



## **STATEMENT BY BUND ON THE EU SOIL FRAMEWORK DIRECTIVE (as at 07.07.2007)**

### **EU Commission plans to regulate soil protection - BUND criticises environment ministers of the federal states**

The European Commission has proposed a strategy for soil protection, which is to be discussed in the European Parliament from January 2007. The objective is to keep soils in Europe in a healthy condition so that they can continue to fulfil their function for humanity and the environment. Good quality soils are of key importance for the economy, the environment and health. They ensure that healthy food can be grown and guarantee the availability of clean drinking water, preventive flood protection, diversity and the ecological state of surface waters.

#### **Eight principal dangers for soil**

Erosion

Loss of organic substance

Contamination

Salinisation

Compaction

Decrease in biodiversity in the soil

Sealing

Landslides and floods

However, soil quality is deteriorating in all EU countries. According to estimates by European soil experts, 12 per cent of the entire European continent is affected by erosion caused by water. 50 per cent is moderately to severely at risk due to compaction and 9 per cent of the soil surface is sealed; there are 500,000 contaminated sites. In Germany only 1.2 per cent of the surface area contains soils that are still largely uninfluenced. This has a negative effect on human health, ecosystems and the economy. The annual costs of soil degradation across Europe are put at more than 38 billion euros.

**This is why BUND supports a European Soil Framework Directive.**

#### **What are the contents of the Soil Framework Directive?**

The Framework Directive lays down common principles, targets and measures. It calls on the EU member states to take systematic action to counter soil degradation, to record the state of the soil and to implement preventive measures. It is planned that the member states themselves should draw up programs of measures. They are to define areas where there are specific risks for the soil, e.g. erosion, loss of humus content, compaction, salinisation and landslides. For these areas the EU states are to set targets to reduce the risks and draw up measures to achieve these targets. Furthermore, the member states are to prevent the further accumulation of toxic substances in soils, draw up inventories of contaminated sites and existing waste, former industrial sites and deposits, as well as on soils with high toxic contents. In addition to this, measures are to be taken against soil surface sealing.

Germany has already met some of the targets required by recording contaminated sites. Likewise, long-term soil monitoring constitutes a key foundation stone for determining changes in soil quality. BUND is therefore critical of the federal states that have joined forces in coming out against the Soil Framework Directive.

### **The EU Soil Framework Directive is to be welcomed for several reasons:**

Firstly, EU-wide soil protection is anchored in law and achieves a high level of attention amongst the public, politicians and in the administration thanks to reporting in the media. Reporting in the media is a key element for the creation of awareness and for the first time provides comprehensive information on the status of soils and relevant load factors.

Secondly, the existing data are systematically evaluated. These can then be specifically used to improve the condition of the soil and make it possible to exchange experience.

Thirdly, parameters are defined for clear (national) targets to protect the soil, which are applied for the risk areas and contaminated sites to be determined.

Fourthly, in contrast to the basic criticism made by the federal states, it is a law that does not introduce any unnecessary sets of regulations. Indeed, EU-wide standards have to be set in order to avoid distorting competition. Flexible instruments exist for implementation, which allow the member states to define targets and activities depending on the specific risks and variability of their soils.

BUND welcomes the fact that the member states are to develop a national remediation strategy within clearly defined periods and create suitable mechanisms for financing these. In any case the polluter-pays principle must take priority.

BUND also welcomes the fact that the sensitisation of all the relevant parties involved in soils and soil protection are explicitly named and that knowledge transfer and exchange of experience is encouraged. Other positive factors are the criteria to establish risk areas as presented in Annex 1. Moreover, BUND regards it as progress that a soil status report has to be submitted at the latest when a piece of land is sold. This means greater security and transparency for potential buyers.

### **Other BUND demands:**

#### **1. Binding EU standards for good soil quality**

BUND and other environment associations in Europe take the view that the EU Framework Directive is not sufficient. One major shortcoming is the lack of EU-wide and adequately defined quality targets for the soil as a habitat. In view of the proven wide-ranging burdens on nature and people in the EU, targets and activities that are mainly to be defined by individual nations are too weak. BUND therefore calls for a good ecological soil quality as a binding target for all soils in the EU. EU-wide minimum requirements are to be implemented within reasonable time frames. Important aspects here are:

- Preservation of biodiversity in and with soils - stopping the further loss of location-specific species, habitats and genetic resources by 2010.
- Limits for toxic substances in soils and their application. BUND demands that investigation standards, sectors, investigation density and concepts, as well as the substances to be investigated, be defined within a period of five years. With regard to all hazardous substances, concentrations in the region of background levels in

accordance with the resolutions passed by the Oslo-Paris Commission (OSPAR) in 1998 and the Water Framework Directive (WFD) are to be achieved at the latest by 2020. For this purpose a list of main parameters is to be drawn up, which also contains the principal organic substances, drugs and hormones.

- Introduction of EU standards for soil structure and mass. Soil surface sealing, compaction and erosion are to be stopped and reversed in the period between 2015 and 2020. The humus content of the soil is to be increased. Action targets are to be defined with a view to preventing a critical loss of organic soil substance.
- For all quality targets of relevance to water it must be ensured that the punctual achievement of the WFD targets is not put at risk (non-degradation precept or good ecological state of surface water by 2015).

## **2. Consistent preventive and restoration measures**

- With regard to measures and strategies for the surface, for risk areas and contaminated soils, specific sectors must be particularly considered: Housing trends, transport, industry, energy sector, agriculture and forestry. For these areas of action, the creation, adding and composition of those strategies are to be stipulated that demonstrably contribute to the punctual achievement of EU-wide and national quality targets for the soil.
- Close coordination of these measures with further strategies to protect health, nature and the environment (including the WFD programs of measures).
- Anchoring and definition of good professional soil utilisation. The Soil Framework Directive, in conjunction with Cross Compliance, should define comprehensive criteria for Good Professional Practice in agriculture and adapt these to the landscape areas and expected changes in the climate. Useful information on this can be found, for example, in the paper on the "Principles and recommendations for action on good professional practice in agricultural soil utilisation" by the Federal Ministry of Agriculture (BMVEL) dated 20 April 1999.
- An economic analysis of soil utilisations is to be presented, which also contains information on covering environmental and resource costs. On this basis an incentive-oriented policy is to be established and the most cost-efficient measures for soil protection calculated (e.g. introduction of charges on certain seeds, pesticides, mineral fertilisers, heavy agricultural machinery, adequate sealing charge). In a similar way to the provisions for the WFD programs of measures, the member states must draw up a list showing which incentive-oriented measures have been implemented and to what extent they have contributed to covering costs in line with the polluter-pays principle.
- Monitoring itself is not a remediation measure: remediation must be geared to removing and preventing risks.
- Development of capacity and active involvement of the public: Special promotion programs should be created to create awareness of the value of soils, to sensitise the public and network NGOs on a European level as well as advisory and advanced training programs (e.g. in agriculture). Interested members of the public must be involved in the drawing up of measures on the basis of the Soil Framework Directive.

## **3. Effective monitoring and data collection**

- A transparent and participatory procedure, also with changing methods, must be ensured.
- All potential dangers must be considered: It is intended that an inventory of all locations involving a considerable hazard for human health or the environment be drawn up within a period of five years. The wording must be: “which MAY involve considerable danger” in order to draw up a list of suspected sites, which many municipalities in Germany have already done. The procedure for determining risks should be made more detailed. The basis for this may be the Federal Soil Protection Directive (BBodSchV).
- Extend the list of sectors: The reference to the Seveso Directive (96/82/EC) with correspondingly high quantity thresholds is not sufficient. According to this, only those companies are included that, for example, are able to store five tons of highly toxic substances, 50 tons of toxic substances or 2,500 tons of oil-based products. BUND demands that these duties apply at least to those companies that only exceed a fraction of these thresholds (2 per cent) in line with the relevance rule according to Annex 1, No. 4. Furthermore, the sector list must be extended. The sector lists used in the federal states (e.g. in Baden-Württemberg and North-Rhine Westphalia) have proved very successful in more than a decade of dealing with contaminated sites. All relevant substances, emission sources, pollutant input paths and summation effects are to be considered (e.g. all animal-fattening facilities must be included)
- Introduce a soil passport: according to the draft directive, a soil status report must be drawn up when land suspected of containing contaminated waste is sold. BUND demands that a soil passport be created for all property not used by the owner himself and which is deemed to be a suspicious area. The soil passport contains basic data on the plot of land, the situation regarding toxic substances in the soil, notes on filling material, the official assessment and data on remediation measures already conducted. This results in transparency vis-à-vis tenants and buyers, and adds to the data in the land registry by virtue of the duty to submit it to the responsible authority.

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