?

Michael Hamell: Risk of floods is taken care of under a different proposal, biodiversity is indirectly taken care of by dealing with the other threats. Research on soil biodiversity is needed but it is not clear what that means in terms of concrete policy. Soil is currently not seen as the priority at the moment. Claudia Olazabel: what we do know about soils is that strong links exist between other threats such as soil organic matter and biodiversity.

Stefan Scheuer: It is difficult to establish the costs and benefits of a process directive. There is a need for an access point – real action, which can be cost and benefit assessed and which also can be communicated. The Commission starts from a broad and intellectual approach but than leads only to a process without real action or targets. Why not take a specific chemical, take a risk assessment and define a quality standard, which can drive action?

Micheal Hamell: Yes it has been a broad and intellectual exercise, but it will be a stepping stone for further action.

Ferenc Lazco: Who is involved on the national level in the whole process?

Micheal Hamell: There has been an enormous level of activities and stakeholder consultation. Most important to communicate is that the policy is not a threat but a benefit. Member States will have to set up platforms for an exchange of information. Then also a consultation will take place with experts.

Marc Vanderhaegen, from DG Environment presented the potential of the INSPIRE directive for soil policy.

Spatial information is very important, also to communicate the importance of soil. Maps can be strong forms of communication.

INSPIRE is led politically by DG Environment. The objective is to oblige public authorities to link all their spatial data to one infrastructure and to set up a 'one stop Community portal' which will be open to all.

There is currently a call for an expression of interest; this is open to anyone with an interest in spatial information, working groups are already set up but can still be joined. People have to express their interest in accessing and using data.

INSPIRE has been through first reading and council. The sharing of data will be the next big battle ground during the second reading. Involvement and support of stakeholders including NGOs will be crucial.

Stefan Scheuer: How about confidentiality of data and connection to existing environmental legislation? A lot of data from reports are lying around; and are not being used. Will INSPIRE Impact this?

Marc Vanderhaegen: Opposition from MS comes from two angles. The first one is intellectual property rights. MS believe property rights are above the benefits of sharing data. INSPIRE goes one step further than the Aarhus convention and concern is that data could no longer be sold. Sharing of data should be organised in such a way that all have access to data and the 'producers' of data are compensated. There is the UK example of a pan governmental agreement; government will pay once and then all public bodies can use the data. As regards the second question; DG Environment has a broader vision of a shared information system which will include information from environmental legislation. This should also lead to less reporting requirements.

Soil Monitoring needs, Gerassimos Arapis, University of Athens and Elliniki Etairia  
He outlined the requirements for useful indicators for soil quality and elaborated on a number of examples of this. He then continued to outline the minimum data sets required to come to a meaningful indicator and what steps to take to come to a monitoring system. He underlined that it is important that monitoring will also cover land outside of the risk areas. In the conclusions it was stressed that bio-indicators must be developed to take account of the biological functions of soils. A complete framework for monitoring, assessing and reporting on soil issues in the EU must be developed, similar to those in place for air and water.

Teresa Goulao, GEOTA

Bringing in the Mediterranean perspective, Teresa stressed the need for a bottom up approach when implementing the soil thematic strategy. This should include a.o improved policy integration also into regional and agriculture policy, an implementation schedule, and making full use of the INSPIRE programme. In turn this means that we should be innovative, built on research and develop and apply new technologies.

Marco Schlueter, IFOAM

Organic Farming takes a holistic approach to agriculture; it is defined by an EU regulation which includes a lot of important measures also for soil protection. Also there is a higher pressure on organic farming to increase soil fertility because organic farmers cannot add mineralisers at a later stage. Concluding, it was stressed that soil fertility is a key factor for sustainable farming systems and exactly this together with biodiversity is found to be generally higher in organic farming systems.

Keesjes Avis: BAB.

Existing English and EU soil policy tells a lot about what farmers can do for soil. She presented an overview of existing measures and requirements on soil protection under the current CAP reform and stressed that taking care of soil will be key to meeting WFD requirements.

LFA's are very important to prevent land abandonment. Two level agri-environment schemes for farmers exist in the UK; entry level and high level schemes. 5 years for entry level, 10 years high level scheme which is more targeted and also means a Farm Environmental Plan must be developed. She ended stating that in general agriculture has a positive effect on soils and questioning whether more 'red tape' would be necessary.

Stefan Scheuer: Would you as Organic Farmers see more a need for a soil directive then conventional farmers?

Marco Schlueter: I have to be careful here, in principle we do not like more rules but in the case of soil policy it should not be difficult to comply, so a soil policy would be not a problem.

Ariel Brunner: Agriculture is not everywhere as good as in the UK, for example Italy is a long way from what you describe.

Keesje Avis: True, but that is still no reason for new strict regulation. Let's implement the existing one first.

Stefan Scheuer: Also in the UK there is room for improvement in agricultural practices but as regards the WFD: do you think soil policy can help implement WFD as well?

Keesje Avis: Certainly this is possible but up to member states to do.

Claudia Olazabel: To answer the question why soil legislation is needed: First of all, the presumption that farmers will take care of their land, is not always true. Often farmers are not the land owners themselves or simply not in a position to be good for the soil and land. Cross Compliance is good but not legally binding if you do not want direct payments. Also some products such as wine are not included in cross compliance. Cross compliance is only the minimum basis; sometimes more is needed then just that; that's why we have risk areas. Already different standards exist under cross compliance in different countries. WFD is helpful only as long as protecting soils also means protecting the water. The DG Env proposal may seem flexible, but fact is that it does constitute a common approach.

Florian Amlinger:

Soil organic matter loss is a serious problem in many parts of the EU; In those areas where soil Organic Content is less then 2%, the landuse patterns should be very critically examined with a view to making changes. Soil biodiversity is an important indicator for soil quality. We need to improve our understanding of the relationship between soil organic matter, soil properties, soil functions and functional biodiversity so that we can establish regional tresshold values for organic matter.

Then underlined the potential of biomass and gave again the EOM Recommendations.

When coming back to diffuse soil contamination: we need a definition of soils and critical concentration/guidance value.

A compromise between precautionary and risk based approach is possible when taking a 4 step procedure.

Concluding on diffuse contamination, precautionary critical soil threshold values for contaminants preserving multi functionality give the orientation.

Concluding remarks by Stefan Scheuer:

It is clear that the Commission is taking a very broad and long term strategic approach. This is probably needed but also makes it very difficult to communicate its added value. There is a lack of concrete action, quantitative indicators and targets. It will be a process directive.

It has been made very clear that INSPIRE is important for environmental policy in general and soil policy in particular and it needs our support. Some Member States are reluctant to share data, over 10 billion EUR per year is spend on data collection which can be put to much better use then is now the case. Soil policy is a potentially important customer here.

On Indicators and monitoring; biodiversity is a key aspect and unfortunately the Commission does not address this at all. Pollution indicators seem to be much further advanced, with balancing models being available. This would allow setting clear emission controls for specific substances. Further enough information is available for specific substances to set EU wide quality standards or indicators like trend reversal. This is urgently needed to prevent further contamination of soils.

With regard to erosion it will be more complicated to set a target, but again relative assessments are possible and should not be neglected. The importance of integrating soil aspects into economic and societal policies will be essential to address soil erosion, e.g. through liability and other economic tools.

Agricultural is both a key problem and a solution. The new cross compliance requirements are good but not enough. The need to go further has been made clear as well as the reluctance of farmers for this.

On organic matter it seems that this could present a clear and simple win win situation: reducing waste landfilling and incineration and improving a key soil function (hosting biodiversity, storing water and carbon). This highlights the potential of a Biowaste Directive as part of Europe's soil protection policy.