

Opinion of the Economic and Social Committee on the 'Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions: Towards a Thematic Strategy for Soil Protection'

(COM(2002) 179 final)

(2003/C 61/09)

On 12 April 2002 the Commission decided to consult the Economic and Social Committee, under Article 175 of the Treaty establishing the European Community, on the above-mentioned communication.

The Section for Agriculture, Rural Development and the Environment, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 29 August 2002. The rapporteur was Mr Nilsson.

At its 393rd Plenary Session on 18-19 September 2002 (meeting of 18 September), the Economic and Social Committee adopted the following opinion by 139 votes in favour, with no dissenting votes and one abstention.

1. Gist of the Commission's communication

1.1. The 6th Environmental Action Programme and the Strategy for Sustainable Development presented by the Commission in 2001 stated that soil must be protected against erosion and pollution and pointed out that soil loss and declining fertility are eroding the viability of agricultural land. This Commission communication ⁽¹⁾ is a first step towards the framing of a Thematic Strategy for Soil Protection.

1.2. The components of this communication are both descriptive and action-oriented. It details the impact on soil of both external and manmade factors, such as erosion, decline in organic material, local and diffuse soil contamination, soil compaction, decline in soil biodiversity, salination, floods and landslides, etc.

1.3. Soil is defined in this connection as the upper layer of the earth's crust, and as being of key importance for all human activities and for society as a whole. Soil also plays a major role in water protection and exchange of gases with the atmosphere.

1.4. In addition, the Commission comments on the inter-relationship of soil protection with other spheres of Community policy (the Nitrates Directive and Water Framework Directive, the Air Quality Directive, the Common Agricultural Policy, Transport Policy and Research Policy).

1.5. The Commission gives a thematic overview of the situation in the applicant countries.

1.6. In its conclusions on threats to soil, the communication observes that soil deterioration is caused, or aggravated, by

human activities. All countries are affected, albeit to different degrees and for different reasons; this trend is worsening and climate changes are tending to exacerbate the effects.

1.7. In the communication the Commission deals solely with soil as defined for the purpose of the communication and does not cover land use, which will be studied in another communication on the geographical dimension, in 2003.

1.8. The communication also states that the development of an EU soil protection strategy will take time. Soil protection objectives must be integrated into several areas of EU policy but they will have both a local and a regional dimension. From the current year (2002) onwards, the Commission intends to propose a series of environmental measures designed to prevent soil contamination related to mining waste, sewage sludge and compost. By June 2004 at the latest the Commission intends to present a progress report on the technical measures taken and legislative proposals and initiatives for soil protection.

1.9. One major component of the Commission's communication is the proposal to establish a future monitoring system with a view to collecting data and knowhow with a view to future action and proposals. The Commission announces a concrete proposal on this matter, again by June 2004.

2. General comments

2.1. A natural resource which has been built up over many years, soil provides the basis for food production, has been taken over by cities and densely populated areas and serves

⁽¹⁾ COM(2002)179 final.

for the construction of modern infrastructure, distribution networks, roads, etc. We occupy and use soil for many different purposes. Frequently there is a clash of objectives when a change occurs in soil use. The laws of many Member States recognize that society can invoke rules to expropriate land when it is in the general interest. Soil protection therefore concerns both soil and soil properties and the use to which it is put.

2.2. Though the European Union has framed common strategies for water and air preservation and protection, there are no common long-term strategies for soil protection. In its own-initiative opinion on the use of sewage sludge in agriculture, the EESC called for a proposal on an EU soil protection strategy ⁽¹⁾.

2.3. In the light of the above, the EESC welcomes the Commission's communication on a thematic strategy and is keen to support this work in the shape of the following comments.

2.4. The recent very heavy rains and floods in many European countries show the need for a carefully prepared soil protection strategy. Flooding is often made worse because the water absorption capacity of the soil has deteriorated in areas that formerly were flooded naturally or land use has been changed. This must be taken into serious consideration when the EU is working out strategies for soil protection and land use.

3. The EESC's views on the communication

3.1. The EESC regards the Commission's description of the various threats that could degrade soil quality as an acceptable basis for the future, more action-oriented, proposals referred to in the communication.

3.2. It is not clear which of the various threats described in the communication the Commission feels should be tackled at EU level or the reasons why a common initiative would be more successful than national action. A strategy for future soil protection can reasonably be expected to provide such

justification, even if only to promote understanding among persons currently working on soil protection at national level.

3.3. It is difficult, and even perhaps of little interest, to go into scientific definitions of exactly which soil quality type is desirable. On the other hand, the EESC regrets the absence of any discussion of possible thematic objectives for soil protection or reasonable aspirations for such work. The communication states that soil must be protected from different types of threat — but does that include improving degraded or naturally poor land? In the EESC's view, the Commission should detail the priorities to be pursued rather than specifying how many hectares must meet a particular standard. One key priority could be to protect the most vulnerable soil from further degradation. A European strategy should spell out common aspirations for European soil.

3.4. The Commission regards erosion, decline in organic matter and soil contamination as the three main threats. As the communication contains no assessment of the various threats which could help us to establish priorities, it is difficult to confirm or deny this premise. In any future work the Commission should preferably assess the environmental and social impact of the various threats. One way of doing this is to specify the socio-economic value of the soil functions likely to deteriorate.

3.5. In order to be able to assess different types of threat it is also interesting to include a timeframe in the appraisal — which the report fails to do. In this connection, 'timeframe' does not mean merely taking account of the status quo but also the speed at which soil is improving or deteriorating, along with the long-term consequences. It is possible that our current knowledge of impact on soil is too inadequate for a full analysis but it would be helpful in those areas where it is possible. The key threats identified by the Commission as most dangerous may very well be the most important but in certain regions totally different threats can be of greatest danger. For instance, acidification of forest land can create problems for soil fertility in northern Europe whereas forest fires can result in erosion in southern Europe.

3.6. The Commission is proposing a monitoring system, combined with standardisation of existing national systems, as pillars of the soil strategy. As mentioned above, the communication does not specify which threats to soil should preferably be tackled at EU level and what the common measures should consist of in such cases. If we do not know

⁽¹⁾ CES 1199/2000, OJ C 14, 16.1.2001, pp. 141-150.

what soil is to be monitored, and why, there is a greater risk of the system proving ineffective. We can expect the need for soil protection in the applicant countries to be at least as great — perhaps even greater — as in the Fifteen. Hence it is important for the monitoring systems and proposals for practical measures that the Commission intends to present also to encompass the applicant countries.

3.7. The EESC notes that several different European projects relating to soil protection already exist (e.g. the Water Directive and the forthcoming legislation on sewage sludge and compost). Here too a common monitoring system and standardised methods of data collection may be necessary. The EESC therefore supports the introduction of proposals to this effect. The EESC presupposes that any future proposal for a common monitoring system give due heed to how best to take advantage of existing national systems.

3.8. For purposes of improving soil protection, education and information need to be integrated into a soil strategy in order to boost understanding and awareness of the impact on soil of different types of treatment. As regards soil contamination, the EESC has issued an opinion⁽¹⁾ on the Commission's proposal on 'environmental liability with regard to the protection and remedying of environmental damage'⁽²⁾, in which the Commission proposes, among other things, a Community scheme when land damage through contamination involves liability.

Thought must also be given to whether infringements of the existing legislation on matters relating to soil should lead to penalties.

3.9. As the Commission points out, soil is different from the air or water in that there is more obviously a natural or legal person as owner. Soil degradation is therefore of two fundamentally different types.

3.9.1. Firstly, there is the traditional environmental impact where actors (through discharge, etc.) cause damage which does not directly affect them but affects landowners.

3.9.2. The other type of situation is where an owner degrades (or improves) his own soil. The soil can then be intended for biological production, such as arable farming and forestry. The soil can also be used for industrial purposes, roadworks, etc. and the damage done does not affect the user's production.

3.9.3. When soil strategy is gradually translated into action, it is important to take account of these fundamental differences between different types of soil variety and ownership relations.

3.10. The Commission states that soil is under steadily increasing pressure from human activities and that its quality is deteriorating. It would also seem important to mention such improvements as sharply reduced input of metals and less acid rain; in many areas the quality of arable land is high; it is scarcely true that all arable land is steadily deteriorating.

3.11. The first paragraph of chapter 8.1.2 describes the impact of agriculture well; here the Commission notes that some farming practices can result in soil degradation, while others can be beneficial to soil protection. From the viewpoint of agriculture, soil protection is a natural component of use to be seen more as an opportunity than a threat.

3.12. The Commission claims that spreading of sewage sludge should not raise any problems provided that pollution is prevented and that one possible use would be to spread it on arable land. The EESC strongly questions this claim. The essential problem of sewage sludge today is that it is heavily polluted. The EESC has called on earlier occasions for a revised directive with more stringent ceilings and the Commission has announced such a proposal for 2003. The EESC regards this delay as unfortunate.

4. Conclusions

4.1. The EESC welcomes this Commission communication as a first step towards a European strategy for soil protection. For the purpose of future work it would draw attention to the following points:

— the EESC regrets that no description is given of the types of measures that should preferably be implemented at EU level, or the justification for such common action;

⁽¹⁾ OJ C 241, 7.10.2002.

⁽²⁾ COM(2002) 17 final.

- the EESC would also point to the lack of a strategic discussion of the aspirations to be pursued, and hence the objectives to be set for European soil;
- future proposals for measures should be based on an assessment of the threats applicable to different EU regions, including the applicant countries;
- future proposals for monitoring systems should be linked up with ongoing measures so as to provide better justification and give a detailed account of national monitoring systems;
- future proposals for practical measures to improve soil protection should incorporate action covering education, information and suitable penalty arrangements;
- soil differs from the air or water, which are mobile elements. Soil has an owner, and the strategy must take account of the right of ownership;
- a balanced description of the threats involved is important in all circumstances so as to enlist the support of all players for the initiative.

Brussels, 18 September 2002.

The President
of the Economic and Social Committee
Göke FRERICHS

Opinion of the Economic and Social Committee on the ‘Proposal for a Council Regulation correcting Regulation (EC) No 2200/96 relative to the starting date of the transitional period for the recognition of producer organisations’

(COM(2002) 252 *final* — 2002/0111 (CNS))

(2003/C 61/10)

On 15 July 2002 the Council decided to consult the Economic and Social Committee, under Article 37 of the Treaty establishing the European Community, on the above-mentioned proposal.

The Section for Agriculture, Rural Development and the Environment, which was responsible for preparing the Committee’s work on the subject, adopted its opinion on 29 August 2002. The rapporteur was Mr de las Heras Cabañas.

At its 393rd Plenary Session (meeting of 18 September 2002), the Economic and Social Committee adopted the following opinion with 129 votes in favour and three abstentions.

1. Introduction

1.1. The proposal for a Council Regulation modifies Article 13 of Regulation (EC) No 2200/96⁽¹⁾ concerning producer organisations (POs) recognised under Regulation (EEC) No 1035/72⁽²⁾ but which, on the date of entry into force of Regulation (EC) No 2200/96, were unable to qualify for immediate recognition under the latter. Article 13 of Regulation (EC) No 2200/96 therefore allows these POs to

continue operating for a transitional period of two years, extendable to five if the PO submits an action plan. These transitional periods are calculated from the date of entry into force of this regulation, i.e. 21 November 1996.

1.2. The modification proposed by the Commission is intended to correct an error in the starting dates of these transitional periods, postponing them until 1 January 1997 — the date of application of Regulation (EC) No 2200/96 — in order to avoid any negative repercussions on the rights of the POs concerned and safeguard the legal security of their actions.

⁽¹⁾ OJ L 297, 21.11.1996.

⁽²⁾ OJ L 118, 20.5.1972.