

# Implementation of the EU Environmental Policy and Law in the Slovak Condition



ECAP project  
Capacity Building in the field  
of Higher Education under  
No. 561590-EPP-1-2015-1-  
SK-EPPKA2-CBHE-JP



Presentation by **Lucia Pašová**



ECAP Training Vienna, February 23<sup>th</sup> 2017



Co-funded by the  
Erasmus+ Programme  
of the European Union

# Content:

## EU Environmental (Land) Policy

### Legal framework for the land protection in the EU

- **Implementation of the EU legal framework in Slovakia**

### Support policy for the land protection in the EU

- **Implementation of the EU support policy in Slovakia**

# EU environmental policy

- **Strategy Europe 2020 Smart, sustainable and inclusive Europe (COM/2010/2020 final)**
- **7th European Action Programme to 2020 ‘Living well, within the limits of our planet’ (Decision No 1386/2013/EU)**
- **EU land policy**

# Strategy Europe 2020

- ambitious goals in the areas:
  1. Employment
  2. Innovation
  3. Education
  4. Poverty reduction
  5. Climate/energy.
- to ensure that the Europe 2020 strategy delivers, a strong and effective system of economic governance has been set up to coordinate policy actions between the EU and national levels.
- The strategy includes initiatives such as: Innovation EU; Youth on the Move; A digital agenda for Europe; Resource efficient Europe; Industrial policy for the globalization era; An Agenda for new skills and jobs; The European Platform against Poverty.

# 7th European Action Programme to 2020

- The vision: *"In 2050, we live well, within the planet's ecological limits. Our prosperity and healthy environment stem from an innovative, circular economy where nothing is wasted and where natural resources are managed sustainably, and biodiversity is protected, valued and restored in ways that enhance our society's resilience. Our low-carbon growth has long been decoupled from resource use, setting the pace for a safe and sustainable global society."*
- Key objectives:
  1. to protect, conserve and enhance the Union's natural capital;
  2. to turn the Union into a resource-efficient, green, and competitive low-carbon economy;
  3. to safeguard the Union's citizens from environment-related pressures and risks to health and wellbeing.

# EU land policy/law

- **EU land policy**
  - European Soil Charter
  - Revised European Charter for the protection and sustainable land management
  - Recommendation Council of Europe no. R (92) 8 on soil protection
  - Thematic strategy for soil protection
  - Implementation of Thematic strategy for soil protection and ongoing activities
  - Common agricultural policy
- **Other Legal regulations:** (renewable energy directive (2009/28/EC), nitrates directive (91/676/EEC ), water framework directive (2000/60/EC), etc.)

# European Soil Charter

- European Soil Charter, Resolution No. 72/19 from 30.05.1972 - basic document for the principles, objectives and procedures of soil protection in the EU Member States
- It defines the meaning of soil for humans and the environment: *„Because the soil is indispensable for life, and yet limited, vulnerable natural resource, its use must not be left only to its owner but must be guided by rational perspective of the whole society“.*

# European Soil Charter

The Charter recognises that:

- Soil is **a precious asset**;
- Soil is **a limited resource** which is easily destroyed;
- Land has a wide variety of uses and a **proper planning policy** is needed by Governments for urban development and civil engineering projects;
- **Farmers and foresters must preserve the soils quality**;
- Soil must be protected from **erosion and pollution**;
- Further **research and collaboration is required** to ensure the wise use and conservation of soil.



# Revised European Charter for the protection and sustainable land management

- it reflects on global environmental policy in the areas of biodiversity, climate change, desertification, ..
- It based on the document Soil status report
- **land protection= common policy for all EU countries**

# Recommendation Council of Europe no. R (92) 8 on soil protection

- **to provide research, information exchange**, introduce scientific observation and evaluation in combating land take, soil degradation, reduction of ecological potential of the land and its diversity caused by human activities; Recommendation therefore emphasizes the function of the soil and not its area;
- **to create projects national survey to determine the current status of land degradation**, including evaluating their causes and impacts, monitor and control changes in the soil and fertilize damaged land;
- **to endorse legislative and administrative measures** arising from analysis of the soil and drafted impact studies;
- **to strengthen international cooperation** in the soil protection

# Thematic Strategy for Soil Protection

- **Thematic strategy for Soil Protection** (Communication from the Commission to other European institution COM (2006) 231 final, Proposal for Framework Directive COM(2006) 232 final, Impact Assessment SEC(2006)620 a SEC(2006)1165)
- not enforceable
- **the general objective of the Strategy = to protect sustainable soil**
- **Principles of the Strategy:**
  1. to prevent further soil degradation and to protect functions of soil:
  2. as long as the soil and its functions are used, measures related to soil use methods to restore the soil affected by degradation to the level of functionality that would be compatible with the current and planned use at least, and thereby to take into account the cost invested into the soil restoration.

# Pillars of the strategy

1. framework legislation;
2. integration – inclusion of soil protection into policies elaborated and implemented on both domestic and EU levels;
3. filling the known gaps in knowledge in some areas of soil protection through the research supported by the EU;
4. raising public awareness of the need for soil protection.

# Pillar I – Framework Directive 2004/35/EC COM (2006) 232 final

- Proposal for a Directive of the European Parliament and the Council laying down the framework for the soil protection and amending Directive
- Material scope
  - Art. 1 of the Directive represents the provision of the framework for the soil protection and the preservation of the ability of the soil to perform any of the environmental, economic, social and cultural functions (biomass production, collection, filtration and transformation of nutrients, substances and water; the source of biological diversity, such as habitats, species and genes; physical and cultural environment for humans and human activity; source of raw materials; carbon reservoir; archive of the geological and cultural heritage).
  - establishes the measures designated to prevent soil degradation processes
- EU Member States a great deal of flexibility in the implementation of the requirements
- **Not adopted !**

- **Pillar II Integration – inclusion of soil protection into policies elaborated and implemented on both domestic and EU levels**
  - Connection with the CAP
  - Introduction of cross compliance in 2003
- **Pillar III** Filling the known gaps in knowledge in some areas of soil protection through **the research supported by the EU**
- **Pillar IV Raising public awareness of the need for soil protection**  
events, publication of soil atlases, numerous od instruments and networks (European Network on Soil Awareness ENSA)

# Legal framework for land protection in Slovakia

## 1. Land as a component of the environment:

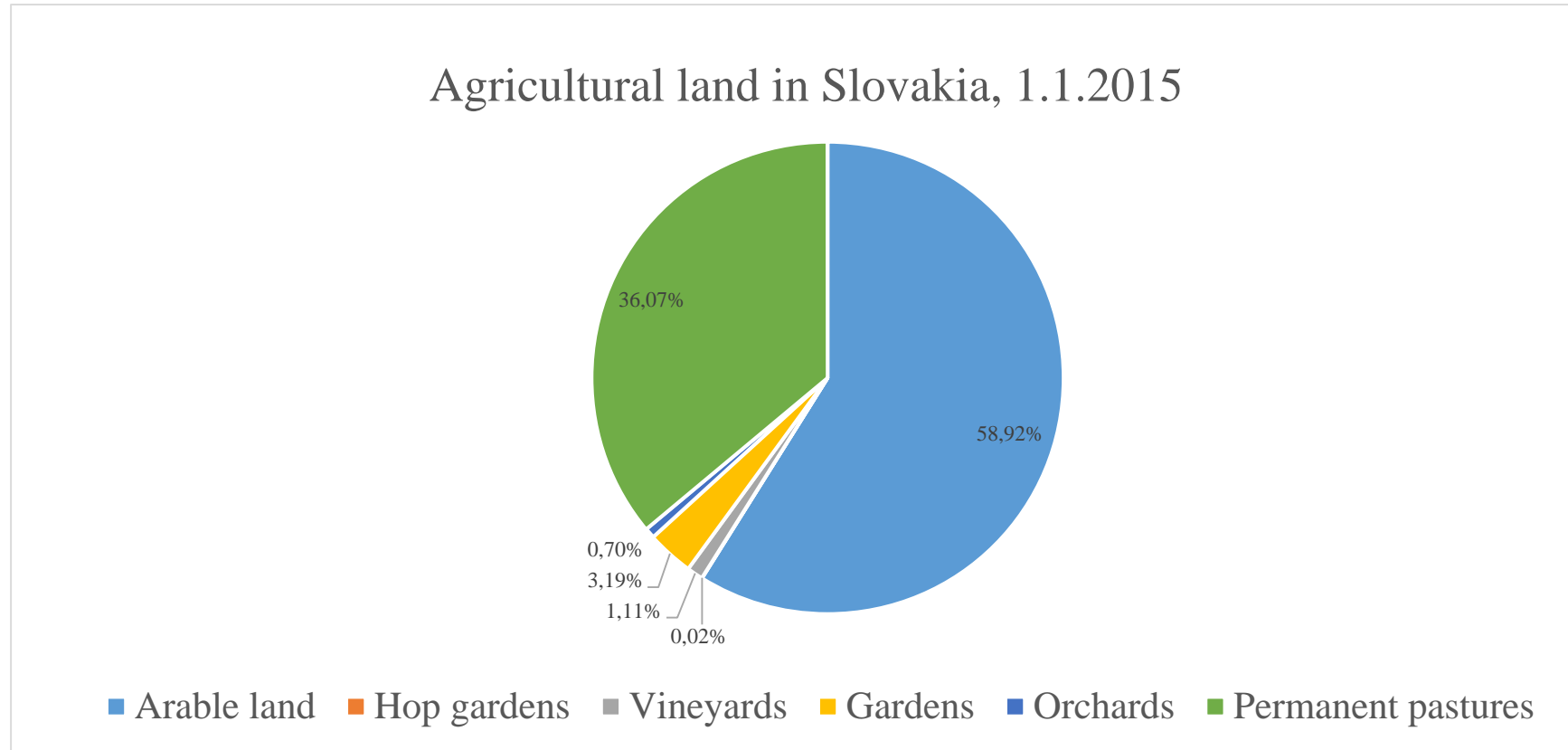
- Constitution of the SR
- Act on environment
- cross-cutting and sectoral regulation of environment

## 2. Sectoral legal regulation

- Agricultural land
- Forest Land
- Building land
- others

# Agricultural land in Slovakia

- agricultural land represents 2,405,971 ha (49.01%)

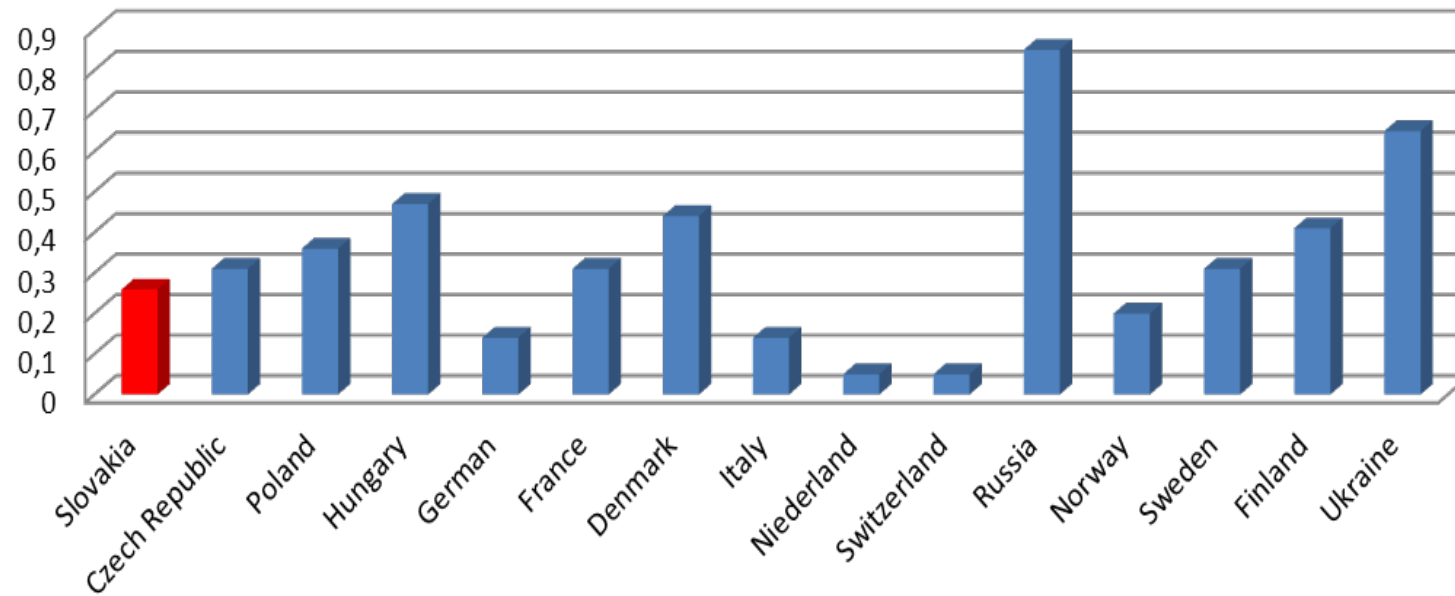




# Agricultural land/arable land in Slovakia

- Agriculture land/capita 0,4518 ha
- Arable land/capita 0,259 ha

Arable land/per capita in selected countries



# Act No. 220/2004 Coll. on the protection and use of agricultural land - Objectives

- protection of qualities and functions of agricultural land and ensuring of its sustainable management and agricultural exploitation,
- protection of the environmental functions of agricultural land, which are: biomass production, filtration, neutralization, and transformation of substances in nature, maintenance of the environmental and genetic potential of living organisms in nature,
- protection of agricultural land area against unauthorized occupation for non-agricultural use,
- procedures used when changing land type and procedures used when withdrawing agricultural land for non-agricultural purposes,
- penalties for breach of the obligations established by the Act.

# Act No. 220/2004 Coll. on the protection and use of agricultural land

## Structure of the Act-7 parts:

1. Basic provisions
2. Principles of sustainable agricultural land use and management of agricultural land and its protection
3. The change of agricultural land
4. Protection of agricultural land in the non-agricultural use
5. State Administration of protection of agricultural land
6. Offenses and other administrative delicts
7. The Common, transitional and final provisions

# Agricultural land

= Potential production-land registered in the land registry as:

- a) Arable land*
- b) Hop garden*
- c) Vineyard*
- d) Orchards*
- e) Gardens*
- f) Permanent grassland*

# Sustainable use and management of agricultural land includes:

- protection against degradation
- protection against erosion
- protection before compacting
- protection from hazardous substances
- the principle of balance of soil organic matter

# The change of agricultural land

- decision to change the type of agricultural land to forest land
- decision to change agricultural land to another type of agricultural land

# Protection of agricultural land in the non-agricultural use

- 1) Protection of Agricultural land in land-use planning activities
  - 2) Land take of agricultural land
  - 3) The use of agricultural land for non-agricultural purposes
- agricultural land can be used for construction and other non-agricultural purposes only in **necessary and reasonable extent**

# Support policy for land protection in the EU

- **EU Cohesion Policy 2014-2020**

Priority 4 Supporting the shift towards a low-carbon economy

Priority 5 Promoting climate change adaptation, risk prevention and management

**Priority 6 Preserving and protecting the environment and promoting resource efficiency**

- **Common agricultural policy**

**I. pillar of the CAP**

➤ Direct payments (cross-compliance)

**II. pillar**

➤ Projects/non project supports

- **other support**



# Support policy for land protection in Slovakia

- **I. pillar of the CAP**
  - **Direct payments**
    - the transitional simplified scheme of basic payment (single area payment)
    - Payment for agricultural practices beneficial for the climate and the environment
    - Payment for young farmers
- **II. pillar of the CAP (Rural development programme 2014-2020)**
  - **Project measures**
  - **Non-project measures**
    - Payments to areas facing natural or other specific restrictions
    - Agri-environment-climate operations
    - Organic farming
    - Payments for animal welfare
    - Natura 2000

# Thank you for your attention!