



Institute  
for  
European  
Environmental  
Policy

# Inventory and Assessment of Soil Protection Policy Instruments in EU Member States – Methodology for EU gap analysis and MS review

Catherine Bowyer - IEEP

5 December 2016

Stakeholder Workshop

[www.ieep.eu](http://www.ieep.eu)

 @IEEP\_eu



# Aims and Objectives

---

- Based on the inventory developed in Task 1 perform a preliminary gap analysis contrasting soil threats/function and coverage by the policy instruments
- Assess the policy coverage of soil protection issues in EU laws and review approaches adopted in the MSs
- Draft conclusions on the extent existing policies contribute to preventing soil threats and/or recovering soil functions

# Aims and Objectives

---

- Based on the inventory developed in Task 1 perform a **preliminary gap analysis** contrasting soil threats/function and coverage by the policy instruments
- Assess the policy coverage of soil protection issues in EU laws and review approaches adopted in the MSs
- Draft **conclusions on the extent existing policies** contribute to preventing soil threats and/or recovering soil functions

# Aims and Objectives

---

- Based on the inventory developed in Task 1 perform a **preliminary gap analysis** contrasting soil threats/function and coverage by the policy instruments

## What is a gap??

- Highlight issues – not evaluating
- Identify questions
- First step
- A gap may be justified, or not be leading to problems

Developing a baseline – preliminary, a first step in understanding

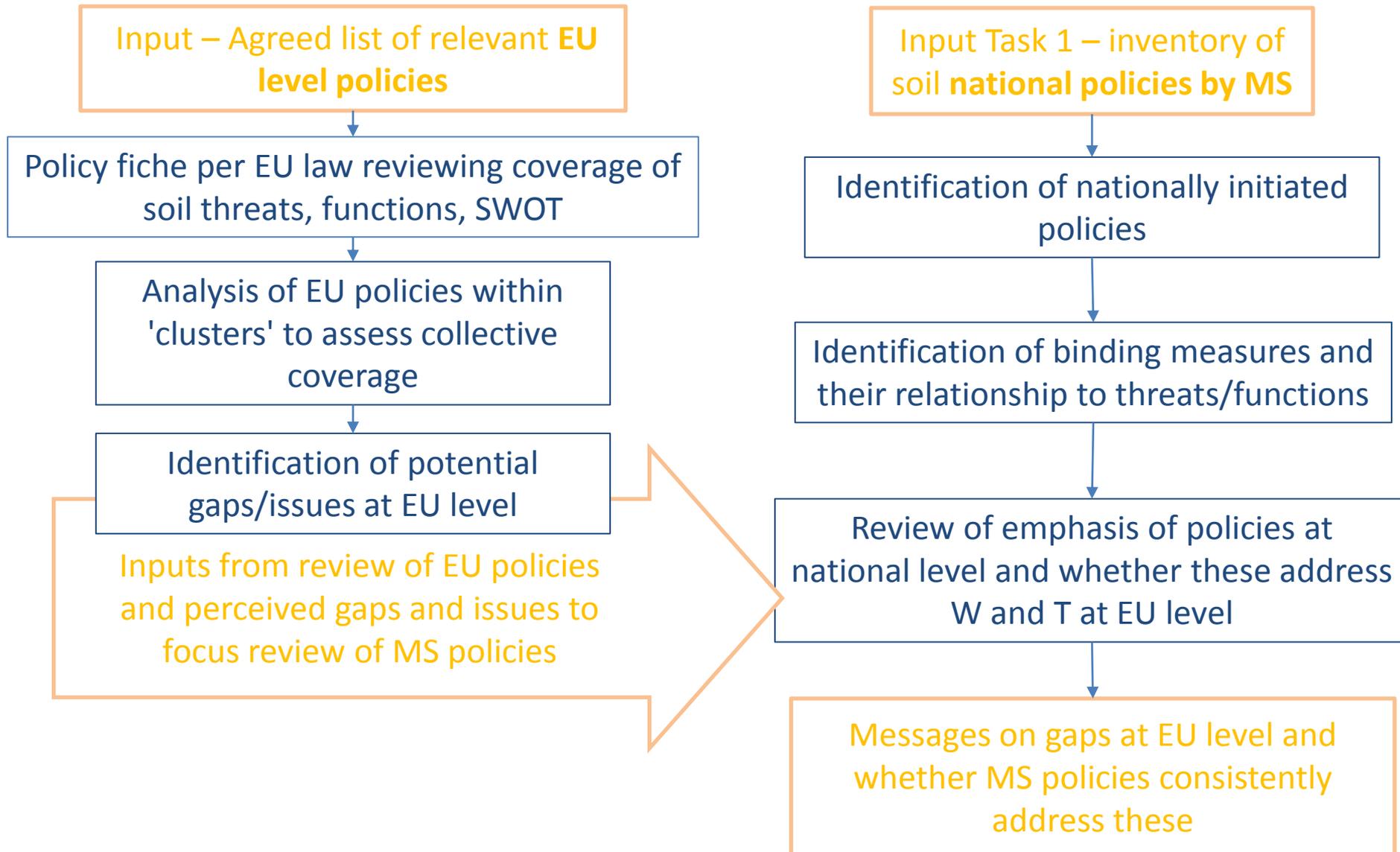
- Draft **conclusions on the extent existing policies** contribute to preventing soil threats and/or recovering soil functions

# Developing a Baseline

---

- Reviewing against 12 threats and 7 functions
- 35 EU policies plus evaluation studies and over 7 new proposals
- 671 Policies across 28 Member States reviewed and recorded
- Over 225 nationally initiated policies reviewed in detail
- EU28s approaches to GAEC and Greening reviewed under the CAP
- Over 40 RDPs reviewed
- Information collated across 6 policy clusters and for all 28 Member States

# Methodological Framework



# EU Level – Overarching Policies

---

## EU Policies

- 7th EAP
- Roadmap for a Resource Efficient Europe
- Circular Economy Action Plan
- Thematic Strategy for Soil Protection
- Life Programme 2014 – 2020
- Horizon 2020

Policies aim to provide long-term direction for specific environmental priorities and the production and use of environmental resources.

# EU Level – Overarching Policies

---

S - strategic and funding instruments that may contribute to soil protection

W - Soil protection is an outcome mostly derived from protecting other environmental resources only TS is dedicated to soil

W - By definition instruments are non-binding setting the direction or offering funding against a number of priorities – soil coverage linked to prevalence on the agenda of key actors

W - Limited elaboration of soil functions

O – Explicit priorities in the 7EAP linked to soil protection

- Land is managed sustainably and soils adequately protected
- Nutrient cycle is managed in a more sustainable/resource efficient way

T - Gaps re monitoring and definitional issues

# Overarching Review

---

## Messages from EU law assessment – weaknesses and threats

- No binding overarching strategic policy in soils
- No elaboration of soil functions
- Soil protection is an outcome commonly derived from protecting other env resources
  
- Gaps re monitoring and definitional issues

## National focused Observations

- Limited number of MSs have strategic, national approach eg DE, AT, NL, SK
- Different national lens eg CZ, HU, PL soil protection being drive through protection of agricultural land
- Priorities linked to national lens eg prioritisation of land fertility and SOM – HU
  
- Monitoring of soil protection
  - issues varied
  - MS investing significantly in GIS linked capacity, geological assessments
  - more limited focus on assessments of decline IE trends

# EU Level – Contamination

---

## Policies – reducing emissions (soil and water) and remediation

- Binding – regulating high risk activities/contaminants preventing release, limiting emissions, remediation damage
  - ELD, IED, Landfill and Waste Framework Directives, Mercury Regulation
- Funding and Support Instruments – focused on remediation of historic contamination where the liable party can not be held responsible/urban redevelopment
  - cohesion fund, ERDP, State Aid Guidelines
- Regulatory instruments – focused on environmental quality of water
  - WFD and daughter Directives
- For diffuse pollution additional measures reducing levels of contaminants in the environment
  - NECD, pesticides rules, potential amendment to fertiliser Regulation

# EU Level – Contamination

---

S – Well established mechanisms that have proved successful eg IED (historically IPPC) landfill Directive

S – addresses both specific installations and limiting presence of dangerous substances in the environment – Mercury Regulation and revisions

W – Question of historic contamination, although may be mechanisms in EU that might result in detection if impacting on other media esp water

W – water law is a strong tool but doesn't necessarily protect soils if not impact on water or require remediation in a way that preserves/improves soils

O – Use of funding mechanisms and state aid, but relies on prioritising soil protection goals

T – land protection may not always equate to soil protection – absence of framework for integration and definition – ELD, prioritising funding



# Climate Change Mitigation and Adaptation

---

The cluster examines the coverage of soils within policies at the EU level specifically focused on climate change mitigation and adaptation.

- Effort Sharing Decision (including proposed Regulation for post 2020)
- LULUCF Decision (including proposed Regulation for post 2020)
- EU Adaptation Strategy
- Renewable Energy Directive
  
- Analysis of the CAP and link to climate objectives was completed separately.

# Climate Change Mitigation and Adaptation

---

S – Offer a separate and potentially strong driver to address soil management particularly on agricultural land

W - great deal of scope for Member States and land managers in terms of the choices available to them to meet their goal

W - rely on integration of appropriate management into other policy fields ie. it is often more specific policies in other areas of environmental protection and land management that are directly driving behavior change

O - opportunities for better protection of soils and better monitoring of soils.

O - Some innovative policies identified in the Wiki in particular in terms of protecting soil organic matter and integration into climate policies.

T - requires integration of concepts of soil protection need, soil functions and the services soils should provide and a framework for understanding how soils can deliver and how change should be monitored.

# Nature, Land Use Planning and Soil Sealing

---

- Regulatory and non-regulatory instruments – Focused on ensuring nature protection in the form of species and habitats
  - Habitats Directive (2007/60/EC)
  - Birds Directive (2009/147/EC)
  - EU Biodiversity Strategy 2020 (COM(2011) 244)
- Regulatory instruments – Focused on determining whether projects or plans/programmes have environmental implications on soil
  - Environmental Impact Assessment Directive (2001/42/EC)
  - Strategic Environmental Assessment Directive (92/43/EEC)
- Regulatory instruments – Focused on providing a framework approach to flood risk management
  - EU Floods Directive (2007/60/EC)
- Guidelines – Focused on preventing, limiting and remediating the effects of soil sealing
  - Soil Sealing Guidelines (SWD(2012) 101)

# Nature, Land Use Planning and Soil Sealing

---

There are opportunities for the protection of soil biodiversity and addressing soil sealing linked to EU laws, these are potentially limited by:

- A lack of a strategic vision for the protection of soils
- Soil biodiversity is only implicitly covered by binding EU policy measures.
- Actions that might contribute to soil biodiversity are spread across different elements of the EU acquis
- Soil sealing is only explicitly covered by non-binding guidelines and through linkages to the floods Directive.

## Member States

- There are some innovations ongoing - policies on land use and land utility – SE; DK or societal outcomes - NL
- Policies recorded in the Inventory generally focus on land use planning aspects linked to soil sealing
  - Strategic goals within Strategies for Sustainable Development
  - Strategic policies on planning and sustainable planning to address questions around the locating of future development
  - Policies aimed at protecting agricultural soils from loss/development



Institute<sup>for</sup>  
European  
Environmental  
Policy

**Thank you for your attention**

Contact details: [cbowyer@ieep.eu](mailto:cbowyer@ieep.eu)

[www.ieep.eu](http://www.ieep.eu)

 @IEEP\_eu