

German Environment Agency

Umwelt 
Bundesamt

Common Forum - Luxembourg

Progress in soil protection legislation – options and common ground of interests?

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Section: Soil Protection Measures

Agenda

- 1. MOTIVATION AND BACKGROUND FOR THIS SESSION**
2. THE UBA-POSITION PAPER
3. STATE AND OPTIONS FOR REGULATION
4. OUTLOOK

Motivation and background for this session

- UBA has the general freedom to initiate and proceed projects with political and/or technical intentions on environmental topics.
- From the beginning on UBA was in favor of a European Soil policy.
- The UBA-position paper is just reflecting the result of an in-house discussion.
- Main goals:
 - Common understanding within the EU about soil protection;
 - Equipollent objectives /goals for soil protection on relevant levels;
 - Political substantiation and justification for soil protection issues and compliant supportive instruments;
 - Identification of thematic issues together with their related impacts (not addressed by the Soil Thematic Strategy so far);
 - Elimination of competitive disadvantages among member states.

Remarkable Bottlenecks?

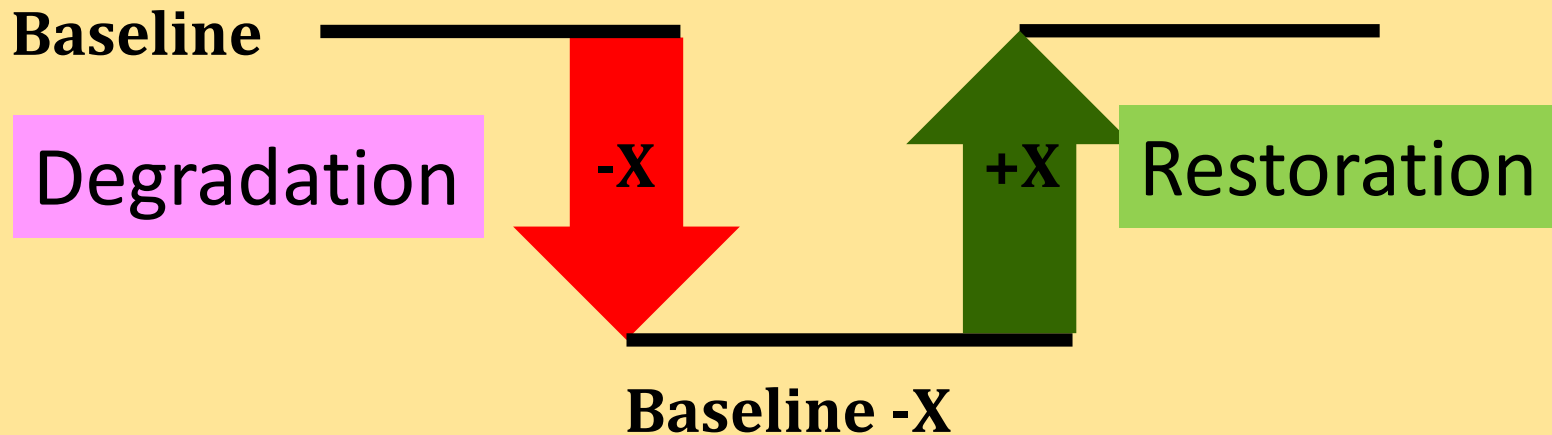
- Existence of suitable soil regulations in a couple of member states.
- Resources required to change existing systems and for implementing tools within member states caused by new EU regulations.
- Added values of European regulation are not visible or clarified for member states.
- Subsidiarity of soil problems - divergent interpretation and understanding.
- A general flexibility how to regulate soil and land issues.
- Delay on urgent problems (e.g. Emerging pollutants) caused by the EU-principle "Never acting before complete evidence based information are available"

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Current situation

- Fragmentation
- Lack of coordination (lack of priority setting, insufficient monitoring, inadequate combination of instruments)
- Insufficient conceptualisation
- No binding targets



Advantages caused by the existence of EU-soil regulations

Through EU soil protection legislation, in particular the following benefits would accrue:

- Ensure that the **transboundary ecosystem services** of soils, are maintained and, if necessary, expanded.
- A model for the effective implementation of the “**land degradation neutrality (LDN)**” objective could be developed, which could also be used for international cooperation.
- Attention to good soils, **improving degraded soils** and thus also reducing pollution of other ecosystems or environmental media.
- Partially establish **harmonized standards**.
- **Incentivize** the attribution of more **financial resources** for soil protection.
- Create a level playing field for all European economies by fixing commonly agreed requirements.

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Two regulatory approaches

Basically, two approaches can be considered:

- A regulatory approach of holistic planning and management with the objective of achieving good soil status.
- A regulatory approach that limits itself to specific – most important – aspects and that only establishes a set of essentially required provisions.

Holistic planning

This would necessitate the following planning steps:

- Definition of “good status” of soils and related to all threats
- Determination of ecological requirements on differently used soils/land;
- Obligation not to deteriorate the current status of soils and to take compensatory measures in the event of unavoidable land degradation
- Evidence based deficit analysis for soils throughout Europe
- Planning necessary measures to achieve good soil status

Disadvantages or potential shortcomings:

- Long-lasting preparatory planning phase before any measures could to be taken.
- It seems to be important, how a good soil status could be defined from a scientific point of view, as location and climate conditions as well as soil uses in Europe differ significantly.
- This approach would be very similar to the approach of the SFD, which failed.

Pros and Cons of the sector-related and minimum requirement–approach

- Avoidance of various levels of conflict.
- Win-win options are easier to identify.
- It seems to be more likely to obtain political support for this approach.

Disadvantages:

- Limitation to certain topics, may also be considered as fragmentation.
- Regulatory linkages of legal interfaces are more complicated to implement (e.g. spatial planning, building law).

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Summary

- New alliances are needed to enforce “improved” soil protection
- Soil protection poses expectations to various interest groups (settlement management, agriculture, etc.) It is necessary to develop common rules from which both sides may benefit.
- Closer cooperation among the interest groups would be helpful – willingness presupposed.
- Any kind of data collection has to be compatible to existing European data systems to share.

Proposal how to proceed further

UBA propose to organizes a workshop and invites interested experts from member states in order to deepen the discussion:

- about regulatory approaches,
- about a better understanding of the sector-related minimum requirements and about potentials and challenges
- about an adjustment on important areas for soil policy and
- about a common understanding on further priorities as well as on recommendable enhancements for methodological approaches.

**Thanks for listening, let us
discuss it openly!**

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