

EUROPEAN PARLIAMENT

2004



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Committee on the Environment, Public Health and Food Safety

1.8.2007

PE 390.761v03-00

AMENDMENTS 87-345 — PART I (Recitals to Article 8)

Draft report

(PE 378.893v02-00)

Cristina Gutiérrez-Cortines

Establishing a framework for the protection of soil

Proposal for a directive (COM(2006)0232 – C6-0307/2006 – 2006/0086(COD))

Draft legislative resolution

Amendment by Horst Schnellhardt, Lambert van Nistelrooij, Françoise Grossetête, Esther De Lange, Christofer Fjellner, Robert Sturdy, Neil Parish, Gunnar Hökmark, Charlotte Cederschiöld, Ivo Strejček, Anja Weisgerber, Hartmut Nassauer, Anna Ibrisagic, Jan Březina, Angelika Niebler, Markus Ferber, Othmar Karas, Struan Stevenson, Joseph Daul, Piia-Noora Kauppi, Werner Langen, Jacques Toubon, Markus Pieper, Klaus-Heiner Lehne, Béla Glattfelder, Reimer Böge, Etelka Barsi-Pataky, Karl-Heinz Florenz, Michl Ebner, Johannes Blokland, Thijs Berman, Renate Sommer, Peter Liese, Jan Mulder, Giles Chichester, James Elles and Thomas Ulmer

Amendment 87

Draft legislative resolution

The European Parliament rejects the Commission proposal.

Or. de

Justification

The proposal violates the subsidiarity principle and would involve a disproportionate amount of red tape. In addition, it takes no account of measures implemented under existing European law. There is no demarcation between this proposal and existing EU law. Measures

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already authorised under European law are criticised on the grounds that they would lead to soil degradation. In addition, the proposal provides for a harmonisation of risk assessment in connection with soil contamination with no Parliament involvement. (Schnellhardt and others)

The directive breaches agreements laid down in the Treaties and restricts the Member States' right to take action under the subsidiarity principle. (Ulmer)

Amendment by Johannes Blokland

Amendment 88

Draft legislative resolution, paragraph 1

1. ***Rejects the Commission proposal;***

Or. nl

Justification

The cross-border implications of soil policy are limited. From the point of view of subsidiarity, national soil policy should be accorded greater importance. In terms of proportionality, a directive is also too unwieldy an instrument for soil policy. The Thematic Strategy on Soil Protection should therefore suffice.

Amendment by Johannes Blokland

Amendment 89

Draft legislative resolution, paragraph 2

2. ***Requests the calling of a moratorium ('time out'), for a period to be decided, to permit progress to be made on the Thematic Strategy on Soil Protection, thus giving Member States the opportunity to establish or improve their soil policy. At the end of that period, an assessment can be made of the extent to which a directive on soil protection is relevant or necessary;***

Or. nl

Justification

It is better to call 'time out' so that the Member States can implement their soil policy on the basis of the Thematic Strategy on Soil Protection. The assessment of whether a directive is

really necessary or relevant can be carried out later. It is, of course, possible for valuable elements from this proposal for a directive to be incorporated into the Thematic Strategy.

Amendment by Johannes Blokland

Amendment 90

Draft legislative resolution, paragraph 2 a (new)

2a. *Calls, also, for specific useful elements of this proposal for a Directive on soil protection to be incorporated into the Thematic Strategy on Soil Protection;*

Or. nl

Justification

It is better to call 'time out' so that the Member States can implement their soil policy on the basis of the Thematic Strategy on Soil Protection. The assessment of whether a directive is really necessary or relevant can be carried out later. It is, of course, possible for valuable elements from this proposal for a directive to be incorporated into the Thematic Strategy.

Amendment by Hartmut Nassauer

Amendment 91

Title and citations

Proposal for a

DIRECTIVE OF **THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

establishing a framework for the protection of soil and amending Directive 2004/35/EC

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175(1) thereof,

Having regard to the proposal from the Commission,

Proposal for a

DIRECTIVE OF THE COUNCIL

establishing a framework for the protection of soil and amending Directive 2004/35/EC

(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175(2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee,

Having regard to the opinion of the European Parliament, having regard to the opinion of the European Economic and Social Committee,

Having regard to the opinion of the Committee of the Regions,

Having regard to the opinion of the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty⁴,

Whereas:

Whereas:

⁴ [...]

Or. de

Justification

Following the changes made to the Treaty of Nice, use of the decision-making procedure pursuant to Article 175(2) is compulsory in connection with 'measures affecting ... land use'. In the case of the proposal for a directive under consideration here, Articles 4 (precautionary measures), 5 (sealing), 6 et seq. (requirement to identify risk areas), 9 (prevention of soil contamination) and 13 (remediation) have a bearing on land use. Accordingly, the relevant decision-making procedure must be used.

Amendment by Péter Olajos

Amendment 92
Recital 4

(4) The Communication of the Commission to the European Parliament and the Council “Towards a Thematic Strategy on Soil Protection” identifies the main **eight** soil degradation processes to which soils in the EU are confronted. These are erosion, organic matter decline, contamination, salinisation, compaction, soil biodiversity loss, sealing, landslides and flooding. The current scientific knowledge on soil biodiversity and its behaviour is too limited to allow for specific provisions in this Directive aiming at its protection. The prevention and mitigation of the effects of floods have been addressed by the proposal for a Directive of the European Parliament and the Council on the assessment and management of floods.

(4) The Communication of the Commission to the European Parliament and the Council “Towards a Thematic Strategy on Soil Protection” identifies the **nine** main soil degradation processes to which soils in the EU are confronted. These are erosion, organic matter decline, contamination, salinisation, compaction, soil biodiversity loss, sealing, **desertification**, landslides and flooding. The current scientific knowledge on soil biodiversity and its behaviour is too limited to allow for specific provisions in this Directive aiming at its protection. The prevention and mitigation of the effects of floods have been addressed by the proposal for a Directive of the European Parliament and the Council on the assessment and management of floods.

Or. en

Amendment by Robert Sturdy

Amendment 93
Recital 6

(6) Community legislation, for instance in the fields of waste, chemicals, industrial pollution prevention and control, climate change, water, and agriculture and rural development, **includes some provisions on soil protection, but these are neither designed nor sufficient to protect all soils against all degradation processes. Hence there is a need for a coherent and effective legislative framework**, providing for common principles and objectives aiming at protection and sustainable use of soil in the Community.

(6) Community legislation, for instance in the fields of waste, chemicals, industrial pollution prevention and control, climate change, water, and agriculture and rural development, **is already contributing to soil protection and can complement this framework**, providing for common principles and objectives aiming at protection and sustainable use of soil in the Community.

Or. en

Justification

Soil use and its protection is already addressed within existing EU legislation. All current efforts to implement effective soil management strategy should be recognised within this framework.

Amendment by Lambert van Nistelrooij

Amendment 94

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 soil degradation may have serious consequences in the fields of nature protection, water protection, food safety, climate change, agriculture and areas of common interest, such as human health protection, there is a need to formulate Community targets in the field of soil policy. In this connection, however, Member States must retain the freedom to determine the content of their own policy. This 'open coordination' method forms an adequate basis for further development of soil policy in Europe. As set out in the Thematic Strategy, the Member States will be asked to take measures on a national basis. If it appears that the target has not been achieved after five years, the Commission may propose additional measures.

Or. nl

Justification

The adoption of a directive is disproportionate, since a whole range of soil protection rules already exist, such as the Water Framework Directive, the Nitrates Directive and the measures of the Natura 2000 package. The open coordination method is more appropriate here because, while it sets Community-wide targets, it offers greater freedom to the Member States.

Amendment by Hiltrud Breyer, Roberto Musacchio and Umberto Guidoni

Amendment 95

Recital 11 a (new)

(11a) The mid-term review of the common agricultural policy should establish target measures for maintaining and improving soil fertility, organic matter content and carbon sequestration capacity.

Or. en

Amendment by Gyula Hegyi

Amendment 96
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, 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. ***The use of special, environmentally friendly construction techniques and products in paving should be encouraged in urban areas.***

Or. en

Justification

Paving in urban areas has negative effects; therefore the available new, environmental friendly techniques should be used in order to mitigate these effects.

Amendment by Hiltrud Breyer, Roberto Musacchio and Umberto Guidoni

Amendment 97
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, for instance by rehabilitating brownfield sites, thus reducing the depletion of greenfield sites. ***Members States should establish incentives for industrial and urban spatial development to occur on sites already used for industrial and urban purposes, and should limit the use of greenfield sites. Member States should also ensure that regulatory frameworks for land use planning are favourable to rehabilitation and should consider establishing fast-track planning authorisation procedures for remediation.*** 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.

Or. en

Amendment by Vittorio Prodi and Alfonso Andria

Amendment 98
Recital 13 a (new)

(13a) In order to avoid consumption of virgin land, the sealing of the soil and the reduction of its functions, industrial and urban spatial planning should preferably occur on sites already affected, in the past or at present, by industrial and urban planning.

Or. en

Justification

New urban or industrial spatial planning shall preferably not involve virgin land, but sites on

which human planning activities already occurred. This would avoid consumption of virgin land and foster the cleaning up of sites already affected by human activities.

Amendment by Cristina Gutiérrez-Cortines

Amendment 99
Recital 13 a (new)

(13a) Soil acidification is an important problem in certain parts of the Community, which needs to be addressed. It is therefore necessary for Member States to take appropriate measures to ensure that inappropriate land use practices do not cause soil pH to decrease. At the same time, the characteristics of soils that are naturally acidic (e.g. peatlands) or constitute specific natural habitats should not be altered.

Or. en

Justification

Since soil acidification is an important problem in certain parts of the Community, it should be addressed in this directive. Member States should take the appropriate measures to ensure that inappropriate land use practices do not cause soil pH to decrease. The characteristics of soils that are naturally acidic or constitute specific natural habitats should not be altered.

Amendment by Hiltrud Breyer, Roberto Musacchio and Umberto Guidoni

Amendment 100
Recital 14

(14) A targeted and efficient soil protection policy should be based on the knowledge of where degradation is occurring. It is recognised that certain degradation processes, such as erosion, organic matter decline, compaction, salinisation and landslides, occur only in specific areas which are more at risk of such processes. This requires the identification of such risk areas.

(14) A targeted and efficient soil protection policy should be based on the knowledge of where degradation is occurring. It is recognised that certain degradation processes, such as erosion, organic matter decline, compaction, salinisation, ***acidification*** and landslides, occur only in specific areas which are more at risk of such processes. This requires the identification of such risk areas.

Or. en

Amendment by Horst Schnellhardt

Amendment 101
Recital 17

(17) Action is to be taken under the responsibility of Member States, at the most appropriate level, based on the establishment of risk reduction targets and programmes of measures to reach those targets.

(17) Action is to be taken under the responsibility of Member States, at the most appropriate level, based on the establishment of risk reduction targets and programmes of measures to reach those targets. ***These measures should take full account of the need to achieve the objectives laid down in Directives 1999/31/EC and 1996/61/EC.***

Or. de

Justification

The two directives referred to in the amendment already take account of aspects of soil protection. Rules which duplicate existing provisions or additional procedures for plants which have already been authorised should be avoided.

Amendment by Dorette Corbey

Amendment 102
Recital 18 a (new)

(18a) There are a large number of European directives with an influence on soil use and spatial organisation. These include the Wild Birds and Habitats Directives, the Water Framework Directive and its daughter directives, the Nitrates Directive, and the directives on noise pollution and air quality. Local and regional authorities are increasingly required to take account of European directives. The directives are often poorly coordinated with one another, with the result that their objectives sometimes conflict and their reporting requirements always vary. The value of the European directives is beyond doubt, but they deprive local and regional authorities of the ability to set their own priorities. This downgrades to mere implementation the package of tasks that the lower levels of government are called upon to carry out. It would be good if European legislation allowed local and regional government more room for their own priorities. There is consequently a need for a comprehensive framework covering land use and spatial organisation. This framework should streamline reporting requirements and give Member States the opportunity to set their own priorities, provided other countries are not harmed and the targets are met.

Or. nl

Amendment by Horst Schnellhardt

Amendment 103

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 halting desertification, which results from concurrent degradation processes, soil biodiversity loss **and the reduction in the proportion of organic matter in the soil**, 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 **and existing Community provisions**.

Or. de

Justification

Maintaining the proportion of humus in soils is an important way of combating erosion and desertification. The reintroduction of organic matter through the use of soil improvement products can lead to sustainable improvements in soil structure.

Amendment by Vittorio Prodi and Alfonso Andria

Amendment 104
Recital 21 a (new)

(21a) Member States should take measures to encourage the development of any appropriate insurance or other forms of financial security instruments and markets in order to provide effective cover for remediation obligations under this Directive.

Or. en

Justification

One of the reasons which, as of today, has hindered not only the execution of remediation activities, but also the development of a remediation industry, is the missing involvement of the banking and assurance sector in the remediation financing sector. Developing such sector would promote remediation activities thus creating benefits for the environment.

Amendment by Frieda Brepoels

Amendment 105

Recital 22

(22) In order to successfully prevent and limit risk to human health and the environment stemming from soil contamination, Member States should identify the sites which according to their assessment are posing a significant risk in this regard. Given the number of sites which are likely to be contaminated, their identification requires a systematic *step-by-step* approach. To monitor progress on the identification of the contaminated sites a timetable is needed.

(22) In order to successfully prevent and limit risk to human health and the environment stemming from soil contamination, Member States should identify the sites which according to their assessment are posing a significant risk in this regard. Given the number of sites which are likely to be contaminated, their identification requires a systematic approach. To monitor progress on the identification of the contaminated sites a timetable is needed.

Or. en

Justification

A step-by-step approach refers to a classical approach with following steps: (i) establishment of a list of potentially contaminated sites with a prioritisation scheme; (ii) investigation of all sites again with clear prioritisation of the sites that must be remediated first. The experience of several Member States shows that this is not always the most efficient method. It has proven much more effective to look for driving forces (e.g. land transfer, building permits, ...) whereby landowners or users check whether a "risk activity" has been carried out on their land.

Amendment by Frieda Brepoels

Amendment 106

Recital 23

(23) To support the identification of contaminated sites and to secure a common approach, it is **necessary** to establish a common list of activities which **can** have a **significant** potential to cause soil contamination. **This common list of potentially soil polluting activities may be complemented** by other more comprehensive lists **adopted at national level**.

(23) To support the identification of contaminated sites and to secure a common approach, it is **useful** to establish a common list of activities which have a **high** potential to cause soil contamination. **The Member States may complement that common list** by other more comprehensive lists.

Or. en

Justification

The necessity of the proposed common list is doubtful. It can be as useful to have an indicative list and a platform to exchange information between Member States on activities with high potential for soil contamination. This method offers more flexibility for Member States in two ways: (i) Member States can focus on the activities relevant for them. (ii) When soil investigations point out that a certain listed activity has a lower potential than estimated, it can be removed from the list. This is impossible if the list is put as an obligatory list in an Annex to a directive.

Amendment by Frieda Brepoels

Amendment 107 Recital 24

(24) The identification of contaminated sites should be **reflected in a national inventory of contaminated sites to be updated regularly and** made available for the public **to consult**. Previous and current efforts by Member States to identify contaminated sites should be taken into account.

(24) The identification of contaminated sites should be made available for **consultation by** the public. Previous and current efforts by Member States to identify contaminated sites should be taken into account.

Or. en

Justification

It is clear that information on contaminated sites must be available for public, but the necessity of a “national inventory of contaminated sites” is doubtful. In several Member States the responsibility for environmental policies lies with the regions and not with the national state. Any kind of register seems to be able to fulfil this need, whether it bears the

name “inventory of contaminated sites” or not.

Amendment by Frieda Brepoels

Amendment 108

Recital 25

(25) In order to assist in the rapid identification of contaminated sites, the owner of a site where, **according to official records such as national registers or cadastres**, a soil-polluting activity has taken or is taking place, or the prospective buyer should, prior to completing the land transaction, provide relevant information on the status of the soil to the competent authority and to the other party in the transaction. The provision of such information at the time when a land transaction is being planned, will help to speed up the completion of the inventory of contaminated sites. It will also make the prospective buyer aware of the state of the soil and enable him to make an informed choice.

(25) In order to assist in the rapid identification of contaminated sites, the owner of a site where, a soil-polluting activity has taken or is taking place, or the prospective buyer should, prior to completing the land transaction, provide relevant information on the status of the soil to the competent authority and to the other party in the transaction. The provision of such information at the time when a land transaction is being planned, will help to speed up the completion of the inventory of contaminated sites. It will also make the prospective buyer aware of the state of the soil and enable him to make an informed choice.

Or. en

Justification

Even if there is no information in official records (e.g. in case of illegal waste dumps), the information on soil quality is very relevant for the buyer of land. When the seller of the land has knowledge of such (illegal) activity, he should inform the buyer about this.

Amendment by Hiltrud Breyer, Roberto Musacchio, Umberto Guidoni

Amendment 109

Recital 26

(26) Taking into account the polluter pays principle, Member States should ensure that action is taken to remediate the contaminated sites identified within their national territory.

(26) Taking into account the polluter pays principle, Member States should ensure that action is taken to remediate the contaminated sites identified within their national territory.
Member States should establish in their national liability regimes processes for establishing cases where liability for funding remediation, or parts of it, should shift from one potentially liable person to another.

Or. en

Amendment by Frieda Brepoels

Amendment 110 Recital 26

(26) Taking into account the polluter pays principle, Member States should ensure that action is taken to remediate the contaminated sites identified within their ***national*** territory.

(26) Taking into account the polluter pays principle, Member States should ensure that action is taken to remediate the contaminated sites identified within their territory.

Or. en

Justification

In several Member States the power to legislate on soil lies with the regional authorities rather than the national one.

Amendment by Frieda Brepoels

Amendment 111 Recital 27

(27) A ***National*** Remediation Strategy should be established, in particular for the purposes of setting remediation targets and the order of priority in which sites should be remediated.

(27) A Remediation Strategy should be established, in particular for the purposes of setting remediation targets and the order of priority in which sites should be remediated.

Or. en

Justification

In several Member States the power to legislate on soil lies with the regional authorities rather than the national one.

Amendment by Frieda Brepoels

Amendment 112

Recital 28

(28) In those contaminated sites where the polluter cannot be found, cannot be held liable for the pollution under national or Community legislation or cannot be made to bear the costs of remediation, also known as orphan sites, **responsibility** for reducing risk to human health and the environment **should fall on the Member States**. For those purposes, Member States should put in place specific funding mechanisms to ensure a durable financial source for the remediation of such sites.

(28) In those contaminated sites where the polluter cannot be found, cannot be held liable for the pollution under national or Community legislation or cannot be made to bear the costs of remediation, also known as orphan sites, **Member States should draw up instruments** for reducing risk to human health and the environment. For those purposes, Member States should put in place specific funding mechanisms to ensure a durable financial source for the remediation of such sites.

Or. en

Justification

In several countries it is not the polluter, but the owner or user of the land who has the duty to remediate unless the owner or user can prove he fulfils a number of requirements. Even if the liable party cannot be found or made to pay the cost, this site is not an orphan site. Therefore the Member State should be allowed to put the duty to remediate on a site owner.

Amendment by Karsten Friedrich Hoppenstedt

Amendment 113

Recital 28 a (new)

(28a) This Directive has no impact on the Community budget. No new EU funds will be set up to implement the measures set out in this Directive.

Amendment by Frieda Brepoels

Amendment 114

Recital 29

(29) Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage¹ establishes that, for orphan sites, remedial action may be taken by the competent authority as a last resort. That Directive should therefore be amended in order to align it with the remediation obligations laid down in this Directive. *deleted*

¹ OJ L 143, 30.4.2004, p. 56.

Justification

There is no need to change Directive 2004/35/EC which deals with “land damage” caused after April 2007. Amending this Directive would have a much larger impact than just opening this “last resort” for orphan sites.

Amendment by Richard Seeber

Amendment 115

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. **The aim of this Directive is to establish a regulatory** framework for the protection of soil, the preservation of the functions **of the soil and, on the basis of the precautionary principle, the prevention of soil degradation and the mitigation of its consequences. This framework shall contribute to the performance of the following ecological, economic, social and cultural functions or bring those functions into being:**

Or. de

Justification

The wording of Article 1(1) is too vague to ensure that national authorities are in a position to meet their obligations regarding the central role of soil policy. For that reason, a broader wording should be proposed which makes direct reference to the precautionary principle.

Amendment by Holger Kraemer

Amendment 116

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 **sustainable use** of soil, **which is a non-renewable resource and a basis for the performance of** the following environmental, economic, social and cultural functions:

Or. de

Justification

Industrial use should be included as a soil function.

Amendment by Jutta Haug

Amendment 117

Deleted for technical reasons

Amendment by Hiltrud Breyer, Roberto Musacchio and Umberto Guidoni

Amendment 118

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 an ecosystem in its own right, as well as** the preservation of the capacity of soil to perform any of the following environmental, economic, social and cultural functions:

Or. en

Justification

It is important to underline that soil is an ecosystem in its own right which needs protection as such. The buffer capacity of soils, for example its ability to neutralise acidification, is an important soil function. If this is not sufficiently protected and the buffer capacity is lost, it will lead to loss of nutrients, damage to micro organisms and plant roots, as well as damage to the groundwater.

Amendment by Karsten Friedrich Hoppenstedt

Amendment 119

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 **sustainable use** of soil and the preservation of the capacity of soil to perform any of the following environmental, economic, social and cultural functions,

Or. de

Justification

A balance should be struck between natural and productive soil functions. In particular,

reference must be made to both public and economic use. The term 'repository of raw materials' is more accurate, since the provisions cannot be tailored solely to the natural 'emergence' of resources.

Amendment by Vittorio Prodi, Guido Sacconi

Amendment 120

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, *in its capacity as an ecosystem, the enhancement of degraded soil quality* and the preservation *and restoration* of soil *and its relative capacity* to perform any of the following environmental, economic, social and cultural functions *while ensuring sustainable use of the soil*:

Or. en

Justification

It is important to underline that soil is an ecosystem needing protection. The specific reference to a sustainable use of soil wants to stress that, being the major objectives of such directive, environmental, economic, social and cultural functions should not be in contrast with a sustainable use of soil.

Amendment by María Sornosa Martínez

Amendment 121

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:

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

Or. en

Justification

This amendment clarifies the objective of the Directive.

Amendment by Dorette Corbey and Glenis Willmott

Amendment 122

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 **which, taking into account the national and political traditions of the Member States, aims at** the protection of soil and the preservation of the capacity of soil to perform any of the following environmental, economic, social and cultural functions:

Or. en

Justification

In light of the subsidiarity principal.

Amendment by Glenis Willmott

Amendment 123

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 and the preservation of the capacity of soil to perform any of the following environmental, economic, social and cultural functions, **whilst recognising that the applicable range of functions in specific cases is dependent on the location and previous use of the soil:**

Or. en

Justification

Soil does not exhibit all of its potential functions at every location and nor is it appropriate for it to do so. For example, the 'made ground' which often forms the development platform for industry requires different functionality than an agricultural soil. This amendment makes it clear that the functionalities of soil in a defined location, consistent with the risk based

approach, are those that are important for its fit-for-purpose use, rather than the full range.

Amendment by Roberto Musacchio and Umberto Guidoni

Amendment 124

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, ***which, like water, must be considered a shared resource for mankind***, and the preservation of the capacity of soil to perform any of the following environmental, economic, social and cultural functions:

Or. it

Justification

The protection of the soil and measures to prevent its deterioration, in the same way as policies seeking to protect the planet's water resources, must be carried out by the Member States with a view to conserving what must be considered a shared resource of mankind for future generations, as indicated by the EP itself in a recent resolution.

Amendment by Richard Seeber

Amendment 125

Article 1, paragraph 1, introductory part 1 a (new)

Under the terms of this Directive, the soil performs the following functions:

1a. Natural functions:

Or. en

Justification

Re-classification of soil functions according to Article 1 of the Soil Conservation Protocol to the Alpine Convention. A balance should be established between the soil's natural and utilitarian functions.

The multi-functionality in soil protection can only be kept by permitted restraints in land use,

because any use of soil will bias or derogate other soil functions. In particular, areas for industrial and economic activities must be mentioned as functions of the soil point 3a). Additionally the term “repository of raw materials” is more apt.

Amendment by Karsten Friedrich Hoppenstedt

Amendment 126

Article 1, paragraph 1, point (-a) (new)

(-a) basis for life and habitat for animals, plants and soil organisms;

Or. de

Justification

See justification to Hoppenstedt amendment, Article 1, paragraph 1, introductory part.

Amendment by Jutta Haug

Amendment 127

Article 1, paragraph 1, point (-a) (new)

(-a) basis for life and biodiversity;

Or. de

Justification

See justification to Haug amendment, Article 1, paragraph 1, introductory part.

Amendment by Richard Seeber

Amendment 128

Article 1, paragraph 1, point (a)

(a) biomass production, including in agriculture and forestry;

deleted

Or. en

Justification

See justification to Seeber amendment, Article 1, paragraph 1, introductory part 1 a (new).

Amendment by Holger Krahrmer

Amendment 129

Article 1, paragraph 1, point (a)

(a) **biomass production, including in agriculture and forestry;**

(a) **basis for life, habitat for animals and plants and basis for biological biodiversity;**

Or. de

Justification

See justification to Krahrmer amendment, Article 1, paragraph 1, introductory part.

Amendment by Richard Seeber

Amendment 130

Article 1, paragraph 1, point (a)

(a) biomass production, **including in agriculture and forestry;**

(a) biomass production;

Or. de

Justification

See justification to Seeber amendment, Article 1, paragraph 1, introductory part.

Amendment by Richard Seeber

Amendment 131

Article 1, paragraph 1, point (b)

(b) storing, filtering and transforming **nutrients, substances and water;**

(b) storing, filtering and transforming;

Justification

See justification to Seeber amendment, Article 1, paragraph 1, introductory part 1 a (new).

Amendment by María Sornosa Martínez

Amendment 132

Article 1, paragraph 1, point (b)

(b) storing, filtering and transforming nutrients, substances and water;

(b) storing, **buffering**, filtering and transforming nutrients, **naturally occurring** substances and water; **infiltration of rainwater and replenishment of groundwater reservoirs**;

Or. en

Amendment by Hiltrud Breyer, Roberto Musacchio and Umberto Guidoni

Amendment 133

Article 1, paragraph 1, point (b)

(b) storing, filtering and transforming nutrients, substances and water;

(b) storing, filtering, **acting as a buffer, neutralising acidification** and transforming nutrients, substances and water, **and consequently contributing to a good groundwater and surface water quality; reducing the probability of extreme flooding**;

Or. en

Justification

See justification to Seeber amendment, Article 1, paragraph 1 introductory part.

Amendment by Vittorio Prodi and Guido Sacconi

Amendment 134
Article 1, paragraph 1, point (b)

(b) storing, filtering and transforming nutrients, substances and water;

(b) storing, filtering and transforming nutrients, substances and water, **as well as preserving groundwater resources**;

Or. en

Justification

Soil protection is strongly linked to groundwater resources preservation (in coordination with Directive 2006/118/EC). In nature the production of sediments is a soil function of vital importance for life and the natural dynamics of the earth crust and can play a crucial role to combat coastal erosion, while being a valuable economic material (source of sand, gravel and other material) and an important resource for agriculture (fertile alluvial deposits).

Amendment by Lambert van Nistelrooij, Markus Pieper, Esther De Lange and Neil Parish

Amendment 135
Article 1, paragraph 1, point (c)

(c) **biodiversity pool, such as habitats, species and genes**;

(c) **basis for life and habitat for animals, plants and soil organisms**;

Or. de

Justification

The protection of soil biodiversity should not form part of the subject-matter of a binding framework directive, primarily because comprehensive scientific knowledge concerning soil biodiversity and changes to that biodiversity, whether from natural or man-made causes, is not yet available. On that basis, the impact of such protection cannot be assessed and reliable monitoring is not possible. Instead, reference should be made to protection of the soil in the context of its function as the basis for life and habitat for animals, plants and soil organisms.

Amendment by Holger Kraemer

Amendment 136
Article 1, paragraph 1, point (c)

(c) *biodiversity pool, such as habitats, species and genes;*

(c) *basis for biomass production in agriculture and forestry;*

Or. de

Justification

See justification to Krahmer amendment, Article 1, paragraph 1, introductory part.

Amendment by Richard Seeber

Amendment 137

Article 1, paragraph 1, point (d)

(d) *physical and cultural environment for humans and human activities;*

deleted

Or. en

Justification

See justification to Seeber amendment, Article 1, paragraph 1, introductory part 1 a (new).

Amendment by Karsten Friedrich Hoppenstedt

Amendment 138

Article 1, paragraph 1, point (d)

(d) *physical and cultural environment for humans and human activities;*

(d) *physical and cultural environment for humans and human activities, including for towns and cities, infrastructure and other forms of public and economic use;*

Or. de

Justification

See justification to Hoppenstedt amendment, Article 1, paragraph 1, introductory part.

Amendment by Holger Krahmer

Amendment 139
Article 1, paragraph 1, point (d)

(d) physical and cultural environment for humans and human activities;

(d) physical and cultural environment for humans and human activities, ***including towns and cities and infrastructure;***

Or. de

Justification

See justification to Krahrmer amendment, Article 1, paragraph 1, introductory part.

Amendment by Richard Seeber

Amendment 140
Article 1, paragraph 1, point (e)

(e) ***source of raw materials;***

deleted

Or. en

Justification

See justification to Seeber amendment, Article 1, paragraph 1, introductory part 1 a (new).

Amendment by Holger Krahrmer

Amendment 141
Article 1, paragraph 1, point (e)

(e) ***source*** of raw materials;

(e) ***repository*** of raw materials, ***and location for transport, supply and disposal and other industrial, economic and public uses;***

Or. de

Justification

See justification to Krahrmer amendment, Article 1, paragraph 1, introductory part.

Amendment by Anja Weisgerber and Thomas Ulmer

Amendment 142
Article 1, paragraph 1, point (e)

(e) *source* of raw materials;

(e) *use of repositories* of raw materials;

Or. de

Justification

The scope of the directive should not cover soil degradation stemming solely from natural causes, since in many cases Member States have no means of taking action; the point of departure should be human activity, with additional provisions covering natural causes. Measures should be tailored exclusively to authorised future uses, rather than a full range of notional uses.

Amendment by Peter Liese and Hartmut Nassauer

Amendment 143
Article 1, paragraph 1, point (e)

(e) *source* of raw materials;

(e) *use of repositories* of raw materials;

Or. de

Justification

The function of 'source of raw materials' referred to in Article 1(1)(e) is open to misinterpretation. The term 'repository of raw materials' represents a more accurate description of the function in question. In addition, measures should not be geared solely to the presence of natural reserves of raw materials. Instead, due account should also be taken of human use of repositories of raw materials. (Liese)

Clarification of soil protection functions: the term 'source of raw materials' is open to misinterpretation, and the economic and social functions referred to in the introductory sentence must also be incorporated into the list (see German law on soil protection, Article 2(2), point 3). (Nassauer)

Amendment by Jutta Haug

Amendment 144

Article 1, paragraph 1, point (e)

(e) **source** of raw materials;

(e) **repository** of raw materials;

Or. de

Justification

See justification to Haug amendment, Article 1, paragraph 1, introductory part

Amendment by Karsten Friedrich Hoppenstedt

Amendment 145

Article 1, paragraph 1, point (e)

(e) **source** of raw materials;

(e) **repository** of raw materials;

Or. de

Justification

See justification to Hoppenstedt amendment, Article 1, paragraph 1, introductory part.

Amendment by Hartmut Nassauer

Amendment 146

Article 1, paragraph 1, point (e a) (new)

(ea) area for settlement and recreation;

Or. de

Justification

See justification to Nassauer amendment, Article 1, paragraph 1, point (a) (new).

Amendment by Hartmut Nassauer

Amendment 147

Article 1, paragraph 1, point (e b) (new)

(eb) location for agricultural and forestry use;

Or. de

Justification

See justification to Nassauer amendment, Article 1, paragraph 1, point (a) (new).

Amendment by Hartmut Nassauer

Amendment 148

Article 1, paragraph 1, point (e c) (new)

(ec) location for other economic and public uses, transport, supply and disposal;

Or. de

Justification

See justification to Nassauer amendment, Article 1, paragraph 1, point (a) (new).

Amendment by Richard Seeber

Amendment 149

Article 1, paragraph 1, subparagraph 1 b (new)

(g) archive of geological and archeological heritage.

1b. Archive of geological and archeological heritage.

Or. en

Justification

See justification to Seeber amendment, Article 1, paragraph 1, introductory part 1 a (new).

Amendment by Richard Seeber

Amendment 150

Article 1, paragraph 1, subparagraph 1 c (new)

1c. Functions as:

(a) a repository of raw materials and a location for other industrial, economic and public uses, transport, supply and distribution, and water and waste disposal;

(b) a physical and cultural environment for humans and human activities;

(c) biomass production, including in agriculture and forestry.

Or. en

Justification

See justification to Seeber amendment, Article 1, paragraph 1, introductory part 1 a (new).

Amendment by Vittorio Prodi and Guido Sacconi

Amendment 151

Article 1, paragraph 1, point (g)

(g) archive of geological and archeological heritage.

(g) archive of geological, **cultural** and archeological heritage;

Or. en

Justification

See justification to Prodi/Guidoni amendment, Article 1, paragraph 1, point (b).

Amendment by Richard Seeber

Amendment 152

Article 1, paragraph 1, point (g)

(g) archive of geological and archeological heritage.

(g) archive of geological, **geomorphological** and archaeological heritage.

Or. de

Justification

See justification to Seeber amendment, Article 1, paragraph 1, introductory part.

Amendment by Holger Krahmer

Amendment 153

Article 1, paragraph 1, point (g)

(g) archive of geological and archeological heritage.

(g) archive of geological, ***geomorphological*** and archeological heritage.

Or. de

Justification

See justification to Krahmer amendment, Article 1, paragraph 1, introductory part.

Amendment by Jutta Haug

Amendment 154

Article 1, paragraph 1, point (g a) (new)

(ga) location for public and economic uses.

Or. de

Justification

See justification to Haug amendment, Article 1, paragraph 1, introductory part.

Amendment by Vittorio Prodi and Guido Sacconi

Amendment 155

Article 1, paragraph 1, point (ga) (new)

(ga) source of sediments.

Or. en

Justification

See justification to Prodi/Sacconi amendment, Article 1, paragraph 1, point (b).

Amendment by Roberto Musacchio and Umberto Guidoni

Amendment 156
Article 1, paragraph 1 a (new)

1a For this purpose it is necessary, with the help and agreement of all the Member States, to define quality indicators for soil applicable at European level so as to guarantee monitoring and continuation of its environmental functions within the climatic cycle.

Or. it

Justification

Under the principle of subsidiarity, the Member States should contribute to the definition at European level of joint quality indicators, such as those regarding suitability or non-suitability for development so as to facilitate the common protection of podological and/or organic properties and continue to implement an effective policy seeking to avert and mitigate the effects of climate change.

Amendment by Holger Kraemer

Amendment 157
Article 1, paragraph 1, subparagraph 2

To that end, it lays down measures *for the prevention of soil degradation processes, both occurring naturally and caused by a wide range of human activities, which undermine the capacity of a soil to perform those functions*. Such measures include the mitigation of the effects of those processes, and the restoration and remediation of degraded soils to a level of functionality consistent *at least* with *the current and approved future* use.

To that end, it lays down measures *with the aim of ensuring that, as far as possible, activities do not give rise to lasting, serious and significant impairments of natural soil functions, or that where impairments are inevitable they are kept to a minimum, or that, following use, soil is restored to a state in which another function is possible*. Such measures include the mitigation of the effects of those processes, and the restoration and remediation of degraded soils to a level of functionality consistent with use.

Or. de

Justification

See justification to Kraemer amendment, Article 1, paragraph 1, introductory part.

Amendment by Lambert van Nistelrooij, Markus Pieper, Esther De Lange and Neil Parish

Amendment 158

Article 1, paragraph 1, subparagraph 2

To that end, it lays down measures for the prevention of *soil degradation processes, both occurring naturally and* caused by a wide range of human activities, which undermine the capacity of a soil to perform those functions. Such measures include the mitigation of the effects of those processes, and the restoration and remediation of degraded soils to a level of functionality consistent *at least* with the current and approved future use.

To that end, it lays down measures for the prevention *and lessening of the lasting and serious* degradation *of the state of the soil* caused by a wide range of human activities, which undermine the capacity of a soil to perform those functions. Such measures include the mitigation of the effects of those processes, and the restoration and remediation of degraded soils to a level of functionality consistent with the current and approved future use. *When the measures are enacted, the functions referred to shall be weighed up against one another.*

Or. de

Justification

In addition to prevention, the lessening of soil degradation should be part of the subject-matter of the directive, since in many cases prevention is impossible or disproportionate. In

addition, the directive should cover only lasting and serious instances of soil degradation, so that when implementing the directive the competent authorities in the Member States are not unnecessarily burdened with minor tasks.

Natural causes are excluded, primarily because in many cases the costs are incalculable or there is no scope for action.

Amendment by Elisabeth Jeggle

Amendment 159

Article 1, paragraph 1, subparagraph 2

To that end, it lays down measures for the prevention of soil degradation processes, ***both occurring naturally and*** caused by a wide range of human activities, which ***undermine*** the capacity of a soil to perform those functions. Such measures include the mitigation of the effects of those processes, and the restoration and remediation of degraded soils to a level of functionality consistent at least with the current and approved future use.

To that end, it lays down measures for the prevention of soil degradation processes, caused by a wide range of human activities, ***with due account also being taken of natural causes,*** which ***seriously impair*** the capacity of a soil to perform those functions. Such measures include the mitigation of the effects of those processes, and the restoration and remediation of degraded soils to a level of functionality consistent at least with the current and approved future use.

Or. de

Justification

The directive should not cover only soil degradation stemming from natural causes. The point of departure should be human activities, with due account also being taken of natural causes.

Amendment by Jutta Haug

Amendment 160

Article 1, paragraph 1

To that end, it lays down measures for the prevention of soil degradation processes, **both occurring naturally and** caused by a wide range of human activities, which undermine the capacity of a soil to perform those functions. Such measures include the mitigation of the effects of those processes, and the restoration and remediation of degraded soils to a level of functionality consistent at least with the current and approved future use.

To that end, it lays down measures for the prevention of soil degradation processes, caused by a wide range of human activities, **with due account also being taken of natural causes**, which undermine the capacity of a soil to perform those functions. Such measures include the mitigation of the effects of those processes, and the restoration and remediation of degraded soils to a level of functionality consistent at least with the current and approved future use.

Or. de

Justification

See justification to Haug amendment, Article 1, paragraph 1, introductory part.

Amendment by Thomas Ulmer

Amendment 161

Article 1, paragraph 1, subparagraph 2

To that end, it lays down measures for the prevention of soil degradation processes, **both occurring naturally and** caused by a wide range of human activities, which **undermine** the capacity of a soil to perform those functions. Such measures include the mitigation of the effects of those processes, and the restoration and remediation of degraded soils to a level of functionality consistent at least with the current and approved future use.

To that end, it lays down measures for the prevention of soil degradation processes caused by a wide range of human activities, which **impair** the capacity of a soil to perform those functions. Such measures include the mitigation of the effects of those processes, and the restoration and remediation of degraded soils to a level of functionality consistent at least with the current and approved future use.

Or. de

Justification

The directive should not cover only soil degradation stemming from natural causes. The point of departure should be human activities, with due account also being taken of natural causes.

Amendment by Renate Sommer and Peter Liese

Amendment 162

Article 1, paragraph 1, subparagraph 2

To that end, it lays down measures for the prevention of soil degradation processes, **both occurring naturally and** caused by a wide range of human activities, which **undermine** the capacity of a soil to perform those functions. Such measures include the mitigation of the effects of those processes, and the restoration and remediation of degraded soils to a level of functionality consistent at least with the current and approved future use.

To that end, it lays down measures for the prevention of soil degradation processes, caused by a wide range of human activities, **with due account also being taken of natural causes**, which **seriously impair** the capacity of a soil to perform those functions. Such measures include the mitigation of the effects of those processes, and the restoration and remediation of degraded soils to a level of functionality consistent at least with the current and approved future use.

Or. de

Justification

The objective of Article 1 should fall within the scope of the environmental liability directive (Directive 2004/35/EC). The German translation of the relevant term, 'approved future use', has not been taken over unchanged, giving rise to the fear that the directive is intended to cover any future change in use, so that remediation requirements must repeatedly be complied with. In that connection, it is proposed that the wording from the German translation of the environmental liability directive should be taken over.

Amendment by Anja Weisgerber and Thomas Ulmer

Amendment 163

Article 1, paragraph 1, subparagraph 2

To that end, it lays down measures for the prevention of soil degradation processes, **both occurring naturally and** caused by a wide range of human activities, which **undermine** the capacity of a soil to perform those functions. Such measures include the mitigation of the effects of those processes, and the restoration and remediation of degraded soils to a level of functionality consistent at least with the current and approved future use.

To that end, it lays down measures for the prevention of soil degradation processes, and caused by a wide range of human activities, **taking due account of natural causes**, which **impair** the capacity of a soil to perform those functions. Such measures include the mitigation of the effects of those processes, and the restoration and remediation of degraded soils to a level of functionality consistent at least with the current and approved future use.

Or. de

Justification

The scope of the directive should not cover soil degradation stemming solely from natural causes, since in many cases Member States have no means of taking action; the point of departure should be human activity, with additional provisions covering natural causes. Measures should be tailored exclusively to authorised future uses, rather than a full range of notional uses.

Amendment by Hartmut Nassauer

Amendment 164

Article 1, paragraph 1, subparagraph 2

To that end, it lays down measures for the prevention of **soil** degradation **processes**, **both occurring naturally and** caused by a wide range of human activities, which undermine the capacity of a soil to perform those functions. Such measures include the mitigation of the effects of those processes, and the restoration and remediation of degraded soils to a level of functionality consistent at least with the current and approved future use.

To that end, it lays down measures for the prevention of **the lasting, serious and significant degradation of the soil**, caused by a wide range of human activities, **taking due account of natural causes**, which undermine the capacity of a soil to perform those functions. Such measures include the mitigation of the effects of those processes, and the restoration and remediation of degraded soils to a level of functionality consistent at least with the current and approved future use.

Or. de

Justification

Not all the soil functions referred to can consistently be performed at the same time; one

function may temporarily rule out the performance of another. The degree to which soil degradation is lasting and serious should determine whether measures are required.

Amendment by Richard Seeber

Amendment 165

Article 1, paragraph 1, subparagraph 2

To that end, it lays down measures for the prevention of soil degradation processes, ***both occurring naturally and*** caused by a wide range of human activities, which undermine the capacity of a soil to perform those functions. Such measures include the mitigation of the effects of those processes, and the restoration and remediation of degraded soils to a level of functionality consistent at least with the current and approved future use.

To that end, it lays down measures for the prevention of soil degradation processes, caused by a wide range of human activities, which undermine the capacity of a soil to perform those functions. Such measures include the mitigation of the effects of those processes, and the restoration and remediation of degraded soils to a level of functionality consistent at least with the current and approved future use. ***The measures must be proportionate and appropriate and implemented in such a way that the basic property rights are safeguarded.***

Or. de

Justification

The text proposed in subparagraph 2 is consistent with existing directives. The directive should focus on problems caused by human activities, since natural causes are largely outside human control.

Amendment by Hiltrud Breyer, Roberto Musacchio and Umberto Guidoni

Amendment 166

Article 1, paragraph 1, subparagraph 2

To that end, it lays down measures for the prevention of soil degradation processes, both occurring naturally and caused by a wide range of human activities, which undermine the capacity of a soil to perform those functions. Such measures include the mitigation of the effects of those processes, and the restoration and remediation of degraded soils to ***a level of functionality consistent at least with the current and approved future use.***

To that end, it lays down measures for the prevention of soil degradation processes, both occurring naturally and caused by a wide range of human activities, which undermine the capacity of a soil to perform those functions. Such measures include the mitigation of the effects of those processes, and the restoration and remediation of degraded soils to ***near zero or to natural background concentrations.***

Or. en

Justification

See justification to Breyer/Musacchio/Guidoni amendment, Article 1, paragraph 1, introductory part.

Amendment by Lambert van Nistelrooij

Amendment 167

Article 1, paragraph 1, subparagraph 2

To that end, it lays down measures for the prevention of soil degradation processes, both occurring naturally and caused by a wide range of human activities, which undermine the capacity of a soil to perform those functions. Such measures include the mitigation of the effects of those processes, and ***the restoration and remediation*** of degraded soils to a level of functionality consistent ***at least*** with the current and approved future use.

To that end, it lays down measures for the prevention of soil degradation processes, both occurring naturally and caused by a wide range of human activities, which undermine the capacity of a soil to perform those functions. Such measures include the mitigation of the effects of those processes, and ***enhancement of the quality*** of degraded soils to a level of functionality consistent with the current and approved future use.

Or. en

Justification

To avoid unrealistic attempts to restore soils to a level before cultivation or even civilisation started and to ensure that objective standards will be set at similar levels in all Member States.

Amendment by Robert Sturdy

Amendment 168

Article 1, paragraph 1, subparagraph 2

To that end, it lays down measures for the prevention of soil degradation processes, both occurring naturally and caused by a wide range of human activities, which undermine the capacity of a soil to perform those functions. Such measures include the mitigation of the effects of those processes, and the restoration and remediation of degraded soils to a level of functionality consistent at least with the current and approved future use.

To that end, it lays down measures for the prevention **and control** of soil degradation processes, both occurring naturally and caused by a wide range of human activities, which undermine the capacity of a soil to perform those functions. Such measures include the mitigation of the effects of those processes, and the restoration and remediation of degraded soils to a level of functionality consistent at least with the current and approved future use.

Or. en

Justification

When setting up the scope of the Directive, the wording of Article 1 should avoid giving the wrong impression that soil degradation processes can always and in every case be totally prevented. The Directive should take into account that in many cases, soil degradation processes can at best be controlled.

Amendment by Miroslav Ouzký

Amendment 169

Article 1, paragraph 1, subparagraph 2

To that end, it lays down measures for the prevention of soil degradation processes, both occurring naturally and caused by a wide range of human activities, which undermine the capacity of a soil to perform those functions. Such measures include the mitigation of the effects of those processes, and the restoration and remediation of degraded soils to a level of functionality consistent at least with the current and approved future use.

To that end, it lays down measures for the prevention **and control** of soil degradation processes, both occurring naturally and caused by a wide range of human activities, which undermine the capacity of a soil to perform those functions. Such measures include the mitigation of the effects of those processes, and the restoration and remediation of degraded soils to a level of functionality consistent at least with the current and approved future use.

Justification

When setting up the scope of the Directive, the wording of Article 1 should avoid giving the wrong impression that soil degradation processes can always and in every case be totally prevented. The Directive should take into account that in many cases, soil degradation processes can at best be controlled.

Amendment by María Sornosa Martínez

Amendment 170

Article 1, paragraph 1, subparagraph 2

To that end, it lays down measures for the prevention of soil degradation processes, both occurring naturally and caused by a wide range of human activities, which undermine the capacity of a soil to perform those functions. Such measures include the mitigation of the effects of those processes, and the restoration and remediation of degraded soils to a level of functionality consistent at least with the current and approved future use.

To that end, it lays down measures for the prevention of soil degradation processes, both occurring naturally and caused by a wide range of human activities, which undermine the capacity of a soil to perform those functions. Such measures include the mitigation of the effects of those processes, and the restoration and remediation of degraded soils to a level of functionality consistent at least with the current and approved future *sustainable* use.

Justification

It clarifies its aim for a sustainable use of the soil.

Amendment by Dorette Corbey and Glenis Willmott

Amendment 171

Article 1, paragraph 1, subparagraph 2 a (new)

The measures for prevention, mitigation, restoration and remediation shall be obligatory only if they concern cross-border problems.

Justification

In light of the subsidiarity principal.

Amendment by Hartmut Nassauer

Amendment 172
Article 1, paragraph 2

2. This Directive shall apply to soil forming the top layer of the earth's crust ***situated between the bedrock and the surface***, excluding groundwater as defined in Article 2(2) of Directive 2000/60/EC of the European Parliament and of the Council.

2. This Directive shall apply to soil forming the top layer of the earth's crust ***provided that it performs the functions referred to in Article 1(1)***, excluding ***waterbeds and*** groundwater as defined in Article 2(2) of Directive 2000/60/EC of the European Parliament and of the Council.

Justification

1. The amendment would relate the scope of the soil protection provided to the functions performed.

2. Waterbeds fall within the scope of the Water Framework Directive and so should also be covered by the exclusion clause.

3. To avoid duplication and conflict with other legal provisions, there should be clear demarcation between the scope of this and existing directives.

Amendment by Thomas Ulmer, Elisabeth Jeggle, Jutta Haug, Anja Weisgerber and Thomas Ulmer

Amendment 173
Article 1, paragraph 2

2. This Directive shall apply to soil forming the top layer of the earth's crust situated between the bedrock and the surface, excluding groundwater as defined in Article 2(2) of Directive 2000/60/EC of the European Parliament and of the Council.

2. This Directive shall apply to soil forming the top layer of the earth's crust situated between the bedrock and the surface, **including the liquid (soil solution) and gaseous (soil air) components and**, excluding groundwater as defined in Article 2(2) of Directive 2000/60/EC of the European Parliament and of the Council **and waterbeds**.

Or. de

Justification

The scope of the directive should also cover the gaseous (soil air) and liquid (soil solution) components of soil, in order to rule out loopholes and prevent demarcation problems arising (e.g. with the Water Framework Directive - Directive 2000/60/EC, OJ L 327, 22.12.2000, p. 1). (Ulmer + Jeggle)

A comprehensive definition of soil can be provided only by making clear that soil must be understood as comprising also liquid and gaseous components (Haug).

The scope of the directive should be clarified in such a way that it is clearly understood that soil also comprises its liquid components (soil solution) not covered by the Water Framework Directive (Directive 2000/60/EC), with a view to ruling out loopholes and preventing demarcation problems. The same applies to the gaseous components of soil (soil air), which likewise are not currently governed by any provisions of European law. The amendment also makes clear that waterbeds are covered by the provisions of the Water Framework Directive. (Weisgerber/Ulmer)

Amendment by Vittorio Prodi

Amendment 174 Article 1, paragraph 2

2. This Directive shall apply to soil **forming the top layer of the earth's crust situated between the bedrock and the surface, excluding groundwater** as defined in Article 2(2) of Directive 2000/60/EC of the European Parliament and of the Council.

2. This Directive shall apply to soil **as defined in Article 2. Groundwater**, as defined in Article 2(2) of Directive 2000/60/EC of the European Parliament and of the Council, **shall be covered by Directive 2006/118/EC**.

Or. en

Justification

Soil, as the top layer of the Earth crust situated between the substrate and the surface, cannot be disconnected from groundwaters which are part of the pores of the soil fabric: for this reason it is not possible to totally exclude groundwater from the directive but a clear link with existing Community legislation is needed.

Amendment by Renate Sommer and Peter Liese

Amendment 175
Article 1, paragraph 2

2. This Directive shall apply to soil forming the top layer of the earth's crust situated between the bedrock and the surface, excluding groundwater as defined in Article 2(2) of Directive 2000/60/EC of the European Parliament and of the Council.

2. This Directive shall apply to soil forming the top layer of the earth's crust situated between the bedrock and the surface, ***including the liquid (soil solution) and gaseous (soil air) components and excluding groundwater and waterbeds*** as defined in Article 2(2) of Directive 2000/60/EC of the European Parliament and of the Council.

Or. de

Justification

The scope of the directive should be clarified in such a way that it is clearly understood that soil also comprises its liquid components (soil solution) not covered by the Water Framework Directive (Directive 2000/60/EC), with a view to ruling out loopholes and preventing demarcation problems.

The same applies to the gaseous components of soil (soil air), which likewise are not currently governed by any provisions of European law.

The amendment also makes clear that waterbeds are covered by the provisions of the Water Framework Directive.

Amendment by Dorette Corbey

Amendment 176
Article 1, paragraph 2

2. This Directive shall apply to soil forming the top layer of the earth's crust situated between the bedrock and the surface, excluding groundwater as defined in Article 2(2) of Directive 2000/60/EC of the European Parliament and of the Council.

2. This Directive shall apply to soil forming the top layer of the earth's crust situated between the bedrock and the surface, excluding groundwater as defined in Article 2(2) of Directive 2000/60/EC of the European Parliament and of the Council **and to soil which is normally covered by a body of surface water, including sediments.**

Or. nl

Justification

Soil in bodies of surface water and sediments is covered by the provisions of the Water Framework Directive (2000/60/EC). Accordingly, the prevention of pollution of such soils and sediments is already dealt with by that Framework Directive. The application of different directives to the same subject matter leads to a lack of clarity and is not conducive to better protection. This amendment is thus also in line with the principles of better and simpler regulation.

Amendment by Karsten Friedrich Hoppenstedt

Amendment 177
Article 1, paragraph 2

2. This Directive shall apply to soil forming the top layer of the earth's crust **situated between the bedrock and the surface**, excluding groundwater as defined in Article 2(2) of Directive 2000/60/EC of the European Parliament and of the Council.

2. This Directive shall apply to soil forming the top layer of the earth's crust, **provided that it performs the functions referred to in paragraph 1**, excluding groundwater as defined in Article 2(2) of Directive 2000/60/EC of the European Parliament and of the Council **and waterbeds.**

Or. de

Justification

A purely spatial/scientific definition of soil would not seem to be appropriate, since in the context of this directive the functional components of soil are the decisive factors. The amendment also makes clear that waterbeds are covered by the provisions of the Water Framework Directive, and thus likewise fall outside the scope of the Soil Framework Directive.

Amendment 178
Article 1, paragraph 2

2. This Directive shall apply to soil forming the top layer of the earth's crust situated between the bedrock and the surface, excluding groundwater as defined in Article 2(2) of Directive 2000/60/EC of the European Parliament and of the Council.

2. This Directive shall apply to soil forming the top layer of the earth's crust situated between the bedrock and the surface, ***provided it performs the functions referred to in this Article***, excluding groundwater ***and waterbeds*** as defined in Article 2(2) of Directive 2000/60/EC of the European Parliament and of the Council.

Or. de

Justification

The scope of the directive is restricted to those cases in which the soil performs the functions referred to in this article.

Waterbeds are covered by the provisions of the Water Framework Directive and are therefore excluded from the scope of the Soil Framework Directive, with a view to avoiding any duplication of provisions.

Amendment by Peter Liese

Amendment 179
Article 1, paragraph 2

2. This Directive shall apply to soil forming the top layer of the earth's crust situated between the bedrock and the surface, excluding groundwater as defined in Article 2(2) of Directive 2000/60/EC of the European Parliament and of the Council.

2. This Directive shall apply to soil forming the top layer of the earth's crust situated between the bedrock and the surface, ***provided that it performs the functions referred to in paragraph 1***, excluding groundwater as defined in Article 2(2) of Directive 2000/60/EC of the European Parliament and of the Council ***and waterbeds***.

Or. de

Justification

Soil should fall within the scope of the directive only if it actually performs the functions referred to in Article 1(1). In addition, along with groundwater waterbeds should also be excluded from the scope of the directive, since they are covered by the provisions of the Water Framework Directive.

Amendment by Johannes Blokland

Amendment 180
Article 1, paragraph 2

2. This Directive shall apply to soil forming the top layer of the earth's crust situated between the bedrock and the surface, excluding groundwater as defined in Article 2(2) of Directive 2000/60/EC of the European Parliament and of the Council.

2. This Directive shall apply to soil forming the top layer of the earth's crust situated between the bedrock and the surface, excluding groundwater as defined in Article 2(2) of Directive 2000/60/EC of the European Parliament and of the Council ***and to soil which is normally covered by a body of surface water, including sediments.***

Or. nl

Justification

Soil in bodies of surface water and sediments is covered by the provisions of the Water Framework Directive (2000/60/EC). Accordingly, the prevention of pollution of such soils and sediments is already dealt with by that Framework Directive. The application of different directives to the same subject matter leads to a lack of clarity and is not conducive to better protection. This amendment is thus also in line with the principles of better and simpler regulation.

Amendment by María Sornosa Martínez

Amendment 181
Article 1, paragraph 2

2. This Directive shall apply to soil forming the top layer of the earth's crust situated between the bedrock and the surface, excluding groundwater as defined in Article 2(2) of Directive 2000/60/EC of the European Parliament and of the Council.

2. This Directive shall apply to soil forming the top layer of the earth's crust situated between the bedrock and the surface, ***including bedrock exposures important for the geological heritage function but*** excluding groundwater as defined in Article 2(2) of Directive 2000/60/EC of the European Parliament and of the Council

Justification

Without this addition a large percentage of geological heritage is excluded from the soil directive.

Amendment by Hartmut Nassauer

Amendment 182

Article 1, paragraph 2 a (new)

2a. Soil protection provisions contained in other European Community legislation shall take precedence over the provisions of this directive. This shall apply, in particular, to activities falling within the scope of Directive 1996/61/EC concerning integrated pollution prevention and control, Directive 2006/12/EC on waste and its daughter directives (particularly Directive 1999/31/EC on the landfill of waste), Directive 2006/21/EC on the management of waste from extractive industries, Directive 91/414/EEC concerning the placing of plant protection products on the market or Directive 2000/60/EC establishing a framework for Community action in the field of water policy and its daughter directives, if they contain provisions relating to soil protection.

Or. de

Justification

1. The amendment would relate the scope of the soil protection provided to the functions performed.

2. Waterbeds fall within the scope of the Water Framework Directive and so should also be covered by the exclusion clause.

3. To avoid duplication and conflict with other legal provisions, there should be clear demarcation between the scope of this and existing directives.

Amendment by Peter Liese

Amendment 183
Article 1, paragraph 2 a (new)

2a. Soil protection provisions contained in other European Community legislation shall take precedence over the provisions of this Directive. This shall apply, in particular, to Directive 1996/61/EC concerning integrated pollution prevention and control, Directive 1996/82/EC on the control of major-accident hazards involving dangerous substances, Directive 2006/12/EC on waste and its daughter directives (particularly Directive 1999/31/EC on the landfill of waste), Directive 2006/21/EC on the management of waste from extractive industries, Directive 91/414/EEC concerning the placing of plant protection products on the market or Directive 2000/60/EC establishing a framework for Community action in the field of water policy and its daughter directives.

Or. de

Justification

With a view to preventing the adoption of contradictory provisions and to simplifying procedures, a provision is needed which establishes clear demarcation between the scope of this directive and other EC directives, in particular the waste framework directive (2975/442/EEC), the waste dumps directive (1999/31/EC), the plant protection directive (91/414/EC), the directive on the management of waste from extractive industries (2006/21/EC) and the directive on integrated pollution prevention and control (1996/61/EC).

Amendment by Lambert van Nistelrooij, Esther De Lange and Neil Parish

Amendment 184

Article 1, paragraph 2 a (new)

2a. Soil protection provisions contained in other European Community legislation shall take precedence over the provisions of this Directive. This shall apply, in particular, to activities falling within the scope of Directive 1996/61/EC concerning integrated pollution prevention and control, Directive 2006/12/EC on waste and its daughter directives (particularly Directive 1999/31/EC on the landfill of waste), Directive 2006/21/EC on the management of waste from extractive industries, Directive 91/414/EEC concerning the placing of plant protection products on the market, Directive 2001/18/EC on the deliberate release into the environment of genetically modified organisms, Regulation (EC) No 1829/2003 on genetically modified food and feed, Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs or Directive 2000/60/EC establishing a framework for Community action in the field of water policy and its daughter directives, if they contain provisions relating to soil protection.

Or. de

Justification

The new paragraph 3 governs the demarcation between the scope of this directive and that of existing legislation which contains soil protection provisions. It is needed to prevent duplication of, and conflict with, other legal provisions, and for reasons of legal clarity and certainty.

Amendment by Karsten Friedrich Hoppenstedt

Amendment 185

Article 1, paragraph 2 a (new)

2a. This Directive shall not apply to areas of land in respect of which, prior to the [date of entry into force of the Directive], by agreement with the competent authorities, remediation decisions have been taken or remediation has already been completed, so that the areas of land in question pose no significant danger to human health or the environment.

Or. de

Justification

In order to guarantee bodies and individuals who have already carried out remediation measures legal certainty in respect of such completed measures, and with a view to preventing abuses of trust, the directive should contain a provision laying down a time-limit regarding its application. Repeated recourse to the provisions of the Directive would be disproportionate.

Amendment by Anja Weisgerber and Thomas Ulmer

Amendment 186

Article 1, paragraph 2 a (new)

2a. Soil protection provisions contained in other European Community legislation shall take precedence over the provisions of this Directive. This shall apply, in particular, to Directive 1996/61/EC concerning integrated pollution prevention and control, Directive 1996/82/EC on the control of major-accident hazards involving dangerous substances, Directive 2006/12/EC on waste and its daughter directives, Directive 2006/21/EC on the management of waste from extractive industries, Directive 91/414/EEC concerning the placing of plant protection products on the market or Directive 2000/60/EC establishing a framework for Community action in the field of water policy and its daughter directives.

Justification

With a view to preventing the adoption of contradictory provisions and to simplifying procedures, a provision is needed which clearly establishes demarcation between the scope of this directive and that of other EC directives.

Amendment by Karsten Friedrich Hoppenstedt

Amendment 187

Article 1, paragraph 2 b (new)

2b. The provisions of Articles 4 to 14 shall not apply to areas whose use is admissible or has been approved pursuant to existing Community legislation, or whose use is subject to ongoing scrutiny by the Member States. This shall apply in particular if other European Community legislation contains soil protection provisions. Those provisions shall take precedence over this Directive.

If there are duly substantiated grounds for suspecting that the soil in some parts of these areas may be seriously contaminated with dangerous substances, as a result of earlier (or historic) use, Articles 10 and 11 shall apply to the parts of the areas concerned.

Justification

There must be clear demarcation between the scope of this directive and that of other directives containing soil protection provisions, in order to avoid duplication of provisions.

Amendment by Lambert van Nistelrooij, Esther De Lange and Neil Parish

Amendment 188

Article 1, paragraph 2 b (new)

2b. The use of approved fertilisers and soil improvement products for the purposes of fertilisation or soil improvement shall not fall within the scope of this Directive. This shall also apply if these products were manufactured from faecal matter, straw or other natural, non-hazardous and agricultural or forestry materials, biowaste or treated sewage, and where these materials were used for energy generation and were not transformed in such a way that spreading them on the soil would be damaging to the environment or human health.

Or. de

Justification

The new paragraph 4 is needed to prevent duplication of and contradictions between legislative provisions and on grounds of legal clarity and certainty.

Paragraph 4 explicitly stipulates that the Soil Framework Directive does not apply to the use of fertilisers, since otherwise the balance between soil protection considerations and other important considerations struck in the relevant European Community and Member State legislation would be called into question.

Amendment by Karsten Friedrich Hoppenstedt and Jutta Haug

Amendment 189
Article 2, point (1)

Does not apply to English text

Or. de

Justification

Does not apply to English text

Amendment by Vittorio Prodi and Guido Sacconi

Amendment 190
Article 2, point (1 a) (new)

(1a) ‘soil’ means a natural substance comprised of solids (minerals and organic matter), liquids, gases and living organisms, that is found on the land surface, occupies space and is characterised by horizons, or layers, that are distinguishable from the parent material and/or by the ability to support rooted plants in a natural environment. The upper limit of soil is atmosphere, shallow water or vegetation. The lower limit of soil is normally the lower limit of biologic activity. That limit may extend to deep rock and deep water tables as correlated to the environmental threats to be counteracted;

Or. en

Justification

A definition of soil is strongly needed to identify a shared field of application of this directive and to avoid the risk of uncertainty and confusion with the object of other EU directives.

Amendment by Hiltrud Breyer, Roberto Musacchio and Umberto Guidoni

Amendment 191
Article 2, point (2)

(2) ‘dangerous substances’ means substances or preparations within the meaning of Council Directive 67/548/EC and Directive 1999/45/EC of the European Parliament and of the Council.

(2) ‘dangerous substances’ means substances or preparations within the meaning of Council Directive 67/548/EC³ and Directive 1999/45/EC of the European Parliament and of the Council, ***including substances having persistent and bio-accumulative and toxic properties or very persistent and very bio-accumulative properties as well as radioactive substances.***

Or. en

Justification

Dioxins and furans are not explicitly included in the chemical legislation referred to (as they are not intentionally produced) however it is necessary to include them in the scope of this Directive to comply with the provisions in Article 6 of the Stockholm Convention (POPs Convention) as regards the identification of POP-contaminated sites .

Amendment by Karsten Friedrich Hoppenstedt

Amendment 192
Article 2, point (2)

(2) ‘dangerous substances’ means substances or preparations within the meaning of Council Directive 67/548/EEC and Directive 1999/45/EC of the European Parliament and of the Council.

(2) ‘dangerous substances’ means substances or preparations within the meaning of Council Directive 67/548/EEC and Directive 1999/45/EC of the European Parliament and of the Council ***which may have a damaging impact on the soil functions referred to Article 1(1).***

Or. de

Justification

The definition of dangerous substances must be linked to the soil functions referred to in Article 1.

Amendment by Hartmut Nassauer

Amendment 193
Article 2, point (2)

(2) ‘dangerous substances’ means substances or preparations within the meaning of Council Directive 67/548/EEC and Directive 1999/45/EC of the European Parliament and of the Council.

(2) ‘dangerous substances’ means substances or preparations within the meaning of Council Directive 67/548/EEC and Directive 1999/45/EC of the European Parliament and of the Council ***which may have a damaging impact on soil functions and can be reliably analysed.***

Or. de

Justification

Not all the substances referred to in the directives cited in this point are necessarily damaging to the soil. Accordingly, the decisive criterion is not the inherent characteristics of a substance, but rather the fact that it may have a damaging impact on soil functions.

Amendment by María Sornosa Martínez

Amendment 194
Article 2, point (2)

(2) ‘dangerous substances’ means substances or preparations within the meaning of Council Directive 67/548/EC and Directive 1999/45/EC of the European Parliament and of the Council.

(2) ‘dangerous substances’ means substances or preparations within the meaning of Council Directive 67/548/EC and Directive 1999/45/EC of the European Parliament and of the Council ***which may cause harmful effects to human health, to the environment or to soil functions.***

Or. en

Justification

The relation with the harmful effects to human health, the environment or to the soil functions should be clarified.

Amendment by Karsten Friedrich Hoppenstedt

Amendment 195
Article 2, point (2 a) (new)

(2a) 'land users' means persons who perform actions which have a direct or indirect impact on the soil or who plan or commission actions which have an impact on the soil.

Or. de

Justification

The concept of 'land user' is of decisive importance in connection with precautionary measures and should therefore be defined.

Amendment by Renate Sommer and Peter Liese

Amendment 196
Article 2, point (2 a) (new)

(2a) 'land users' means persons who perform actions which have a direct or indirect impact on the soil or who plan or commission actions which have an impact on the soil.

Or. de

Justification

Articles 1 and 2 fail to provide clear definitions of the concepts which should be established in such a way that they are consistent with existing definitions employed by the Member States. Definitions are brought together in Article 2 and supplemented by further definitions drawn from German soil protection law.

Amendment by Gyula Hegyi

Amendment 197
Article 2, point (2 a) (new)

(2a) 'risk' means a foreseeable degree and likelihood of the impairment of ecosystems and/or human health as result of soil degradation.

Or. en

Justification

Risk has to be defined in the Directive.

Amendment by Péter Olajos

Amendment 198
Article 2, point (2 a) (new)

(2a) 'risks' includes the risk of desertification.

Or. en

Amendment by María Sornosa Martínez

Amendment 199
Article 2, point (2 a) (new)

(2a) 'geological heritage' includes soil, geomorphological and geological objects and processes.

Or. en

Justification

To make it more clear that the geological heritage also includes the soil heritage and geomorphological heritage and can also involve processes having heritage value.

Amendment by Robert Sturdy

Amendment 200
Article 2, point (2 a) (new)

(2a) 'polluted site' means a site where there is a confirmed presence on or in the soil, predominantly caused by man, of a substance of such a level that Member States consider the soil poses a significant risk to human health or the environment, taking the current and approved future use of the site into account.

Or. en

Justification

This will help to reduce a potential conflict where pollution has been caused both by man and natural activity on the same site, and ensures that liability for the more significant cause of pollution is correctly apportioned.

Amendment by María Sornosa Martínez, Hiltrud Breyer, Roberto Musacchio and Umberto Guidoni

Amendment 201
Article 2, point (2 a) (new)

(2a) ‘contaminated site’ means a site where there is a confirmed presence, caused by man, of dangerous substances of such a level that they pose a significant risk to human health or the environment. That risk shall be evaluated taking into account the current and approved future use of the land.

Or. en

Justification

The definition of contaminated site should be placed here and not in article 10. (Sornosa Martínez)

Amendment by Frieda Brepoels

Amendment 202
Article 2, point (2 a) (new)

(2a) ‘soil contamination’ means the presence of substances, caused by human activities, on or in the soil (or buildings), that directly or indirectly affect the quality of the soil in such a way that Member States consider it poses or may pose a significant risk to human health or the environment.

Or. en

Justification

It is rewarding to add the definition of "soil contamination" because it includes two important considerations: first, it states that the presence of substances does not form a risk per se. An impact on the soil quality is a prerequisite. Second, it underlines that Member States need a certain margin for risk evaluation.

Amendment by Frieda Brepoels

Amendment 203
Article 2, point (2 a) (new)

(2a) 'contaminated site' means a site where there is a confirmed presence of soil contamination.

Or. en

Justification

It is rewarding to add the definition of "contaminated site" here. This definition can be short provided "soil contamination" is previously defined (cf. Amendment of Ms. Brepoels on definition "soil contamination").

Amendment by Vittorio Prodi and Guido Sacconi

Amendment 204
Article 2, point (2 a) (new)

(2a) 'soil contamination' means the presence of substances, caused by human activities, on or in the soil (or buildings), that directly or indirectly affect the quality of the soil in such a way that Member States consider it poses or may pose a significant risk to human health or the environment. A contaminated site is a site where there is a confirmed presence of soil contamination.

Or. en

Justification

A definition of soil contamination is necessary also in order to avoid confusion and problems with other legislation related to soil issues.

Amendment by Hartmut Nassauer

Amendment 205

Article 2, point (2 a) (new)

(2a) 'Soil contamination' means the presence of dangerous substances which impair soil functions in such a way as to give rise to risks, serious disadvantages or major nuisances for individuals or society as a whole.

Or. de

Justification

A definition of 'soil contamination' is necessary in order to establish a uniform yardstick for assessments in all the Member States. The definition also refers to the amendment introducing a new Article 9 as a replacement for Chapter III of the Commission proposal.

Amendment by Richard Seeber

Amendment 206

Article 2, point (2 a) (new)

(2a) 'Historic contaminated sites' means sites where there is a confirmed presence, caused by man, of dangerous substances of such a level that the Member State in question considers that they pose a significant risk to human health or the environment.

Or. de

Justification

The definition in Article 10 should be moved forward to Article 2, which deals specifically with definitions. In addition, the definition should apply only to historic contaminated sites (see amendment to Article 10).

Amendment by Renate Sommer and Peter Liese

Amendment 207
Article 2, point (2 a) (new)

(2a) 'Polluted site' means decommissioned waste disposal plants, areas of land on which decommissioned or operational plants stand and other areas of land on which waste is processed, stored or dumped or on which environmentally hazardous substances have been or are handled and which pose a threat to human health or the environment.

Or. de

Justification

See justification to Sommer/Liese amendment, Article 2, point (a).

Amendment by Anja Weisgerber, Thomas Ulmer and Elisabeth Jeggle

Amendment 208
Article 2, point (2 a) (new)

(2a) 'Polluted site' means decommissioned waste disposal plants, areas of land on which decommissioned plants stand and other areas of land on which waste is processed, stored or dumped or on which environmentally hazardous substances have been or are handled and which pose a threat to human health or the environment.

Or. de

Justification

The definitions set out in the directive are brought together in Article 2 and supplemented. In that connection, in paragraph 4 specific reference should be made to 'decommissioned waste disposal plants', in order to make clear that 'operational waste disposal plants' continue to be covered exclusively by the law on waste.

Extension of the scope for remediation to incorporate appropriate protective and restrictive measures.

Amendment by Holger Krahmer

Amendment 209
Article 2, point (2 a) (new)

(2a) 'Polluted site' means a site where there is a confirmed presence, caused by man, of substances on or in the soil of such a level that Member States consider that the soil poses a significant risk to human health or the environment, taking the current and approved future use of the site into account, a ruling on mandatory remediation has been handed down and this remediation requirement is legally binding.

Or. de

Justification

The original definition does not go far enough and should cover the requirement to carry out remediation.

Amendment by Anja Weisgerber, Thomas Ulmer, Renate Sommer, Peter Liese and Elisabeth Jeggle

Amendment 210
Article 2, point 2 c (new)

(2c) 'remediation' means measures (a) to eliminate or reduce contaminants (decontamination measures),

(b) to prevent or reduce the spread of contaminants for a protracted period without eliminating the contaminants (safeguard measures)

(c) to eliminate or reduce damaging changes in the physical, chemical or biological properties of the soil;

Or. de

Justification

So far, Articles 1 and 2 do not contain clear definitions of terms which are central to the Directive or of the worst of the 'main threats' to soil (including 'contaminated sites'). These ought to be laid down uniformly and in accordance with Member States' existing definitions of terms. (Weisgerber/Ulmer)

See justifications to Ulmer + Jeggle amendments, Article 2, point (a)

See justification to Sommer/Liese amendment, Article 2, point (a)

Amendment by Anja Weisgerber, Thomas Ulmer, Renate Sommer, Peter Liese and Elisabeth Jeggle

Amendment 211
Article 2, point 2 d (new)

(2d) 'protective and restrictive measures' means other measures which prevent or reduce a hazard to human health or the environment, particularly restrictions on use.

Or. de

Justification

In addition to the various methods of remediation referred to in the proposal for a Directive, such as decontamination and safeguarding, other options, such as appropriate protective and restrictive measures, should be taken into account. (Weisgerber/Ulmer)

See justification to Jeggle amendment, Article 2, paragraph 2a (new)

See justification to Sommer/Liese amendment, Article 2, paragraph 2a (new)

Amendment by Anja Weisgerber and Thomas Ulmer

Amendment 212
Article 2, point 2 a (new)

(2a) 'loss of organic substance' means a lasting reduction in the organic fraction of soil due to mineralisation into CO₂.

Or. de

Justification

A definition of 'loss of organic substance' is needed. Otherwise, for example, under Article 6, areas for the extraction of raw materials would in future be classified as risk areas, because a 'loss of organic substances' occurs in these areas due to the removal of soil and raw materials.

Amendment by Cristina Gutiérrez-Cortines

Amendment 213
Article 2, point (2 a) (new)

(2a) 'acidification' means a lowering of the soil pH caused by human action.

Or. en

Justification

In other amendments acidification is included in the directive. Therefore a definition of acidification should be inserted.

Amendment by Robert Sturdy

Amendment 214
Article 3, paragraph 1

In the development of sectoral policies likely to exacerbate or reduce soil degradation processes, Member States *shall identify, describe and assess the impacts of such policies on these processes, in particular in the areas of regional and urban spatial planning, transport, energy, agriculture, rural development, forestry, raw material extraction, trade and industry, product policy, tourism, climate change, environment, nature and landscape.*

In the development of sectoral policies likely to exacerbate or reduce soil degradation processes, *and in the development of policies to protect soil functions*, Member States *are encouraged to pursue an integrated and systemic approach to ensuring that the relevant provisions in existing directives are identified and taken into account.*

Or. en

Justification

The text supports the development of soil policies whilst allowing Member States to voluntarily identify which areas they believe require attention and review. Consideration and compliance with existing EU legislation is essential.

Amendment by Jutta Haug

Amendment 215
Article 3

In the development of sectoral policies likely to exacerbate or reduce soil degradation processes, Member States shall identify, describe and assess the impacts of such policies on these processes, *in particular in the areas of regional and urban spatial planning, transport, energy, agriculture, rural development, forestry, raw material extraction, trade and industry, product policy, tourism, climate change, environment, nature and landscape.*

Member States shall make public those findings.

In the development of sectoral policies likely to exacerbate or reduce soil degradation processes, Member States shall identify, describe and assess the impacts of such policies on these processes.

Or. de

Justification

Member States must be permitted flexibility.

Amendment by María Sornosa Martínez

Amendment 216
Article 3, paragraph 1

In the development of sectoral policies likely to exacerbate or reduce soil degradation processes, Member States shall identify, **describe and assess** the impacts of such policies on these processes, in particular in the areas of regional and urban spatial planning, transport, energy, agriculture, rural development, forestry, raw material extraction, trade and industry, product policy, tourism, climate change, environment, nature and landscape.

In the development of sectoral policies **which do not fall within the scope of Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment¹ and which are** likely to exacerbate or reduce soil degradation processes, Member States shall identify **and take into account** the impacts of such policies on these processes, in particular in the areas of regional and urban spatial planning, transport, energy, agriculture, rural development, forestry, raw material extraction, trade and industry, product policy, tourism, climate change, environment, nature and landscape.

¹ *OJ L 197, 21.7.2001, p. 30.*

Or. en

Justification

Additional formal procedures and publications over and above the existing strategic environmental assessment (Directive 2001/42/EC) and the assessment of effects on the environment (Directive 85/337/EEC) need to be avoided.

Abstract rules on soil protection must not call into question specific provisions from other areas of legislation.

The reporting requirements provide no added value and should therefore be deleted.

Amendment by Horst Schnellhardt

Amendment 217
Article 3

In the development of sectoral policies likely to exacerbate or reduce soil degradation processes, Member States shall **identify, describe and assess** the impacts of such policies on these processes, in particular in the areas of regional and urban spatial planning, transport, energy, agriculture, rural development, forestry, raw material extraction, trade and industry, product policy, tourism, climate change, environment, nature and landscape.

Member States shall make public those findings.

In the development of sectoral policies likely to exacerbate or reduce soil degradation processes, Member States shall **take account of** the impacts of such policies on these processes, in particular in the areas of regional and urban spatial planning, transport, energy, agriculture, rural development, forestry, raw material extraction, **treatment of biodegradable waste**, trade and industry, product policy, tourism, climate change, environment, nature and landscape.

Or. de

Justification

The formalised procedures and publications of the existing Strategic Environmental Assessment (Directive 2001/42/EC) and of the environmental impact assessment (85/337/EEC) are sufficient. Accordingly, further effort and expenditure are not appropriate. Indeterminate soil protection measures must not take the place of well-defined ones from other legal fields.

Biological waste treatment comprises all key measures to produce and supply organic substance which can be returned to the soil to form humus.

Amendment by Anja Weisgerber, Thomas Ulmer, Renate Sommer, Peter Liese and Elisabeth Jeggle

Amendment 218
Article 3

In the development of sectoral policies likely to exacerbate *or reduce* soil degradation processes, Member States shall identify, ***describe and assess*** the impacts of such policies on these processes, in particular in the areas of regional and urban spatial planning, transport, energy, agriculture, rural development, forestry, raw material extraction, trade and industry, product policy, tourism, climate change, environment, nature and landscape.

Member States shall make public those findings.

In the development of sectoral policies likely to exacerbate soil degradation processes, Member States shall identify, ***pursuant to Directives 2001/42/EC and 85/337/EEC,*** the impacts of such policies on these processes, in particular in the areas of regional and urban spatial planning, transport, energy, agriculture, rural development, forestry, raw material extraction, trade and industry, product policy, tourism, climate change, environment, nature and landscape.

Or. de

Justification

The integrated approach in Article 3, which provides for soil protection to be taken into account in other policy areas, is already being pursued by means of existing provisions, for example those relating to environmental impact assessments of projects or strategic environmental assessments of plans and programmes, as well as in the provisions on cross-compliance. Further requirements, particularly to describe and assess impact and further publication of information, are not necessary and would lead to unnecessary bureaucracy.

Amendment by Dorette Corbey

Amendment 219

Article 3, paragraph 2 a (new)

Before 1 June 2009 the Commission shall evaluate the directives having an effect on soil use and spatial organisation, particularly as regards possible conflicting objectives, divergent reporting requirements, and scope for local and regional democracy. If necessary the Commission shall propose a Framework Directive on Land Use covering all the existing directives affecting soil and spatial organisation. This framework directive could incorporate initiatives seeking, where necessary, to streamline existing directives and offer greater scope for local and/or regional democracy, provided no harm is done thereby to other Member States.

Or. nl

Justification

The European environmental protection directives are very successful. It is important that there remains sufficient political support for European directives. Accordingly an attempt should be made to resolve the problems arising in practice and to offer maximum scope for local democracy. Of course, such scope can only be offered on condition that it does not result in harm or inconvenience to other Member States.

Amendment by Lambert van Nistelrooij, Esther De Lange and Neil Parish

Amendment 220

Article 4

Member States shall ***ensure that any land user whose actions affect the soil in a way that can reasonably be expected to hamper significantly*** the soil functions referred to in Article 1(1) ***is obliged to take precautions to prevent or minimise such adverse effects.***

Member States shall ***adopt the requisite measures to avoid and reduce lasting, substantial and scientifically proven impairment of*** the soil functions referred to in Article 1(1), ***insofar as these are proportionate, in order to ensure protection of soils and their functionality and suitability for use for various purposes, as well as to ensure their availability for future generations.***

Or. de

Justification

Requirements imposed in accordance with the principle that precautions should be taken must be proportionate. Reducing impairment of soil functions is also inserted as an objective, as in many cases it will not be possible to completely prevent such damage by means of precautions.

In agriculture, the requirement to take precautions is fulfilled by observing codes of good practice and applying the provisions to be laid down pursuant to Article 5 in conjunction with Annex IV of Regulation (EC) No 1782/2003.

Amendment by Richard Seeber

Amendment 221

Article 4

Member States shall ***ensure that any land user whose actions affect the soil in a way that can reasonably be expected to hamper significantly the soil functions referred to in Article 1(1) is obliged to take precautions to prevent or minimise such adverse effects.***

Member States shall ***adopt the requisite measures in accordance with the aims of this Directive, insofar as these are proportionate, in order to ensure protection of soils and their functionality and suitability for use for various purposes, as well as to ensure their availability for future generations.***

Or. de

Justification

Rather than the current Article 4, the provisions concerning the duty of care should be so framed as to allow the Member States sufficient flexibility in deciding on whom to impose that duty. A requirement to fulfil this duty in relation to soil should be incorporated in comparable domestic provisions. Member States should therefore be required to adopt the requisite measures to ensure protection of soils and their functionality, suitability for use and availability for future generations.

Amendment by Richard Seeber

Amendment 222

Article 4

Member States shall ***ensure that any land user whose actions affect the soil in a way that can reasonably be expected to hamper significantly*** the soil functions referred to in Article 1(1) ***is obliged to take precautions to prevent or minimise such adverse effects.***

Member States shall ***adopt the requisite measures to avoid and reduce lasting and substantial impairment of*** the soil functions referred to in Article 1(1), ***insofar as these are proportionate, in order to ensure protection of soils and their functionality and suitability for use for various purposes, as well as to ensure their availability for future generations.***

Or. de

Justification

The precautionary principle should be so framed that only lasting and substantial impairment is covered and no disproportionate requirements are imposed. Reducing impairment of soil functions is also inserted as an objective, as in many cases it will not be possible to completely prevent such damage by means of precautionary measures.

Amendment by Richard Seeber

Amendment 223

Article 4

Member States shall ***ensure that any land user whose actions affect the soil in a way that can reasonably be expected to hamper significantly*** the soil functions referred to in Article 1(1) ***is obliged to take precautions to prevent or minimise such adverse effects.***

Member States shall ***take the requisite legal and administrative measures to ensure the protection of*** the soil functions referred to in Article 1(1). ***In fulfilling the obligation to take precautionary measures, adverse effects on the soil shall be avoided or minimised. Precautions are measures which are proportional taking account of their cost-effectiveness and technical feasibility and the current and future use of the soil.***

The Member States shall be responsible for monitoring those measures.

Or. en

Justification

It seems sensible to use a more general wording according to Article 2(1) of the Soil Conservation Protocol of the Alpine Convention to ensure the flexibility of implementation of

the precautionary measures in each member state.

The precautionary measures against adverse effects on the soil must be feasible and proportionate, and must take account of current and future use of the soil.

Amendment by Jutta Haug

Amendment 224

Article 4

Member States shall ensure that any land user whose actions ***affect the soil in a way that can reasonably be expected to hamper significantly*** the soil functions referred to in Article 1(1) ***is obliged to take precautions to prevent or minimise such adverse effects.***

Member States shall ensure that any land user whose actions ***could cause lasting and substantial impairment of one or more of*** the soil functions referred to in Article 1(1) ***organises his actions in such a way as to avoid or at least reduce the impairment.***

Or. de

Justification

Member States must be allowed flexibility as regards the nature of the precautionary measures.

Amendment by Karsten Friedrich Hoppenstedt

Amendment 225

Article 4

Member States shall ensure that any land user whose actions ***affect the soil in a way that can reasonably be expected to hamper significantly*** the soil functions referred to in Article 1(1) is obliged to take precautions to prevent or minimise such adverse effects.

Member States shall ensure that any land user whose actions, ***in the opinion of the Member States, could substantially impair one or more of*** the soil functions referred to in Article 1(1) is obliged to take ***appropriate*** precautions to prevent or minimise such adverse effects, ***insofar as this is also proportionate in the light of the purpose for which the land is being used.***

Or. de

Justification

The requirement for land users to take precautions against adverse effects on soil, which is provided for in Article 4 of the proposal for a Directive, should take account of proportionality in relation to the purpose for which the land is used, as, even if a plot of land is used in a manner appropriate to its purpose, soil functions may in some circumstances be impaired.

The word 'substantially' should be inserted in order to ensure uniform use of terms within the Directive.

Amendment by Renate Sommer and Peter Liese

Amendment 226

Article 4

Member States shall ensure that any land user whose actions affect the soil in a way that can reasonably be expected to hamper **significantly** the soil functions referred to in Article 1(1) is obliged to take precautions to prevent or minimise such adverse effects.

Member States shall ensure that any land user whose actions affect the soil in a way that can reasonably be expected to hamper **substantially** the soil functions referred to in Article 1(1) is obliged to take precautions to prevent or minimise such adverse effects, **insofar as this is also proportionate in the light of the purpose for which the land is being used.**

Or. de

Justification

The requirement imposed on land users in Article 4 should take account of proportionality in relation to the purpose for which the land is used. Even if a plot of land is used in a manner appropriate to its purpose, soil functions may in some circumstances be impaired. Moreover, only operations which affect the soil three-dimensionally, for a protracted period or in a complex manner should be covered. In the interests of linguistic consistency, the criterion of impairment of soil function is applied throughout.

Amendment by Thomas Ulmer

Amendment 227

Article 4

Member States shall ensure that any land user whose actions affect the soil in a way that can reasonably be expected to hamper **significantly** the soil functions referred to in Article 1(1) is obliged to take precautions to prevent or minimise such adverse effects.

Member States shall ensure that any land user whose actions affect the soil in a way that can reasonably be expected to hamper the soil functions referred to in Article 1(1) is obliged to take precautions to prevent or minimise such adverse effects, ***insofar as this is also proportionate in the light of the purpose for which the land is being used.***

Or. de

Justification

The requirement laid down for land users to take precautions against adverse effects on soil should take account of proportionality in relation to the purpose for which the land is used, as, even if a plot of land is used in a manner appropriate to its purpose, soil functions may in some circumstances be impaired.

Amendment by Anja Weisgerber and Thomas Ulmer

Amendment 228
Article 4

Member States shall ensure that any land user whose actions affect the soil in a way that can reasonably be expected to hamper **significantly** the soil functions referred to in Article 1(1) is obliged to take precautions to prevent or minimise such adverse effects.

Member States shall ensure that any land user whose actions affect the soil in a way that can reasonably be expected to hamper the soil functions referred to in Article 1(1) is obliged to take precautions to prevent or minimise such adverse effects, ***insofar as this is also proportionate in the light of the purpose for which the land is being used.***

Or. de

Justification

The requirement for land users to take precautions against adverse effects on soil should take account of proportionality in relation to the purpose for which the land is used, as, even if a plot of land is used in a manner appropriate to its purpose, soil functions may in some circumstances be impaired.

Amendment by Elisabeth Jeggle

Amendment 229
Article 4

Member States shall ensure that any land user whose actions affect the soil in a way that can reasonably be expected to hamper **significantly** the soil functions referred to in Article 1(1) is obliged to take precautions to prevent or minimise such adverse effects.

Member States shall ensure that any land user whose actions affect the soil in a way that can reasonably be expected to hamper the soil functions referred to in Article 1(1) is obliged to take precautions to prevent or minimise such adverse effects, **insofar as this is also proportionate in the light of the purpose for which the land is being used.**

Or. de

Justification

The requirement laid down for land users to take precautions against adverse effects on soil should take account of proportionality in relation to the purpose for which the land is used, as, even if a plot of land is used in a manner appropriate to its purpose, soil functions may in some circumstances be impaired.

Amendment by Hartmut Nassauer

Amendment 230
Article 4

Member States shall ensure that any land user whose actions affect the soil in a way that can **reasonably** be expected to **hamper significantly** the soil functions referred to in Article 1(1) is obliged to take precautions to prevent or minimise such adverse effects.

Member States shall ensure that any land user whose actions affect the soil in a way that can be expected to **lastingly, substantially and seriously impair** the soil functions referred to in Article 1(1) is obliged to take precautions to prevent or, **insofar as possible**, minimise such adverse effects. **Precautions shall be confined to measures whose cost is reasonably proportionate to the foreseeable benefits to soil functions.**

Or. de

Justification

1. The amendment makes it clear that avoiding or reducing impairment to soil is not possible in every case, but that a temporary impairment may occur, for example where raw materials are extracted. Precautions should therefore have to be taken only where the impairment is

lasting, substantial and serious.

2. The required precautions must be ecologically and economically proportionate.

Amendment by Robert Sturdy

Amendment 231

Article 4

Member States shall ensure that any land user whose actions affect the soil in a way that can reasonably be expected to hamper significantly the soil functions referred to in Article 1(1) is obliged to take precautions to prevent or **minimise** such adverse effects.

Member States shall ensure that any land user whose actions affect the soil in a way that can reasonably be expected to hamper significantly **and permanently** the soil functions referred to in Article 1(1) is obliged to take **proportionate** precautions to prevent, **minimise** or **control** such adverse affects, **in so far as this is technically and economically feasible having regard to the current and approved future use.**

Or. en

Justification

When considering economic, social & cultural functions of soil as mentioned in Article 1, prevention of temporarily adverse effects on natural soil functions is not always possible. This should be clarified in the text. Further precautionary measures can only be requested if a significant and permanent impairment is feared. In addition, it is essential to ensure that measures preventing or minimising adverse effects should be technically and economically feasible, as stipulated in Article 8.

Amendment by Miroslav Ouzký

Amendment 232

Article 4

Member States shall ensure that any land user whose actions affect the soil in a way that can reasonably be expected to hamper significantly the soil functions referred to in Article 1(1) is obliged to take precautions to prevent or minimise such adverse effects.

Member States shall ensure that any land user whose actions affect the soil in a way that can reasonably be expected to hamper significantly **and permanently** the soil functions referred to in Article 1(1) is obliged to take precautions to prevent or minimise such adverse effects, ***in so far as this is technically and economically feasible.***

Or. en

Justification

When considering economic, social & cultural functions of soil as mentioned in Article 1, prevention of temporarily adverse effects on natural soil functions is not always possible. This should be clarified in the text. Further precautionary measures can only be requested if a significant and permanent impairment is feared. In addition, it is essential to ensure that measures preventing or minimising adverse effects should be technically and economically feasible, as stipulated in Article 8.

Amendment by Hiltrud Breyer, Roberto Musacchio and Umberto Guidoni

Amendment 233

Article 4

Member States shall ensure that any land user whose actions affect the soil in a way that can reasonably be expected to hamper significantly the soil functions referred to in Article 1(1) is obliged to take precautions to prevent **or minimise** such adverse effects.

Member States shall ensure that any land user whose actions affect the soil in a way that can reasonably be expected to hamper significantly the soil functions referred to in Article 1(1) is obliged to take precautions to prevent such adverse effects.

Or. en

Justification

The precautionary measures against adverse effects must be taken to prevent that negative effect.

Amendment by Vittorio Prodi and Alfonso Andria

Amendment 234

Article 4

Member States shall ensure that any land user whose actions affect the soil in a way that can reasonably be expected to hamper significantly the soil functions referred to in Article 1(1) is obliged to take precautions to prevent *or* minimise such adverse effects.

Member States shall ensure that any land user whose actions affect the soil in a way that can reasonably be expected to hamper significantly the soil functions referred to in Article 1(1) is obliged to take precautions to prevent, minimise *and monitor* such adverse effects.

Or. en

Justification

Monitoring is also an essential condition in order to avoid the hampering of the soil functions referred to in Article 1(1). In many cases remediation costs are “socialized”, that is borne by the public and not by the polluter. Therefore, Member States shall set up regulations whereby subjects exercising an activity potentially causing introduction of dangerous substances on or in the soil shall create adequate financial resources to support the costs of potential future remediation. This would be in line with the “polluter pays principle”.

Amendment by Françoise Grossetête

Amendment 235

Article 4

For the purposes of that identification, Member States shall, in respect of each of those soil degradation processes, use at least the elements listed in Annex I and shall take into account the effects of those processes in exacerbating greenhouse gas emissions and desertification.

For the purposes of that identification, Member States shall, in respect of each of those soil degradation processes, use at least the elements listed in Annex I and shall take into account the effects of those processes in exacerbating greenhouse gas emissions and desertification *at an acceptable economic cost*.

Or. fr

Justification

In view of the fact that costs can be considerable, it is essential to introduce the concept of acceptable economic cost.

Amendment by Guido Sacconi and Vittorio Prodi

Amendment 236
Article 4, paragraph 1 a (new)

Member States shall take appropriate steps to encourage:

- (a) first, good management of territorial resources;***
- (b) second, the prevention of soil pollution;***
- (c) third, if pollution has occurred, remediation to the original soil conditions;***
- d) if such remediation is not possible, because the costs of the improvements required would be disproportionately high or for reasons of technical feasibility, remediation to a level of functionality consistent at least with the best available use.***

Or. en

Justification

It is necessary that the same general principles applying to Framework Directives for environmental protection - for example the Waste Framework Directive that sets a hierarchy or principles for the waste management - are also inserted into the political framework of soil protection. This is unfortunately missing in the Commission's proposal.

Amendment by Vittorio Prodi and Alfonso Andria

Amendment 237
Article 4, paragraph 1 a (new)

Member States shall establish rules in order to guarantee that persons pursuing an activity which may cause the introduction of dangerous substances onto or into the soil, will create adequate financial resources to support the costs of potential future remediation linked to their activity.

Or. en

Justification

See justification to Prodi/Andria amendment, Article 4.

Amendment by Lambert van Nistelrooij, Esther De Lange and Neil Parish

Amendment 238
Article 4, paragraph 1 a (new)

In agriculture, this requirement to take precautions is fulfilled by observing codes of good practice and applying the provisions to be laid down pursuant to Article 5 of Regulation (EC) No 1782/2003 in conjunction with Annex IV thereof.

Or. de

Justification

In applying the principle that precautions must be taken, the requirements imposed must be proportionate. Reducing impairment of soil functions is also inserted as an objective, as in many cases it will not be possible to completely prevent such damage by means of precautions.

In agriculture, the requirement to take precautions is fulfilled by observing codes of good practice and applying the provisions to be laid down pursuant to Article 5 in conjunction with Annex IV of Regulation (EC) No 1782/2003.

Amendment by Hiltrud Breyer, Roberto Musacchio and Umberto Guidoni

Amendment 239
Article 5

For the purposes of preserving the soil functions referred to in Article 1(1), Member States shall take appropriate measures to **limit sealing or, where sealing is to be carried out, to mitigate its effects** in particular by the use of construction techniques and products which will allow as many of those functions as possible to be maintained.

For the purposes of preserving the soil functions referred to in Article 1(1), Member States shall take appropriate measures to **avoid sealing and shall, within two years from [transposition date], set a quantitative target or targets to limit soil sealing and implement appropriate measures to attain such targets. Where sealing is carried out, Member States shall** mitigate its effects in particular by the use of construction techniques and products which will allow as many of those functions as possible to be maintained.

Or. en

Justification

Given the irreversible nature of soil sealing the objectives should be much stronger. Sealing is a very severe problem in Europe, a robust strategy to limit sealing has to be adopted with targets that are at least as ambitious as those existing already in Germany.

Amendment by María Sornosa Martínez

Amendment 240

Article 5

For the purposes of preserving the soil functions referred to in Article 1(1), Member States shall take appropriate measures to limit sealing or, where sealing is to be carried out, to **mitigate** its effects in particular by the use of construction techniques and products which will allow as many of those functions as possible to be maintained.

For the purposes of preserving the soil functions referred to in Article 1(1), Member States shall take appropriate measures to limit sealing, **including, for example, by setting quantitative and qualitative targets,** or, where sealing is to be carried out, to **minimise** its effects in particular by the use of construction techniques and products which will allow as many of those functions as possible to be maintained.

Or. en

Justification

Setting targets to limit sealing may be a useful tool to protect the soil.

Amendment by Hartmut Nassauer and Karsten Friedrich Hoppenstedt

Amendment 241

Article 5

For the purposes of preserving the soil functions referred to in Article 1(1), Member States shall take appropriate measures to limit sealing *or*, where sealing is **to be** carried out, to **mitigate its** effects **in particular by the use of construction techniques and products which will allow as many of those functions as possible to be maintained.**

For the purposes of preserving the soil functions referred to in Article 1(1), Member States shall take appropriate measures to limit sealing **to the amount which is necessary and**, where sealing is carried out, to **reduce the** effects **by preserving as many soil functions as possible.**

Or. de

Justification

What is relevant is the aim of limiting or reducing sealing to the amount which it is necessary. A link between soil functions and construction techniques and products does not seem plausible. The provisions allowing exceptions take account of the fact that sealing may occur in connection with necessary precautionary or remedial measures, e.g. measures to protect groundwater. (Nassauer)

Excessively rigid rules to restrict sealing do not seem very useful. The amendments allow Member States the requisite flexibility. (Hoppenstedt)

Amendment by Jutta Haug

Amendment 242

Article 5

For the purposes of preserving the soil functions referred to in Article 1(1), Member States shall take **appropriate** measures to limit sealing *or*, where sealing is **to be** carried out, to mitigate **its** effects in particular by the use of **construction** techniques and products which will allow as many of those functions as possible to be maintained.

For the purposes of preserving the soil functions referred to in Article 1(1), Member States shall take **suitable** measures, **insofar as appropriate**, to limit sealing **to the amount which is necessary** *or*, where sealing is carried out, to mitigate **the** effects in particular by the use of techniques and products which will allow as many of those functions as possible to be maintained.

Or. de

Justification

Member States must be allowed flexibility to choose the appropriate measures.

Amendment by Anja Weisgerber, Thomas Ulmer, Renate Sommer, Peter Liese and Elisabeth Jeggle

Amendment 243
Article 5

For the purposes of preserving the soil functions referred to in Article 1(1), Member States shall take **appropriate** measures to limit sealing or, where sealing is to be carried out, to mitigate its effects in particular by the use of construction techniques and products which will allow as many of those functions as possible to be maintained.

For the purposes of preserving the soil functions referred to in Article 1(1), Member States shall take **suitable** measures, **insofar as appropriate**, to limit sealing or, where sealing is to be carried out, to mitigate its effects in particular by the use of construction techniques and products which will allow as many of those functions as possible to be maintained.

Or. de

Justification

General rules and measures to limit sealing do not seem very useful. Apart from the requirements mentioned in the proposal which are applicable to construction techniques and products, other measures to limit sealing should be considered from case to case, taking account of their appropriateness.

Amendment by Vittorio Prodi and Alfonso Andria

Amendment 244
Article 5

For the purposes of preserving the soil functions referred to in Article 1(1), Member States shall take appropriate measures to limit sealing or, where sealing is to be carried out, to mitigate its effects in particular by the use of construction techniques and products which will allow as many of those functions as possible to be maintained.

For the purposes of preserving the soil functions referred to in Article 1(1), Member States shall take appropriate measures to limit sealing or, where sealing is to be carried out, to mitigate its effects in particular by the use of construction techniques and products which will allow as many of those functions as possible to be maintained. ***For such purposes, Member States shall facilitate industrial and urban spatial planning on areas already affected, in the past or at present, by industrial and urban planning.***

Or. en

Justification

New urban or industrial planning shall preferably occur on sites already interested by planning activities. This would allow avoiding consumption of virgin land and fostering, if necessary, the cleaning up of sites already affected by human activities.

Amendment by Gyula Hegyi

Amendment 245 Article 5

For the purposes of preserving the soil functions referred to in Article 1(1), Member States shall take appropriate measures to limit sealing or, where sealing is to be carried out, to mitigate its effects in particular by the use of construction techniques and products which will allow as many of those functions as possible to be maintained.

For the purposes of preserving the soil functions referred to in Article 1(1), Member States shall take appropriate measures to limit sealing or, where sealing is to be carried out, to mitigate its effects in particular by the use of construction techniques and products which will allow as many of those functions as possible to be maintained. ***Member States shall promote brownfield investments and encourage the use of special, environmentally friendly construction techniques and products in paving in order to mitigate the negative effects and aspects of sealing.***

Or. en

Justification

Urban and industrial land use has a sealing effect, therefore measures should be taken in order to mitigate this negative effect.

Amendment by Hartmut Nassauer

Amendment 246
Article 5, paragraph 1 a (new)

This shall not apply to precautionary and remedial measures.

Or. de

Justification

See justification to Nassauer amendment, Article 5.

Amendment by Lambert van Nistelrooij, Esther De Lange and Neil Parish

Amendment 247
Article 6

Risk prevention, mitigation and restoration

Section one

Identification of risk areas

Article 6

Identification of risk areas of erosion, organic matter decline, compaction, salinisation and landslides

1. Within five years from [transposition date], Member States shall identify the areas in their national territory, at the appropriate level, where there is decisive evidence, or legitimate grounds for suspicion, that one or more of the following soil degradation processes has occurred or is likely to occur in the near future, hereinafter “the risk areas”::

(a) erosion by water or wind;

(b) organic matter decline brought about by a steady downward trend in the organic fraction of the soil, excluding undecayed plant and animal residues, their partial decomposition products, and the soil biomass;

(c) compaction through an increase in bulk density and a decrease in soil porosity;

(e) salinisation through the accumulation in soil of soluble salts;

(f) landslides brought about by the down-slope, moderately rapid to rapid movement of masses of soil and rock material.

For the purposes of that identification, Member States shall, in respect of each of those soil degradation processes, use at least the elements listed in Annex I and shall take into account the effects of those processes in exacerbating greenhouse gas emissions and desertification.

2. The risk areas identified pursuant to paragraph 1 shall be made public and reviewed at least every ten years.

Justification

Protecting soils against potential dangers is an important task, which is already undertaken directly or indirectly by a series of European legal provisions in the way proposed in the proposal for a Directive. Moreover, the CAP reform and particularly cross-compliance ensures that all agricultural land is preserved in a good agricultural and ecological condition, since otherwise direct payments are liable to be reduced as a penalty.

Amendment by Lambert van Nistelrooij, Esther De Lange and Neil Parish

Amendment 248
Chapter II, title

Chapter II

Risk prevention, mitigation and restoration

Chapter II

Good professional practice in soil use

Justification

The soil risk areas approach provided for in Articles 6-8 and Annex I is replaced by the requirement to introduce comprehensive rules on good professional practice in soil use.

Bearing in mind the interest which land-owners themselves have in preserving their soils, the amount of administrative work generated by the risk area approach is disproportionate. Moreover, it is contrary to the European Council decision that bureaucracy should be reduced by 25% by 2012.

Amendment by Richard Seeber

Amendment 249
Chapter II, title

Chapter II

Risk prevention, mitigation and restoration

Chapter II

Priorities for soil protection and soil protection measures

Justification

Soil protection should have a positive image. The rules should result not in the detailed identification of risk areas but in priorities for soil protection.

The criteria listed in Annex 1 (soil type, land cover, land use etc.) would result in risk areas at the level of the individual plot, as the latter vary at this level. They would result in time-consuming and costly identification processes and would tie up resources.

Limited to 'hot spots', soil protection could not have a positive impact on global environmental phenomena (climate change, etc.).

Amendment by Richard Seeber

Amendment 250
Chapter II, Section one, title

SECTION 1

IDENTIFICATION OF RISK AREAS

SECTION 1

PRIORITIES FOR SOIL PROTECTION

Or. de

Justification

See justification to Seeber amendment, Chapter II, title.

Amendment by Elisabeth Jeggle, Anja Weisgerber and Thomas Ulmer

Amendment 251
Article 6, title

***Identification of risk areas of erosion,
organic matter decline, compaction,
salinisation and landslides***

Assessment of deteriorations in soil quality

Or. de

Justification

The provisions do not take account of what Member States have already done by means of national provisions.

The criteria described in Annex I do not all exist in all Member States and regions. However, as the criteria and yardstick are entirely unsuitable for the designation of areas provided for in the original proposal for a Directive, the provisions should be rejected lock, stock and barrel. (Jeggle)

Chapter II of the Directive does not take account of what Member States have already done by means of national provisions and the various standards. The potential dangers referred to vary widely from region to region, so that it would be necessary to perform local assessments. In most cases, blanket stigmatisation as a 'risk area' will not do justice to the actual state of affairs. Member States ought to decide for themselves at what administrative level and in relation to what geographical size unit the assessment is to be performed. (Weisgerber/Ulmer)

Amendment by Jutta Haug

Amendment 252
Article 6, title

***Identification of risk areas of erosion,
organic matter decline, compaction,
salinisation and landslides***

***Ascertaining a deterioration in the
condition of the soil***

Or. de

Justification

Appropriate account must be taken of what Member States have already achieved and of the levels at which decisions are taken in the Member States.

Amendment by Richard Seeber

Amendment 253
Article 6, title

***Identification of risk areas of erosion,
organic matter decline, compaction,
salinisation and landslides***

Identification of soil protection priorities

Or. de

Justification

See justification to Seeber amendment, Chapter II, title.

Amendment by Robert Sturdy

Amendment 254

Article 6, title

Identification of **risk** areas **of** erosion,
organic matter decline, **compaction**,
salinisation and landslides

Identification of **priority** areas **which need
special protection against** erosion, organic
matter decline, salinisation and landslides

Or. en

Justification

*The negative term "risk areas" should be removed and replaced by the term "priority areas".
Compaction is extremely difficult to identify and can be caused by both natural and man-
made activity, especially within agricultural practices. Greater clarity is needed on its
definition and impact.*

Amendment by María Sornosa Martínez

Amendment 255

Article 6, title

Identification of risk areas of erosion,
organic matter decline, compaction,
salinisation **and** landslides

Identification of risk areas of erosion,
organic matter decline, compaction,
salinisation, landslides **and loss of geological
heritage**

Or. en

Amendment by Alexandru-Ioan Morțun and Gyula Hegyi

Amendment 256

Article 6, title

Identification of risk areas of erosion,
organic matter decline, compaction,
salinisation **and** landslides

Identification of risk areas of erosion,
organic matter decline, compaction,
salinisation, **landslides and acidification**

Or. en

Justification

Acidification is one of the main threats to the soil and must be specifically mentioned. (Mortun)

Acidification shows a great risk to soils, so areas at risk should be identified. (Hegy)

Amendment by Péter Olajos

Amendment 257
Article 6, title

Identification of risk areas of erosion,
organic matter decline, compaction,
salinisation and landslides

Identification of risk areas of erosion,
organic matter decline, compaction,
desertification, salinisation and landslides

Or. en

Amendment by Vittorio Prodi and Guido Sacconi

Amendment 258
Article 6, title

Identification of risk areas of erosion,
organic matter decline, compaction,
salinisation **and** landslides

Identification of risk areas of erosion,
organic matter decline, compaction,
salinisation, landslides **and soil biodiversity
loss**

Or. en

Justification

All forms of erosion considered relevant in different Member States should be included, as well as the loss of biodiversity which makes soils more vulnerable to the degradation processes. The soil biota functions are essential for a favourable conservation status of natural ecosystems of considerable ecologic values (e.g. forests, flood plains, peat-bogs, wetlands, rural districts).

Amendment by Richard Seeber, Lambert van Nistelrooij, Esther De Lange and Neil Parish

Amendment 259

Article 6, paragraph 1, introductory part

1. Within **five** years from [transposition date], **Member States shall identify the areas in their national territory, at the appropriate level, where there is decisive evidence, or legitimate grounds for suspicion, that one or more of the following soil degradation processes has occurred or is likely to occur in the near future, hereinafter “the risk areas”:**

1. **In order to protect soil functions, Member States shall** within **two** years from [transposition date] **compile rules of good professional practice in using soil, which land users are to use on a voluntary basis and which should incorporate provisions which serve to prevent and reduce the following soil risks, insofar as these are of importance:**

Or. de

Justification

See justification to Seeber amendment, Chapter II, title (Seeber)

See justification to van Nistelrooij a.o. amendment, Article 6, title (van Nistelrooij a.o.)

Amendment by Renate Sommer, Peter Liese and Elisabeth Jeggle

Amendment 260

Article 6, paragraph 1, introductory part

1. Within five years from [transposition date], Member States shall **identify the areas** in their national territory, **at the appropriate level, where there is decisive evidence, or legitimate grounds for suspicion, that** one or more of the following soil degradation processes **has occurred or is likely to occur in the near future, hereinafter “the risk areas”:**

1. Within five years from [transposition date], Member States shall **assess soils** in their national territory **for deterioration by means of** one or more of the following soil degradation processes:

Or. de

Justification

The provisions in Chapter II are not tailored to existing standards. This will lead to duplication of provisions and much administrative work. Because of regional variations, potential dangers should be assessed at local level. Blanket stigmatisation as a 'risk area' will place an inappropriate burden on land-owners. The provisions described in Annex I for the desired designation of areas are entirely unsuitable and should therefore be rejected lock,

stock and barrel. (Sommer/Liese)

See justification to Jeggle amendment, Article 6, title.

Amendment by Anja Weisgerber and Thomas Ulmer

Amendment 261

Article 6, paragraph 1, introductory part

1. Within five years from [transposition date], Member States shall **identify the areas** in their national territory, **at the appropriate level, where there is decisive evidence, or legitimate grounds for suspicion, that** one or more of the following soil degradation processes **has occurred or is likely to occur in the near future, hereinafter “the risk areas”**:

1. Within five years from [transposition date], Member States shall **assess soils** in their national territory **for deterioration by means of** one or more of the following soil degradation processes:

Or. de

Justification

See justification to Weisgerber/Ulmer amendment, Article 6, title. (Weisgerber/Ulmer)

Amendment by Richard Seeber

Amendment 262

Article 6 paragraph 1, introductory part

1. Within five years from [transposition date], Member States shall **identify the areas** in their national territory, **at the appropriate level**, where there is decisive evidence, or legitimate grounds for suspicion, that one or more of the following soil degradation processes has occurred or is likely to occur in the near future, **hereinafter “the risk areas”**:

1. Within five years from [transposition date], Member States shall **assess in the manner appropriate to them whether dangers to soil as referred to in points (a) to (f) exist** in their national territory. **These shall be deemed to exist** where there is decisive evidence, or legitimate grounds for suspicion, that one or more of the following soil degradation processes has occurred or is likely to occur **to a significant degree** in the near future. **The following shall be deemed to constitute dangers to soil:**

Justification

Designation of risk areas is rejected as a matter of principle, because this does not seem worthwhile in terms either of time or of economics, nor can comprehensive soil protection be achieved by means of it.

Amendment by Richard Seeber

Amendment 263

Article 6 paragraph 1, introductory part

1. Within five years from [transposition date], Member States shall identify the **areas** in their national territory, **at the appropriate level**, where there is decisive evidence, or legitimate grounds for suspicion, that **one or more of the following soil degradation processes has occurred or is likely to occur in the near future, hereinafter “the risk areas”**:

1. Within five years from [transposition date], Member States shall identify the **priorities for soil protection** in their national territory, **at a scale of 1:500 000**, where there is decisive evidence, or legitimate grounds for suspicion, that **soil is vulnerable to one or more of the following dangers**:

Justification

See justification to Seeber amendment, Chapter II, Article 6, title.

Amendment by Horst Schnellhardt

Amendment 264

Article 6, paragraph 1, introductory part

1. Within **five** years from [transposition date], Member States shall identify the areas in their national territory, **at the appropriate level**, where there is decisive evidence, or legitimate grounds for suspicion, that one or more of the following soil degradation processes has occurred or is likely to occur in the near future, hereinafter “the risk areas”:

1. Within **eight** years from [transposition date], Member States shall identify the areas in their national territory where there is decisive evidence, or legitimate grounds for suspicion, that one or more of the following soil degradation processes has occurred or is likely to occur in the near future, hereinafter “the risk areas”:

Or. de

Justification

An eight-year time limit is appropriate. This is clear from experience of other similar directives.

It is not necessary to define the action specifically by means of the phrase 'at the appropriate level', and this should therefore be deleted.

Amendment by Jutta Haug

Amendment 265

Article 6, paragraph 1, introductory part

1. Within five years from [transposition date], Member States shall **identify** the areas in their national territory, at the appropriate level, where there is decisive evidence, or legitimate grounds for suspicion, that one or more of the following soil degradation processes has occurred or is likely to occur in the near future, **hereinafter “the risk areas”**:

1. Within five years from [transposition date], Member States shall **establish** the areas in their national territory, at the appropriate level, where there is decisive evidence, or legitimate grounds for suspicion, that one or more of the following soil degradation processes has occurred or is likely to occur in the near future.

Or. de

Justification

Appropriate account must be taken of previous achievements by the Member States and of the levels at which decisions are taken in the Member States.

Amendment by Karsten Friedrich Hoppenstedt

Amendment 266

Article 6, paragraph 1, introductory part

1. Within five years from [transposition date], Member States shall **identify** the areas in their national territory, at the **appropriate** level, **where there is decisive evidence, or legitimate grounds for suspicion, that one or more of the following soil degradation processes has occurred or is likely to occur in the near future, hereinafter “the risk areas”**:

1. Within five years from [transposition date], Member States shall **establish** the areas in their national territory, at the **geographical and administrative level of their choice, which in their estimation require special protection against** one or more of the following soil degradation processes:

Or. de

Justification

The term 'risk area' has a negative image and should therefore be amended to 'area'. Account should be taken of the subsidiarity principle and federal structures.

Amendment by Hiltrud Breyer, Roberto Musacchio and Umberto Guidoni

Amendment 267

Article 6, paragraph 1, introductory part

1. Within **five** years from [transposition date], Member States shall identify the areas in their national territory, at the appropriate level, where there is decisive evidence, or legitimate grounds for suspicion, that one or more of the following soil degradation processes has occurred or is likely to occur in the near future, hereinafter “the risk areas”:

1. Within **two** years from [transposition date], Member States shall identify the areas in their national territory, at the appropriate level, where there is decisive evidence, or legitimate grounds for suspicion, that one or more of the following soil degradation processes has occurred or is likely to occur in the near future, hereinafter “the risk areas”:

Or. en

Justification

A common methodology for identification of risk areas is needed to have a coherent and comparable implementation across the EU.

Amendment by Miroslav Ouzký

Amendment 268

Article 6, paragraph 1, introductory part

1. Within five years from [transposition date], Member States shall identify the areas in their national territory, **at the appropriate level**, where there is decisive evidence, or legitimate grounds for suspicion, that one or more of the following soil degradation processes has occurred or is likely to occur in the near future, hereinafter “the risk areas”:

Within five years from [transposition date], Member States shall identify the areas in their national territory where there is decisive evidence, or legitimate grounds for suspicion, that one or more of the following soil degradation processes has occurred or is likely to occur in the near future, hereinafter “the risk areas”:

Or. en

Justification

The term “at the appropriate level” is superfluous and should be deleted. In order to avoid conflicts of assessment, it needs to be made clear that an area should not be classified as a risk area if the soil degradation is in accordance with the provisions of Articles 4 and 5.

Amendment by Frieda Brepoels

Amendment 269

Article 6, paragraph 1, introductory part

1. Within five years from [transposition date], Member States shall identify the areas in their **national** territory, at the appropriate level, where there is decisive evidence, or legitimate grounds for suspicion, that one or more of the following soil degradation processes has occurred or is likely to occur in the near future, hereinafter “the risk areas”:

1. Within five years from [transposition date], Member States shall identify the areas in their territory, at the appropriate level, where there is decisive evidence, or legitimate grounds for suspicion, that one or more of the following soil degradation processes has occurred or is likely to occur in the near future, hereinafter “the risk areas”:

Or. en

Justification

In several Member States the competence to legislate on soil lies with the regional authorities rather than the national one.

Amendment by Vittorio Prodi and Guido Sacconi

Amendment 270
Article 6, paragraph 1, point (a)

(a) erosion by ***water or wind***;

(a) erosion by ***all relevant natural or human induced processes***;

Or. en

Justification

See justification to Prodi/Sacconi amendment, article 6, title.

Amendment by Richard Seeber, Lambert van Nistelrooij, Esther De Lange and Neil Parish

Amendment 271
Article 6, paragraph 1, point (b)

(b) organic matter decline brought about by a steady downward trend in the organic fraction of the soil, ***excluding undecayed plant and animal residues, their partial decomposition products, and the soil biomass***;

(b) organic matter decline brought about by a steady downward trend in the organic fraction of the soil;

Or. de

Justification

See justification to van Nistelrooij a.o. amendment, Article 6, title.

Amendment by Hiltrud Breyer, Roberto Musacchio and Umberto Guidoni

Amendment 272
Article 6, paragraph 1, point (b)

(b) organic matter decline brought about by a steady downward trend in the organic fraction of the soil, excluding undecayed plant and animal residues, their partial decomposition products, and the soil biomass;

(b) organic matter decline, **including in peatlands**, brought about by a steady downward trend in the organic fraction of the soil, but excluding undecayed plant and animal residues, their partial decomposition products, and the soil biomass;

Or. en

Justification

See justification to Prodi/Sacconi amendment, article 6, title.

Amendment by Lambert van Nistelrooij, Esther De Lange and Neil Parish

Amendment 273

Article 6, paragraph 1, point (c)

(c) **compaction through** an increase in bulk density and a decrease in soil porosity;

(c) an increase in bulk density and a decrease in soil porosity **due to compaction**;

Or. de

Justification

See justification to van Nistelrooij a.o. amendment, Article 6, title.

Amendment by Vittorio Prodi and Guido Sacconi

Amendment 274

Article 6, paragraph 1, point (f)

(f) landslides brought about by the down-slope, **moderately rapid to rapid movement of masses of soil and rock material.**

(f) landslides brought about by the down-slope **movements of upper layers of the earth's crust, involving soil and/or rock and/or debris materials**;

Or. en

Justification

See justification to Prodi/Sacconi amendment, article 6, title.

Amendment by Vittorio Prodi and Guido Sacconi

Amendment 275

Article 6, paragraph 1, point (f a) (new)

(fa) soil biodiversity loss brought about by an unnatural reduction in the richness, abundance or evenness of soil biota;

Or. en

Justification

See justification to Prodi/Sacconi amendment, article 6, title.

Amendment by Alexandru-Ioan Morțun

Amendment 276

Article 6, paragraph 1, point (f a) (new)

(fa) acidification caused by human activities and, if appropriate, natural processes.

Or. en

Justification

Acidification process represents a significant threat for soil. It's a degradation process of the soil caused by the anthropological actions (emissions of SO₂, SO₃, H₂S, NO_x, unbalanced fertilization of the soil crops, draining of the swampy soils with sulphides) and to the natural processes

Acidification process evolves and determines, in time, the intensification of degradation processes of the affected areas.

It will also allow Member States to tackle the acidification caused by natural processes.

Amendment by Gyula Hegyi

Amendment 277
Article 6, paragraph 1, point (fa) (new)

(fa) acidification caused by human activity.

Or. en

Justification

Acidification shows a great risk to soils, so areas at risk should be identified.

Amendment by Eija-Riitta Korhola, Hiltrud Breyer, Roberto Musacchio, Umberto Guidoni,
Cristina Gutiérrez-Cortines and John Bowis

Amendment 278
Article 6, paragraph 1, point (f a) (new)

(fa) acidification.

Or. en

Justification

Soil acidification influences all factors important for plant growth and ecological characteristics. Soil types, climate, acid emissions and causes inherent to cultivation lead to continuous acidification of soils. Acidification has negative consequences and causes physical, chemical (nutrient), biological (flora), economical (fertility), environmental damages. Therefore soil acidification is a general threat as well as erosion, organic matter, compaction and salinisation and should be included.

Amendment by Vittorio Prodi and Guido Sacconi

Amendment 279
Article 6, paragraph 1, point (f b) (new)

(fb) subsidence brought about the moderately rapid movement of masses of soil as well as, if necessary, "pilot" areas in which to apply and validate diagnostic procedures for monitoring the previously defined soil degradation processes and in particular soil biodiversity loss and also the processes related to aridity and drought that may induce desertification.

Or. en

Justification

See justification to Prodi/Sacconi amendment, article 6, title.

Amendment by María Sornosa Martínez

Amendment 280

Article 6, paragraph 1, point (f a) (new)

(fa) loss of geological heritage through levelling, digging, sealing and other human activities.

Or. en

Justification

Part of our European geological heritage too is under threat of disappearing with negative consequences for biodiversity, future scientific research, education and tourism

Amendment by Péter Olajos

Amendment 281

Article 6, paragraph 1, point (fa) (new)

(fa) desertification.

Or. en

Justification

Amendment by Miroslav Ouzký

Amendment 282

Article 6, paragraph 1, subparagraph 1 a (new)

Areas in which a change to the soil has occurred and/or may occur in the near future for one of the reasons listed in the first subparagraph shall not be deemed to be risk areas if the activities in question will be or have been carried out in accordance with Articles 4 and 5.

Or. en

Justification

The term “at the appropriate level” is superfluous and should be deleted. In order to avoid conflicts of assessment, it needs to be made clear that an area should not be classified as a risk area if the soil degradation is in accordance with the provisions of Articles 4 and 5.

Amendment by Vittorio Prodi and Guido Sacconi

Amendment 283

Article 6, paragraph 1, subparagraph 1 a (new)

In the identification of areas at risk of landslides, in addition to soil loss and degradation, Member States shall also take into account all other important consequences deriving from the following events: loss of human life and well-being, damage to cultural heritage, properties and infrastructures, indirect negative effects on economic activities and contamination of soil.

Or. en

Justification

See justification to Prodi/Sacconi amendment, article 6, title.

Amendment by Evangelia Tzampazi and Katerina Batzeli

Amendment 284

Article 6, paragraph 1, subparagraph 2

For the purposes of that identification, Member States shall, in respect of each of those soil degradation processes, ***use at least*** the elements listed in Annex I and shall take into account the effects of those processes in exacerbating greenhouse gas emissions and desertification.

For the purposes of that identification, Member States shall, in respect of each of those soil degradation processes, ***based on*** the elements listed in Annex I ***as well as the common values and indicators agreed for this purpose by the platform set up under Article 17*** and shall take into account the effects of those processes in exacerbating greenhouse gas emissions and desertification.

Member States will be able to use existing data where available, including maps.

Or. el

Justification

Certain Member States may argue that not all the data listed in Annex I relate to every case (for example, seismic activity affects certain countries more than others). In order to safeguard a common location, it is useful to have common criteria and indicators, so as to avoid Member States or regions with similar physical characteristics using very different criteria to decide on the extent of the danger confronting a given region.

Member States must be encouraged to use existing data where feasible so as to reduce costs.

Amendment by Jutta Haug

Amendment 285

Article 6, paragraph 1, subparagraph 2

For the purposes of that identification, Member States shall, in respect of each of those soil degradation processes, use at least the elements listed in Annex I and shall take into account the effects of those processes in exacerbating greenhouse gas emissions and desertification.

For this purpose, Member States shall determine the appropriate administrative level and geographical size unit, perform assessments using the criteria in Annex I and supply information about the assessment methods used by means of a procedure pursuant to Article 17.

Justification

Appropriate account must be taken of previous achievements by the Member States and of the levels at which decisions are taken in the Member States.

Amendment by Anja Weisgerber, Thomas Ulmer, Elisabeth Jeggle, Renate Sommer and Peter Liese

Amendment 286

Article 6, paragraph 1, subparagraph 2

For the purposes of that identification, Member States shall, in respect of each of those soil degradation processes, use at least the elements listed in Annex I and shall take into account the effects of those processes in exacerbating greenhouse gas emissions and desertification.

For this purpose, Member States shall determine the appropriate administrative level and geographical size unit and supply information about the assessment methods used by means of a procedure pursuant to Article 17.

Justification

See justification to Weisgerber/Ulmer amendment, Article 6, title. (Weisgerber/Ulmer)

Publication requirements are adequately regulated by Directive 2003/35/EC. (Jeggle)

See justification to Sommer/Liese amendment, Article 6, paragraph 1, introductory part. (Sommer/Liese)

Amendment by Richard Seeber

Amendment 287

Article 6, paragraph 1, subparagraph 2

For the purposes of that identification, Member States shall, in respect of each of those soil degradation processes, use at least the elements listed in Annex I and shall take into account the effects of those processes in exacerbating greenhouse gas emissions and desertification.

The criteria listed in Annex I may be applied in order to assess dangers to soil.

Or. de

Justification

Designation of risk areas is rejected as a matter of principle, because this does not seem worthwhile in terms either of time or of economics, nor can comprehensive soil protection be achieved by means of it.

Amendment by Richard Seeber

Amendment 288

Article 6, paragraph 1, subparagraph 2

For the purposes of *that identification*, Member States shall, in respect of each of those soil degradation processes, use *at least* the elements listed in Annex I and shall take into account the effects of those processes in exacerbating greenhouse gas emissions and desertification.

For the purposes of *identifying priorities*, Member States shall, in respect of *the vulnerability of the soil to* each of those soil degradation processes, use *one or more of* the elements listed in Annex I and shall take into account the effects of those processes in exacerbating greenhouse gas emissions and desertification.

Or. de

Justification

See justification to Seeber amendment, Article 6, Chapter II, title.

Amendment by Karsten Friedrich Hoppenstedt

Amendment 289

Article 6, paragraph 1, subparagraph 2

For the purposes of that identification, Member States **shall**, in respect of each of **those** soil degradation processes, use **at least** the elements listed in Annex I and shall take into account the effects of those processes in exacerbating greenhouse gas emissions and desertification.

For the purposes of that identification, Member States **may**, in respect of each of **the relevant** soil degradation processes, use the elements listed in Annex I and shall take into account the effects of those processes in exacerbating greenhouse gas emissions and desertification.

Or. de

Justification

Subsidiarity should be stressed. The identification of risk areas taking full account of the elements listed in Annex I would result in risk areas at the level of the individual plot and in time-consuming and costly risk area identification processes. Member States should therefore be allowed greater flexibility.

Amendment by Péter Olajos

Amendment 290

Article 6, paragraph 1, subparagraph 2

For the purposes of that identification, Member States shall, in respect of each of those soil degradation processes, use at least the elements listed in Annex I and shall take into account the effects of those processes in **exacerbating greenhouse gas emissions** and desertification.

For the purposes of that identification, Member States shall, in respect of each of those soil degradation processes, use at least the elements listed in Annex I and shall take into account the effects of those processes in **causing climate change** and desertification, **with special regard to decreases in the groundwater level and to drought.**

Or. en

Amendment by Hiltrud Breyer, Roberto Musacchio and Umberto Guidoni

Amendment 291

Article 6, paragraph 1, subparagraph 2

For the purposes of that identification, Member States shall, in respect of each of those soil degradation processes, use at least the elements listed in Annex I and shall take into account the effects of those processes in exacerbating greenhouse gas emissions and desertification.

For the purposes of that identification, Member States shall, in respect of each of those soil degradation processes, use at least the elements listed in Annex I, ***shall apply the common identification procedure adopted in accordance with Article 18*** and shall also take into account the effects of those processes in exacerbating greenhouse gas emissions and desertification.

Or. en

Justification

A common methodology for identification of risk areas is needed to have a coherent and comparable implementation across the EU.

Amendment by Vittorio Prodi and Guido Sacconi

Amendment 292

Article 6, paragraph 1, subparagraph 2

For the purposes of that identification, Member States shall, in respect of each of those soil degradation processes, use at least the elements listed in Annex I and shall take into account the effects of those processes in exacerbating greenhouse gas emissions and desertification.

For the purposes of that identification, Member States shall, in respect of each of those soil degradation processes, use at least the elements listed in Annex 1 and shall take into account the effects of those processes in exacerbating ***biodiversity loss***, greenhouse gas emissions and desertification.

Or. en

Justification

See justification to Prodi/Sacconi amendment, article 6, title.

Amendment by John Bowis and Eija-Riitta Korhola

Amendment 293

Article 6, paragraph 1, subparagraph 2

For the purposes of that identification, Member States shall, in respect of each of those soil degradation processes, use at least the elements listed in Annex I and shall take into account the effects of those processes in exacerbating greenhouse gas emissions **and** desertification.

For the purposes of that identification, Member States shall, in respect of each of those soil degradation processes, use at least the elements listed in Annex I and shall take into account the effects of those processes in exacerbating greenhouse gas emissions, desertification **and acidification**.

Or. en

Justification

Soil acidification influences all factors important for plant growth and ecological characteristics. Soil types, climate, acid emissions and causes inherent to cultivation lead to continuous acidification of soils. Acidification has negative consequences and causes physical, chemical (nutrient), biological (flora), economical (fertility), environmental damages. Therefore soil acidification is a general threat as well as erosion, organic matter, compaction and salinisation and should be included.

Amendment by Richard Seeber

Amendment 294
Article 6, paragraph 2

2. The **risk areas** identified pursuant to paragraph 1 shall be made public and reviewed at least every ten years.

2. The **priorities** identified pursuant to paragraph 1 shall be made public and reviewed at least every ten years.

Or. de

Justification

See justification to Seeber amendment, Article 6, Chapter II, title.

Amendment by Richard Seeber

Amendment 295
Article 6, paragraph 2

2. The **risk areas** identified pursuant to paragraph 1 shall be made public **and reviewed at least every ten years**.

2. The **dangers to soil** identified pursuant to paragraph 1 shall be made public.

Justification

Designation of risk areas is rejected as a matter of principle, because this does not seem worthwhile in terms either of time or of economics, nor can comprehensive soil protection be achieved by means of it.

Amendment by Jutta Haug, Renate Sommer, Peter Liese, Thomas Ulmer and Anja Weisgerber

Amendment 296
Article 6, paragraph 2

2. The **risk areas identified** pursuant to paragraph 1 shall be **made public and reviewed** at least every ten years.

2. The **information** pursuant to paragraph 1 shall be **updated** at least every ten years.

Justification

Appropriate account must be taken of what Member States have already achieved and of the levels at which decisions are taken in the Member States. (Haug)

Publication requirements are adequately regulated by Directive 2003/35/EC. In accordance with the intention of the Soil Framework Directive, the focus here should be more on exchanges of information between Member States.

A review of knowledge and measures at set intervals would create burdens for those responsible for implementation, and duplication of work. As information is generally already reassessed in the context of current processing, updating after ten years should suffice. (Weisgerber/Ulmer + Sommer/Liese)

Amendment by Karsten Friedrich Hoppenstedt

Amendment 297
Article 6, paragraph 2

2. The risk areas identified pursuant to paragraph 1 shall be **made public and reviewed** at least every ten years.

2. Member States shall inform one another and the Commission of the results pursuant to Article 17. The risk areas identified pursuant to paragraph 1 shall be **updated** at least every ten years.

Or. de

Amendment by Hiltrud Breyer, Roberto Musacchio and Umberto Guidoni

Amendment 298
Article 6, paragraph 2

2. The risk areas identified pursuant to paragraph 1 shall be made public and reviewed at least every ten years.

2. The risk areas identified pursuant to paragraph 1 shall be made public **in a user-friendly, easily accessible way**, and reviewed at least every ten years.

Or. en

Justification

The risk areas maps should be accessible to the public in the internet and should be linked to other special data sets provided for under INSPIRE directive.

Amendment by Gyula Hegyi

Amendment 299
Article 6, paragraph 2

2. The risk areas identified pursuant to paragraph 1 shall be **made public and reviewed** at least every **ten** years.

2. The risk areas identified pursuant to paragraph 1 shall be **updated** at least every **five** years. **The Commission shall make the results of such updating available to the public through the internet.**

Or. en

Justification

Already existing data should be updated. The easiest way to make available to the public the identified areas; is to put them on the web.

Amendment by Vittorio Prodi

Amendment 300
Article 6, paragraph 2 a (new)

2a. Within two years from [transposition date] the Commission shall, in accordance with the procedure referred to in Article 19, produce guidelines, based on best practice, on the definition and identification of risk areas.

Or. en

Justification

Due to the different soil conditions in the various Member States it is not possible to have common uniform standards on the definition of risk areas. However, the European Commission should provide guidelines based on best practices. The use of such guidelines will also make easier the comparison of the risk areas throughout the European Union.

Amendment by Lambert van Nistelrooij, Esther De Lange and Neil Parish

Amendment 301
Article 7

Article 7

deleted

Methodology

Member States may base the identification of risk areas on empirical evidence or on modelling. If modelling is used, the models must be validated by comparing the results on the basis of empirical data which have not been used for the development of the model itself.

Or. de

Justification

Protecting soils against potential dangers is an important task, which is already undertaken

directly or indirectly by a series of European legal provisions in the way proposed in the proposal for a Directive. Moreover, the CAP reform and particularly cross-compliance ensures that all agricultural land is preserved in a good agricultural and ecological condition, since otherwise direct payments are liable to be reduced as a penalty.

Amendment by Lambert van Nistelrooij, Esther De Lange, Neil Parish and Richard Seeber

Amendment 302

Article 7

Member States may base the identification of risk areas on empirical evidence or on modelling. If modelling is used, the models must be validated by comparing the results on the basis of empirical data which have not been used for the development of the model itself.

Within three years from [transposition date], Member States shall draw up a programme to promote the application of the rules of good professional practice in soil use providing, inter alia, for training and information measures for land users who use soils for economic purposes.

Or. de

Justification

The soil risk areas approach provided for in Articles 6-8 and Annex I is replaced by the requirement to introduce comprehensive rules on good professional practice in soil use.

Bearing in mind the interest which land-owners themselves have in preserving their soils, the amount of administrative work generated by the risk area approach is disproportionate. Moreover, it is contrary to the European Council decision that bureaucracy should be reduced by 25% by 2012.

Amendment by Richard Seeber

Amendment 303

Article 7

Member States may **base the identification of risk areas on** empirical evidence **or on modelling**. If modelling is used, the models must be validated by comparing the results on the basis of empirical data which have not been used for the development of the model itself.

For the purpose of identifying dangers to soil as referred to in Article 6, Member States may **use existing** empirical evidence, **information systems and models, as well as existing research results and plans for protection against natural hazards**. If modelling is used, the models must be validated by comparing the results on the basis of empirical data which have not been used for the development of the model itself.

Or. de

Justification

Designation of risk areas is rejected as a matter of principle, because this does not seem worthwhile in terms either of time or of economics, nor can comprehensive soil protection be achieved by means of it.

Amendment by Vittorio Prodi and Guido Sacconi

Amendment 304

Article 7

Member States may base the identification of risk areas on empirical evidence or on modelling. If modelling is used, **the models must be validated** by comparing **the results on the basis of empirical data which have not been used for the development of the model itself**.

Member States may base the identification of risk areas on empirical evidence or on modelling. If modelling is used, **efforts shall be made to validate the models** by comparing **their results with measured** data.

Or. en

Justification

"Efforts should be done to validate them" is more compatible with the subsidiarity principle and with the real possibility to perform the validation of models which is influenced by a variety of key factors.

Amendment by Richard Seeber

Amendment 305
Article 7

Member States *may base the identification of risk areas on empirical evidence or on modelling*. If modelling is used, the models must be validated *by comparing the results on the basis of empirical data which have not been used for the development of the model itself*.

Member States *shall determine the priorities for soil protection on the basis of information about the sensitivity of the soil, the current state of the soil and present and anticipated forms of land use and land-use practices on a scale of 1:500 000*. If modelling is used *for this purpose*, the models must be validated.

Or. de

Justification

In conjunction with Article 18, which permits the Commission to modify Annex I, the scale on which risk areas are to be designated can be specified retrospectively. It is therefore impossible for the Member States to estimate the future analytical and administrative costs. The method of determining soil-protection priorities should be harmonised.

Amendment by Renate Sommer, Peter Liese, Thomas Ulmer, Elisabeth Jeggle and Anja Weisgerber

Amendment 306
Article 7

Member States may base the *identification of risk areas* on empirical evidence or on modelling. If modelling is used, the models must be validated by comparing the results on the basis of empirical data which have not been used for the development of the model itself.

Member States may base the *assessment pursuant to Article 6* on empirical evidence or on modelling. If modelling is used, the models must be validated by comparing the results on the basis of empirical data which have not been used for the development of the model itself. *Insofar as a risk-based assessment and adoption of measures takes place in the Member States pursuant to Annex IV to Regulation (EC) No 1782/2003, the requirements referred to in Articles 6 and 8 of this Directive shall be fulfilled for the dangers referred to in Article 6(1)(a) to (c) of this Directive.*

Or. de

Justification

In accordance with amendments to Article 6, 'identification of risk areas' should be replaced with a general reference to 'assessment'. There is no need for requirements relating to precautions which go beyond cross-compliance. The cross-compliance provisions should first be implemented and assessed throughout the EU. In order to make this clear, the relevant requirements pursuant to Annex 4 to Council Regulation (EC) No 1782/2003 should be incorporated in the Soil Framework Directive. The soil risk area approach provided for in Articles 6-8 and Annex I should be replaced with a requirement to adopt comprehensive rules on good professional practice in soil use. (Sommer/Liese)

Provided that the requirements arising from cross-compliance are complied with in agriculture, there is no need for any more far-reaching European requirements to take precautions. The cross-compliance provisions should first be implemented and their positive impact on soil protection assessed throughout the EU. In order to make this connection clear, the relevant requirements pursuant to Annex 4 to Council Regulation (EC) No 1782/2003 should be incorporated in the Soil Framework Directive. (Jeggle+ Weisgerber/Ulmer).

Amendment by Karsten Friedrich Hoppenstedt

Amendment 307 Article 7

Member States may base the **identification of risk areas** on empirical evidence or on modelling. If modelling is used, the models must be validated by comparing the results on the basis of empirical data which have not been used for the development of the model itself.

Member States may base the **ascertainment pursuant to Article 6** on empirical evidence or on modelling. If modelling is used, the models must be validated by comparing the results on the basis of empirical data which have not been used for the development of the model itself.

Or. de

Amendment by Jutta Haug

Amendment 308 Article 7

Member States may base the ***identification of risk areas*** on empirical evidence or on modelling. If modelling is used, the models must be validated by comparing the results on the basis of empirical data which have not been used for the development of the model itself.

Member States may base the ***ascertainment pursuant to Article 6*** on empirical evidence or on modelling. If modelling is used, the models must be validated by comparing the results on the basis of empirical data which have not been used for the development of the model itself.

Or. de

Justification

The amendment is a logical consequence of Amendment 7.

Amendment by Lambert van Nistelrooij, Esther De Lange, Neil Parish and Richard Seeber

Amendment 309
Article 8

SECTION TWO
ESTABLISHMENT OF TARGETS AND
PROGRAMMES OF MEASURES

deleted

Article 8

*Programmes of measures to combat
erosion, organic matter decline,
compaction, salinisation and landslides*

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.

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

Member States shall ensure that measures are cost-effective, technically feasible and shall carry out impact assessments, including cost-benefit analyses, prior to the introduction of the programmes of measures.

Member States shall indicate in their programmes of measures how the measures are to be implemented and how they will contribute to achievement of the environmental targets established.

3 Where an area is at risk from different concurrent soil degradation processes, Member States may adopt a single programme in which appropriate risk reduction targets are to be set for all the risks identified together with the appropriate measures for reaching those targets.

4. The programme of measures shall be drawn up within seven years from [transposition date] and shall be in application no later than eight years after that date.

The programme of measures shall be made public and shall be reviewed at least every five years.

Justification

The soil risk areas approach provided for in Articles 6-8 and Annex I is replaced by the requirement to introduce comprehensive rules on good professional practice in soil use.

Bearing in mind the interest which land-owners themselves have in preserving their soils, the amount of administrative work generated by the risk area approach is disproportionate. Moreover, it is contrary to the European Council decision that bureaucracy should be reduced by 25% by 2012.

Amendment by Elisabeth Jeggle, Renate Sommer, Peter Liese, Anja Weisgerber and Thomas Ulmer

Amendment 310
Article 8, title

Programmes of measures to combat erosion, organic matter decline, compaction, salinisation and landslides

Measures to combat ***deteriorations in soil quality***

Justification

See justification to amendment to Art. 6. (Jeggle + Sommer/Liese)

The choice of instruments for achieving environmental standards must be left to the Member States. The political decision whether to take measures, and what kind of measures to take, is to be taken by the Member State itself. (Jeggle + Sommer/Liese + Weisgerber/Ulmer)

Amendment by Jutta Haug

Amendment 311
Article 8, title

Programmes of measures to combat erosion, organic matter decline, compaction, salinisation and landslides

Measures ***against deteriorations in soil quality***

Justification

It can be left to Member States to decide on the instrument to attain environmental objectives.

Amendment by Péter Olajos

Amendment 312
Article 8, title

Programmes of measures to combat erosion,
organic matter decline, compaction,
salinisation and landslides

Programmes of measures to combat erosion,
organic matter decline, compaction,
salinisation, ***desertification*** and landslides

Or. en

Amendment by Alexandru-Ioan Morțun and Gyula Hegyi

Amendment 313
Article 8, title

Programmes of measures to combat erosion,
organic matter decline, compaction,
salinisation ***and*** landslides

Programmes of measures to combat
erosion, organic matter decline,
compaction, salinisation, landslides ***and***
acidification

Or. en

Justification

*This amendment is necessary to ensure consistency with other amendments on acidification.
(Morțun)*

Programmes of measures should be prepared to combat acidification as well. (Hegyi)

Amendment by María Sornosa Martínez

Amendment 314
Article 8, title

Programmes of measures to combat erosion,
organic matter decline, compaction,
salinisation **and** landslides

Programmes of measures to combat erosion,
organic matter decline, compaction,
salinisation, landslides **and loss of geological
heritage**

Or. en

Justification

This is a logical consequence of adding geological heritage to article 6 and the fact that geological heritage too is under threat of disappearing with negative consequences for biodiversity, future scientific research, education and tourism. The suggestion is in line with article 15 of this soil directive.

Amendment by Richard Seeber

Amendment 315
Article 8, title

Programmes of measures **to combat erosion,
organic matter decline, compaction,
salinisation and landslides**

Soil protection - Priorities - Programmes of
measures

Or. de

Justification

As currently worded, Article 8, taken in conjunction with Article 6 on implementation, would require measures and programmes of measures to be drawn up for risk areas at the level of individual plots. It is hard to see how measures at such a small geographical level, where land use is constantly changing, would be adopted and administered and what expense this would entail. The waste of time caused by drawing up this paperwork could be eliminated by measures taking immediate effect.

Amendment by Vittorio Prodi

Amendment 316
Article 8, title

Programmes of measures to combat erosion, organic matter decline, compaction, salinisation **and** landslides

Programmes of measures to combat erosion, organic matter decline, compaction, salinisation, landslides **and soil biodiversity loss**

Or. en

Justification

When preparing the programme of measures with risk reduction targets, precautionary protection measures and emergency plans should also be taken into account, while awaiting for the allocation of private or public means for the funding or the required measures to reach those targets. This would be an inexpensive tool to go forward risk reduction in risk areas, in particular when involving human safety.

Amendment by Hiltrud Breyer, Roberto Musacchio and Umberto Guidoni

Amendment 317 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 ***for the attainment of at least the following targets:***

— reduction of soil erosion at least by 20% by 2020;

— increase of soil organic matter by at least 0.5% every ten years as from [transposition date];

— reduction and reversal of soil sealing by 2020;

— reduction of the area under risk of compaction by at least 20% by 2020;

— *reduction of the area under risk of salinisation by at least 20% by 2020;*

— *reduction of the area under risk of landslides by at least 20% by 2020.*

Those targets shall be reviewed in the context of the revision of this Directive pursuant to Article 21.

Or. en

Justification

Common EU targets have to be adopted to have a coherent and comparable implementation of the Directive across the EU.

Amendment by Elisabeth Jeggle

Amendment 318
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), ***where there are legitimate grounds for suspicion that that one or more of the soil degradation processes referred to in Article 6 has occurred or is likely to occur in the near future, Member States shall take the necessary measures. The Member States shall provide information, pursuant to Article 17, concerning the measures taken. This information should contain*** 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.

Or. de

Justification

See justification to amendment to Art. 6.

The choice of instruments for achieving environmental standards must be left to the Member States. The political decision whether to take measures, and what kind of measures to take, is to be taken by the Member State itself.

Amendment by Anja Weisgerber and Thomas Ulmer

Amendment 319
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), **where there are legitimate grounds for suspicion that that one or more of the soil degradation processes referred to in Article 6 has occurred or is likely to occur in the near future, Member States shall take the necessary measures. The Member States shall provide information, pursuant to Article 17, concerning the measures taken. This information should contain 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.**

Or. de

Justification

See justification to Amendment to Art. 6.

The choice of instruments for meeting environmental standards must be left to the Member States. The political decision whether to take measures, and what kind of measures to take, is to be taken by the Member State itself.

Amendment by Renate Sommer and Peter Liese

Amendment 320
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), **where there are legitimate grounds for suspicion that that one or more of the soil degradation processes referred to in Article 6 has occurred or is likely to occur in the near future, Member States shall take the necessary measures. The Member States shall provide information, pursuant to Article 17, concerning targets for preservation of the soil functions referred to in Article 1(1) and the measures taken. This information should contain 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.**

Or. de

Justification

See justification to Amendment to Art. 6.

The choice of instruments for meeting environmental standards must be left to the Member States. The political decision whether to take measures, and what kind of measures to take, is to be taken by the Member State itself.

Amendment by Richard Seeber

Amendment 321
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 draw up ***programmes of measures for soil protection. Non-mandatory examples of best practice for measures and programmes of measures relating to soil protection priorities are listed in Annex III.***

Or. de

Justification

As currently worded, Article 8, taken in conjunction with Article 6 on implementation, would require measures and programmes of measures to be drawn up for risk areas at the level of individual plots. It is hard to see how measures at such a small geographical level, where land use is constantly changing, would be adopted and administered and what expense this would entail. The waste of time caused by drawing up this paperwork could be eliminated by measures taking immediate effect.

Amendment by Richard Seeber

Amendment 322
Article 8, paragraph 1

1. For the purposes of preserving the soil functions referred to in Article 1(I), 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, Member States shall draw up ***programmes of measures to counteract the soil threats referred to in Article 6. These programmes shall also contain*** 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.

Or. de

Justification

Designation of risk areas is rejected as a matter of principle: it does not seem worthwhile in terms either of time or of economics, nor does it permit comprehensive soil protection to be achieved.

Amendment by Jutta Haug

Amendment 323
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 ***formulate targets for combating soil quality degradation processes, and shall take the necessary measures where there are legitimate grounds for suspicion that that one or more of the soil degradation processes referred to in Article 6 has occurred or is likely to occur in the near future. The Member States shall provide information, pursuant to Article 17, concerning the targets for preservation of the soil functions referred to in Article 1(1) and the measures taken.***

Or. de

Justification

The choice of instrument for meeting environmental objectives may be left up to the Member States.

Amendment by Vittorio Prodi

Amendment 324
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 integrated territorial care programmes and precautionary protection 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.

Or. en

Justification

When preparing the programme of measures with risk reduction targets, precautionary protection measures and emergency plans should also be taken into account, while awaiting for the allocation of private or public means for the funding or the required measures to reach those targets. This would be an inexpensive tool to go forward risk reduction in risk areas, in particular when involving human safety.

Amendment by Horst Schnellhardt

Amendment 325
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 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.

Or. de

Justification

The phrase "at the appropriate level" should not be used and these words should be deleted.

Amendment by Karsten Friedrich Hoppenstedt

Amendment 326
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 ***take the necessary measures at the appropriate administrative and geographical level*** in respect of the areas identified *under* Article 6 ***with a view to preserving the soil functions referred to in Article 1.***

Or. de

Justification

The Member States should be given wider scope in deciding on the measures to be taken.

Amendment by Karsten Friedrich Hoppenstedt

Amendment 327
Article 8, paragraph 1, subparagraph 1 a (new)

The selection of measures is at the discretion of the Member States; in particular they may use or build on existing programmes.

Or. de

Amendment by Alexandru-Ioan Morțun

Amendment 328

Article 8, paragraph 1, subparagraph 1 a (new)

The programme of measures must be consistent with those based on the common agricultural policy.

Or. en

Justification

The program of measures must be mutually supportive with the measures adopted in the framework of common agricultural policy.

Amendment by Richard Seeber

Amendment 329

Article 8, paragraph 1, subparagraph 1 a (new)

1a. When deciding upon programmes of measures, account should be taken of voluntary measures, incentive systems and existing measures in the Member States seeking to achieve the objectives of this directive.

Or. de

Justification

See justification to Seeber amendment, Article 8, paragraph 1.

Amendment by Anja Weisgerber, Thomas Ulmer, Renate Sommer and Peter Liese

Amendment 330

Article 8, paragraph 2

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

Member States shall ensure that measures are cost-effective, technically feasible and shall carry out impact assessments, including cost-benefit analyses, prior to the introduction of the programmes of measures.

Member States shall indicate in their programmes of measures how the measures are to be implemented and how they will contribute to achievement of the environmental targets established.

2. When ***deciding upon*** measures pursuant to paragraph 1, Member States shall give due consideration to ***their*** social and economic impacts.

Or. de

Justification

See justification to amendment to Article 6.

The choice of instruments for meeting environmental standards must be left to the Member States. The political decision whether to take measures, and what kind of measures to take, is to be taken by the Member State itself.

Amendment by Jutta Haug

Amendment 331
Article 8, paragraph 2

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

Member States shall ensure that measures are cost-effective, technically feasible and shall carry out impact assessments, including cost-benefit analyses, prior to the introduction of the programmes of measures.

2. Member States shall give due consideration to ***the*** social and economic impacts ***of any measures pursuant to paragraph 1***.

Member States shall indicate in their programmes of measures how the measures are to be implemented and how they will contribute to achievement of the environmental targets established.

Or. de

Justification

The choice of instrument used to achieve environmental objectives may be left to the Member States.

Amendment by Elisabeth Jeggle

Amendment 332
Article 8, paragraph 2

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

2. When ***deciding on*** the programmes of measures pursuant to paragraph 1, Member States shall give due consideration to the social and economic impacts of the measures envisaged.

Member States shall ensure that measures are cost-effective, technically feasible and shall carry out impact assessments, including cost-benefit analyses, prior to the introduction of the programmes of measures.

Or. de

Justification

See justification to amendment to Art. 6

The choice of instruments for meeting environmental standards must be left to the Member States. The political decision whether to take measures, and what kind of measures to take, is to be taken by the Member State itself.

Amendment by Hiltrud Breyer, Roberto Musacchio and Umberto Guidoni

Amendment 333
Article 8, paragraph 2, subparagraph 1

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

2. When drawing up and revising the programmes of measures pursuant to paragraph 1, Member States shall give due consideration to ***the objectives of Directive 2000/60/EC and the EU's biodiversity strategy, as well as*** the social and economic impacts of the measures envisaged.

Or. en

Justification

Common EU targets have to be adopted to have a coherent and comparable implementation of the Directive across the EU.

Amendment by María Sornosa Martínez

Amendment 334
Article 8, paragraph 2, subparagraph 1

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

2. When drawing up and revising the programmes of measures pursuant to paragraph 1, Member States shall give due consideration to the social, ***health, scientific, cultural, educational*** and economic impacts of the measures envisaged.

Or. en

Justification

It is not clear if these societal aspects are included in the social impacts. Under health apart we also include psychological aspects of well-being and self-fulfilment of these of future generations.

Amendment by Alexandru-Ioan Morțun

Amendment 335
Article 8, paragraph 2

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

2. When drawing up and revising the programmes of measures pursuant to paragraph 1, Member States shall give due consideration to the social and economic impacts of the measures ***envisaged and shall include therein the information existing at national level.***

Or. en

Justification

The program of measures must be built on the information that already available in order to avoid duplication of work.

Amendment by Anja Weisgerber, Thomas Ulmer, Jutta Haug, Elisabeth Jeggle, Renate Sommer and Peter Liese

Amendment 336
Article 8, paragraph 3

3. Where an area is at risk from different concurrent soil degradation processes, Member States may adopt a single programme in which appropriate risk reduction targets are to be set for all the risks identified together with the appropriate measures for reaching those targets.

3. The information referred to in to paragraph 1 shall be updated at least every 10 years.

Or. de

Justification

The choice of instrument used to achieve environmental objectives may be left to the Member States.

Amendment by Hiltrud Breyer, Roberto Musacchio and Umberto Guidoni

Amendment 337
Article 8, paragraph 3

3. Where an area is at risk from different concurrent soil degradation processes, Member States may adopt a single programme ***in which appropriate risk reduction targets are to be set for all the risks identified together with the appropriate measures for reaching those targets.***

3. Where an area is at risk from different concurrent soil degradation processes, Member States may adopt a single programme.

Or. en

Justification

See Breyer a.o. amendment, Article 8, paragraph 1.

Amendment by Richard Seeber

Amendment 338
Article 8, paragraph 3

3. ***Where an area is at risk from different concurrent soil degradation processes,*** Member States may adopt a single programme in which ***appropriate risk reduction*** targets are to be set for ***all the risks identified*** together with the appropriate measures for reaching those targets.

3. ***In the light of soil protection priorities arising from differing soil sensitivities,*** Member States may adopt a single programme in which targets are to be set for ***each identified priority*** together with the appropriate measures for reaching those targets. .

Or. de

Justification

As currently worded, Article 8, taken in conjunction with Article 6 on implementation, would require measures and programmes of measures to be drawn up for risk areas at the level of individual plots. It is hard to see how measures at such a small geographical level, where land use is constantly changing, would be adopted and administered and what expense this would entail. The waste of time caused by drawing up this paperwork could be eliminated by measures taking immediate effect.

Amendment by Richard Seeber

Amendment 339

Article 8, paragraph 3

3. Where an area is at risk from different concurrent soil degradation processes, Member States may adopt a single programme in which **appropriate risk** reduction targets are to be set for **all the risks identified** together with the appropriate measures for reaching those targets.

3. Where several concurrent soil threats referred to in Article 6 are identified, Member States may adopt a single programme in which reduction targets are to be set for **each threat** together with the appropriate measures for reaching those targets.

Or. de

Justification

See justification to Seeber amendment, Article 8, paragraph 1.

Amendment by Elisabeth Jeggle, Anja Weisgerber, Thomas Ulmer, Renate Sommer, Peter Liese and Jutta Haug

Amendment 340
Article 8, paragraph 4

4. The programme of measures shall be drawn up within seven years from [transposition date] and shall be in application no later than eight years after that date. **deleted**

The programme of measures shall be made public and shall be reviewed at least every five years.

Or. de

Justification

See justification to Amendment to Art. 6

The choice of instruments for meeting environmental standards must be left to the Member States. The political decision whether to take measures, and what kind of measures to take, is to be taken by the Member State itself. (Jeggle + Weisgerber/Ulmer + Sommer/Liese)

The choice of instrument used to achieve environmental objectives may be left to the Member States. (Haug)

Amendment by Hiltrud Breyer, Roberto Musacchio and Umberto Guidoni

Amendment 341
Article 8, paragraph 4

4. The programme of measures shall be drawn up within *seven* years from [transposition date] and shall be in application no later than *eight* years after that date.

4. The programme of measures shall be drawn up within *five* years from [transposition date] and shall be in application no later than *six* years after that date.

Or. en

Justification

See justification to Breyer a.o. amendment, Article 8, paragraph 1.

Amendment by Horst Schnellhardt

Amendment 342
Article 8, paragraph 4

4. The programme of measures shall be drawn up within *seven* years from [transposition date] and shall be in application no later than *eight* years after that date.

The programme of measures shall be made public and shall be reviewed at least every *five* years.

4. The programme of measures shall be drawn up within *twelve* years from [transposition date] and shall be in application no later than *fifteen* years after that date.

The programme of measures shall be made public and shall be reviewed at least every *ten* years.

Or. de

Justification

The longer time limits of 12, 15 and 10 years represent a smaller administrative effort. It has also been shown in practice from other directives that these time limits are realisable.

Amendment by Péter Olajos

Amendment 343
Article 8, paragraph 4, subparagraph 2

The programme of measures shall be made public and shall be *reviewed* at least every five years.

The programme of measures shall be made public and shall be *updated* at least every five years.

Or. en

Amendment by Guido Sacconi and Vittorio Prodi

Amendment 344
Article 8 a (new)

Article 8a

No later than two years after the entry into force of this Directive, the Commission shall present a proposal for a biowaste directive setting quality standards for the use of biowaste as a soil improver.

Or. en

Justification

A biowaste directive is urgently need to divert biowaste away from landfilling and incineration towards the most effective use of biowaste which will help to increase the soil organic matter content and improve soil quality.

Amendment by Frieda Brepoels

Amendment 345
Article 8 a (new)

Article 8a

Chapter III

Soil contamination

Member States shall establish a Contaminated Land Management Strategy defining how competent authorities should deal with soil contamination that poses an unacceptable risk to human health or the environment, taking into account present and future land use. That strategy shall include a strategy for identification of contaminated sites and a contaminated sites remediation strategy.

Or. en

Justification

The text benefits from mentioning the goals of the strategy at the beginning of this chapter since the following articles elaborate on the strategy's means.