

## **EURACOAL Response to Roadmap**

on a New Soil Strategy – healthy soil for a healthy life  
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### **Background**

As part of the European Green Deal, announced in December 2019, the European Commission plans to update its pollution control policies. While the general framework will be laid down in the Zero Pollution Action Plan, expected to be adopted in 2021, the Commission also intends to formulate a New Soil Strategy. This strategy is intended to update and reinforce the EU Soil Thematic Strategy of 2006 which is considered to no longer reflect current scientific and political thinking. This could mean further legislative action as the 2006 strategy originally included a proposal for a Soil Protection Directive. Furthermore, the United Nations Sustainable Development Goals (SDGs), the UN Framework Convention on Climate Change and other international initiatives such as the Global Soil Partnership call for action to fight against desertification.

The European Commission wants the new strategy to respond to rising threats to soil quality, such as erosion, salinisation, desertification, soil sealing, loss of carbon-rich topsoils and contamination from industrial activities. It laments the slow progress in decontaminating soils that have been polluted due to industrial activities: by 2018, only 65 500 of 390 000 sites had been remediated. In Southern, Central and Eastern Europe, 411 000 km<sup>2</sup> are estimated to be at high or very high risk of desertification, according to a 2018 report by the European Court of Auditors.<sup>1</sup> The Commission cites the Court of Auditors' report when demanding further efforts in the EU to achieve land degradation neutrality by 2030.

Finally, the Council of the European Union conclusions from 23 October 2020 on biodiversity and the European Parliament's resolution of 16 January 2020 are also cited as further justification for the proposed New Soil Strategy. Both of these documents address the threats of desertification, land degradation and soil sealing, but do not comment on decontamination efforts.

### **EURACOAL Response**

#### **European Coal and Nature Protection**

EURACOAL welcomes the aim of establishing more effective pollution control policies. We support the UN Sustainable Development Goals and the EU's ambitions for healthy soil for a healthy life. The Commission states that main causes of soil degradation are, amongst others, poor land management such as deforestation, overgrazing, unsustainable agricultural and forestry

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<sup>1</sup> *Combating desertification in the EU: a growing threat in need of more action*, Special Report no. 33/2018, European Court of Auditors, Luxembourg, 18 December 2018.

practices, construction activities and soil sealing. The coal and lignite mining sector already has very clear obligations for site rehabilitation after the end of extraction, and many former coal mines have been transformed to nature parks and other areas of high biodiversity. Studies have found that many rehabilitation projects have resulted in a significant increase in biodiversity, compared with the pre-extraction condition of mined land, through specifically targeted rehabilitation measures.<sup>2</sup>

## Subsidiarity

EURACOAL rejects any binding legislative acts on the **EU-level regarding the New Soil Strategy**. In 2006, the European Commission proposed a Soil Protection Directive which the Council of the EU rejected on subsidiarity grounds. Member States stated then that the environmental medium “soil” has no cross-border effects and that situation has not changed in the meantime. This question of subsidiarity is not properly reflected by the Commission in its roadmap for the EU action plan which states that, “Many pieces of EU law addressing pollution already exist, but some policy gaps also persist, e.g. for addressing soil contamination. Related legislative updates might be done only at the EU level.”

The introduction of any EU legal framework for soil should therefore be avoided in view of the principle of subsidiarity and lack of cross-border effects. The mentioned gaps should be closed by accompanying supporting measures, especially against the background that soil protection is well regulated in Member States. According to a 2017 study by Frelih-Larsen *et al.*,<sup>3</sup> 671 policy instruments on soil protection existed in twenty-eight Member States, and 45% of these were linked to EU policies, thus already implementing EU priorities in a way that respects national and often sub-national particularities. Only if there were a lack of legal certainty, or a lack of common clarity on principles, could supportive, non-legally binding measures be considered. Due to the more than three hundred uniquely different soil types across Europe and the resulting large national differences, it should be left to each Member State to regulate soil protection at the national or sub-national level. EU legislation would create unnecessary and disproportionate bureaucracy as it would have to take into account many regional physical differences.

The proposed New Soil Strategy should instead focus on supporting **research** on soil degradation and decontamination, through frameworks such as Horizon Europe, and on establishing **methodologies** to better “assess the extent of desertification and land degradation” in the EU, as recommended by the European Court of Auditors.<sup>1</sup> Improved soil management can help to combat desertification and create larger sinks of carbon. Any new strategy could play an important role in giving research support to Member States as they further develop national and regional soil policies, but it should not issue any binding legislative acts that would limit or compromise Member States’ own policy choices.

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<sup>2</sup> Dworschak, U and Rose, U. (2014), „Das Rheinische Braunkohlenrevier“, in *Handbuch Naturschutz und Landschaftspflege*, edited by Konold, W., Böcker, R. and Hampicke, U., Wiley-VCH Verlag GmbH & Co. KGaA, Weinheim, Germany, January 2014.

<sup>3</sup> Frelih-Larsen, A. *et al.* (2017), *Updated Inventory and Assessment of Soil Protection Policy Instruments in EU Member States*, Ecologic Institute, Berlin, February 2017, Final Report to European Commission DG Environment (ENV. B.1/SER/2015/0022).