



Federal Chancellor
of the Federal Republic of Germany
Dr. Angela Merkel
11012 Berlin

Soil Framework Directive

29 April, 2008

Dear Chancellor Merkel,

At the Environment Council of December 20, 2007, Germany emerged as one of the countries most strongly objecting, ostensibly on principled grounds, to the Presidency's compromise for a Soil Framework Directive.

As EEB, BUND and NABU we are writing to you now to express our deepest concern over this principled resistance to the EU developing a comprehensive legal protective regime for this crucial resource. This resistance is deeply troubling for two important reasons.

Firstly, all the latest available science on the state of our soils points to immense problems, particularly of pollution and the loss of soil fertility - a problem Member States alone have so far been unable to adequately resolve. Also Germany, despite already having a soil protection regime in place, has sizeable areas which are likely to be at immediate risk, something that also the German Agriculture Minister Seehofer pointed out in his letter to you of December 11, 2007. Although the protection of soils is dependent on the variety of substrates and environmental conditions, it can only be done effectively, as with climate change, through a European approach including clear objectives which need a Soil Directive through which to be implemented. We would like to remind you that currently only 9 out of 27 member states have adopted legal protection for soil. A Soil Framework Directive, as part of the sixth Environmental Action Plan, will therefore improve the protection of this crucial resource.

Secondly, Germany claims to be a champion of the global fight against climate change. The scientific community is unanimous in recognising that soils play a major role in both mitigation and adaptation to the likely increase in temperature and change in rainfall patterns that climate change will bring about. **An opposition of principle to the Soil Framework Directive with its emphasis on maintaining appropriate soil organic matter levels is therefore at odds with this claim.**

What is really puzzling is that this principled resistance represents a remarkable break with Germany's previous positions on a Soil Directive. In the late 1990s when you were serving as Environment Minister, Germany was one of the main supporters of the EU developing a soil protection policy.

The reasoning at that time was that within a European Common Market where people, goods, companies and capital move around freely, an even level of environmental protection for all natural resources, whether they move around or not, is fundamental. Moreover, as late as July 2006, Sigmar Gabriel co-signed a letter with 12 other Member States in which they reiterated their belief in the need for EU-level action in order to protect this important natural resource and urged the Commission to include in its proposal for a Soil Thematic Strategy a legally binding instrument on soil protection.

Seen jointly with, for example, the decision from the German Bundesrat of November 14 calling on the Federal Government to push for a revision and fatal weakening of the Birds and Habitats Directives and the German position on European legislation on CO₂ and cars, Germany's current position on the Soil Directive raises some very serious questions about both Germany's leadership in environmental matters as well as its commitment to the EU playing a leading role in combating climate change. Preserving our soil's carbon stocks is fundamental to both mitigating and adapting to the effects of climate change.

This is not solely a problem for the environment, since we also cannot see how your position can ultimately be in Germany's interests. According to a 2006 assessment by the German Federal Environment Ministry, carried out by Roland Berger Strategy Consultants, by 2020 environmental technologies will already surpass in turnover the German car and manufacturing industries. An ambitious European soil policy will only act as a catalyst for this development and give Germany a competitive advantage over other EU Member States, especially compared with those countries where manufacturing industries are currently relocating because of lower wages.

The Directive will require authorities all over Europe to identify contaminated sites, draw up rehabilitation plans and implement them. Many countries have very little experience with decontamination projects and demand for German expertise in this field is set to grow significantly.

The European Commission, the European Parliament and 22 Member States have already clearly spoken out in favour of an EU-level soil policy. After the December 2007 Environment Council, the French have asserted that they are committed to resolving this dossier. We urge you now to play a constructive role in finding a solution which will benefit the effective protection of this crucial resource and all those who depend on it.

Yours sincerely

Prof. Dr. Hubert Weiger, Christian Unselt,
President of Bund für Umwelt und Naturschutz Deutschland
(BUND) e. V. Vice-president of NABU

John Hontelez,
Secretary General of the
European Environmental
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Copied to:

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Federal Minister of Economy Glos
Federal Minister of Environment Gabriel
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