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Committee on Agriculture and Rural Development

2006/0086(COD)

7.6.2007

OPINION

of the Committee on Agriculture and Rural Development

for the Committee on the Environment, Public Health and Food Safety

on the proposal for a European Parliament and Council directive establishing a framework for the protection of soil and amending Directive 2004/35/EC (COM(2006)0232 – C6-0307/2006 – 2006/0086(COD))

Draftsman: Neil Parish

PA_Legam

AMENDMENTS

The Committee on Agriculture and Rural Development calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to incorporate the following amendments in its report:

Text proposed by the Commission¹

Amendments by Parliament

Amendment 1

RECITAL 2

(2) Soil degradation or soil improvements have a major impact on other areas of Community interest, such as surface water and groundwater **protection**, human health, climate change, protection of nature and biodiversity, and food safety.

(2) Soil degradation or soil improvements have a major impact on other areas of Community interest, such as surface water and groundwater **quality**, human health **and life**, climate change, **degradation or** protection of nature and biodiversity, and food safety.

Justification

Human life should be included among the areas covered by Community legislation on which soil degradation has an impact.

Amendment 2

RECITAL 9

(9) A common framework is needed in order to articulate the efforts of Member States to improve the protection of soils and its sustainable use, to control the transboundary soil degradation effects, to protect aquatic and terrestrial ecosystems, and to preclude distortion of competition between economic operators.

(9) A common framework is needed in order to articulate the efforts of Member States to improve the protection of soils and its sustainable use, to control the transboundary soil degradation effects, to protect aquatic and terrestrial ecosystems, and to preclude distortion of competition between economic operators. ***Such a framework should be adopted on the basis of a comprehensive survey of soil status and of the measures already taken in Member States.***

¹ Not yet published in OJ.

Justification

The survey of soil status and of the measures already taken at national level should be carefully conducted before the Community framework directives comes into force.

Amendment 3

RECITAL 10

(10) Since the objectives of the action to be taken, namely to establish a common framework for the protection of soil, cannot be sufficiently achieved by the Member States and can therefore be better achieved at Community level by reason of the scale of the problem and its implications in respect of other Community legislation on nature protection, water protection, food safety, climate change, agriculture and areas of common interest, such as human health protection, the Community may therefore adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.

(10) Since the objectives of the action to be taken, namely to establish a common framework for the protection of soil, cannot be sufficiently achieved by the Member States and can therefore be better achieved at Community level by reason of the scale of the problem and its implications in respect of other Community legislation on nature protection, water protection, food safety, climate change, agriculture and areas of common interest, such as human health protection, the Community may therefore adopt measures ***only*** in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.

Justification

The patently obvious regional differences in soil characteristics and the extent to which soil is under pressure or under threat, and in terms of drawing up regionally adapted measures, make it imperative to apply the subsidiarity principle.

Amendment 4

RECITAL 11 A (new)

(11a) Agriculture has always contributed positively to maintaining the structure of soil and its characteristics, and is an indispensable mechanism for conserving the organic quality of the soil and for helping to preserve the vegetal layer and avoid desertification.

Amendment 5
RECITAL 11 B (new)

(11b) In order to avoid an increase in the economic burden on farmers, to preserve the activity of farming and to avoid any overlap of the present directive with existing environmental legislation, and given the subsidiary principle and the efforts required in the implementation of ecoconditionality, each Member State may decide to apply the present directive taking into account its own climate, agriculture and soil characteristics.

Amendment 6
RECITAL 12 A (new)

(12a) Fertility of the soil is the basis of life. The aim of all agricultural activity must be to maintain and improve that fertility.

Justification

The soil - the basis of human life - is a valuable ecosystem to be protected.

Amendment 7
RECITAL 13

(13) Sealing is becoming significantly more intense in the Community as a result of urban sprawl and increasing demand for land from many sectors of the economy, and this calls for a more sustainable use of soil. Appropriate measures are needed to limit soil sealing, *for instance by rehabilitating brownfield sites, thus reducing* the depletion of greenfield sites. Where sealing *does occur* Member States should provide for construction and drainage techniques that would allow as many soil functions as possible to be preserved.

(13) Sealing is becoming significantly more intense in the Community as a result of urban sprawl and increasing demand for land from many sectors of the economy, and this calls for a more sustainable use of soil. Appropriate measures are needed to limit soil sealing. *Member States should take appropriate steps to limit* the depletion of greenfield sites *on the basis of the principles laid down in the Spatial Development Prospective, with a view to preserving soil quality and its current and future functions.* Where sealing *nevertheless occurs* Member States should provide for construction and drainage

techniques that would allow as many soil functions as possible to be preserved.

Amendment 8
RECITAL 19

(19) This Directive should contribute to **halting** desertification, which results from concurrent degradation processes, and soil biodiversity loss, and enhance cooperation in the implementation of the United Nations Convention to Combat Desertification and the Convention on Biological Diversity to which the Community is a party, and will enhance the implementation of these international environmental agreements.

(19) This Directive should contribute to **combating** desertification, which results from **both natural and anthropogenic** degradation processes, and soil biodiversity loss, and enhance cooperation in the implementation of the United Nations Convention to Combat Desertification and the Convention on Biological Diversity to which the Community is a party, and will enhance the implementation of these international environmental agreements.

Amendment 9
ARTICLE 1, PARAGRAPH 1, INTRODUCTORY PART

1. This Directive establishes a framework for the protection of soil and the preservation of the capacity of soil **to perform any** of the following environmental, economic, social and cultural functions:

1. This Directive establishes a framework for the protection of soil **as a non-renewable resource and as a support for life processes**, and **for** the preservation of the capacity of soil **as a platform** of the following environmental, economic, social and cultural functions:

Amendment 10
ARTICLE 4 A (new)

Article 4a

Each Member State, in accordance with its climate, soil characteristics and agriculture, as well as its best agricultural practices, shall decide upon its own agricultural policy in relation to the soil.

Amendment 11
ARTICLE 4 B (new)

Article 4b

The European Commission shall promote the use of certain products that contribute most to maintaining and increasing the organic material of soils and to the prevention of desertification. Member States shall also promote the use of green fertilizers and compost that enhance the fertility and biological activity of soil.

Amendment 12

ARTICLE 6, PARAGRAPH 1, SUBPARAGRAPH 2 A (new)

Where necessary, Member States shall identify pilot areas in which to apply and test procedures used to monitor such degradation processes, including biodiversity loss and processes that can lead to desertification.

Amendment 13

ARTICLE 8, PARAGRAPH 1

1. For the purposes of preserving the soil functions referred to in Article 1(1), Member States shall in respect of the risk areas identified in accordance with Article 6, draw up, at the appropriate level, a programme of measures including at least risk reduction targets, the appropriate measures for reaching those targets, a timetable for the implementation of those measures and an estimate of the allocation of private or public means for the funding of those measures.

1. For the purposes of preserving the soil functions referred to in Article 1(1), Member States shall in respect of the risk areas identified in accordance with Article 6, draw up, at the appropriate level, a programme of measures including at least risk reduction targets ***(including precautionary measures) and, where possible, restoration targets***, the appropriate measures for reaching those targets, a timetable for the implementation of those measures and an estimate of the allocation of private or public means for the funding of those measures.

Amendment 14

ARTICLE 8, PARAGRAPH 2, SUBPARAGRAPH 1

When drawing up and revising the programmes of measures pursuant to paragraph 1, Member States shall give due consideration to the social and economic

When drawing up and revising the programmes of measures pursuant to paragraph 1, Member States shall give due consideration to the social and economic

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Programmes of measures may be based on measures already implemented at national and Community levels, such as measures relating to the common agricultural policy, without affecting the measures already implemented.

Justification

Compatibility with programmes of measures already implemented must be ensured. In particular, the measures provided for in this directive must not interfere to an excessive degree with measures already implemented in connection with the reformed CAP but must fill gaps existing in such legislation, with a view to protecting all soils against degradation and ensuring their sustainable use.

PROCEDURE

Title	Framework for the protection of soil
References	COM(2006)0232 - C6-0307/2006 - 2006/0086(COD)
Committee responsible	ENVI
Opinion by Date announced in plenary	AGRI 26.10.2006
Drafts(wo)man Date appointed	Neil Parish 5.6.2007
Previous drafts(wo)man	Markus Pieper
Discussed in committee	23.1.2007 7.5.2007 5.6.2007
Date adopted	5.6.2007
Result of final vote	+: 20 -: 13 0: 1
Members present for the final vote	Vincenzo Aita, Peter Baco, Thijs Berman, Niels Busk, Luis Manuel Capoulas Santos, Giuseppe Castiglione, Albert Deß, Gintaras Didžiokas, Carmen Fraga Estévez, Ioannis Gklavakis, Lutz Goepel, Bogdan Golik, Friedrich-Wilhelm Graefe zu Baringdorf, Esther Herranz García, Atilla Béla Ladislau Kelemen, Heinz Kindermann, Véronique Mathieu, Mairead McGuinness, Rosa Miguélez Ramos, Neil Parish, Radu Podgorean, María Isabel Salinas García, Agnes Schierhuber, Willem Schuth, Czesław Adam Siekierski, Csaba Sándor Tabajdi, Marc Tarabella, Donato Tommaso Veraldi, Andrzej Tomasz Zapalowski
Substitute(s) present for the final vote	Alejandro Cercas, José Manuel García-Margallo y Marfil, Béla Glattfelder, Milan Horáček, Jan Mulder, Markus Pieper, Zdzisław Zbigniew Podkański, Teresa Riera Madurell, Guido Sacconi
Substitute(s) under Rule 178(2) present for the final vote	María Sornosa Martínez, Daniel Caspary
	The draftsman for opinion resigned as draftsman after the vote in committee. Therefore the Chairman of the Committee on Agriculture and Rural Development acts as draftsman.