NOTE from: German delegation
to: Council

Delegations will find attached a note from the German delegation on the abovementioned subject, which has been entered under "Any Other Business" on the agenda for the Council (Agriculture and Fisheries) meeting on 23 March 2009.

The European Commission presented a Thematic Strategy for Soil Protection on 22 September 2006 that also provides for the adoption of a Soil Framework Directive. The proposal is now being negotiated during the fifth presidency without an agreement on a Common Position having been reached.

The largely immobile and highly varied soils in the European Union are to a large extent managed and owned by farmers and foresters. The soils are their most important basis of production. Farmers and foresters are aware of the social obligation their property entails.

There are still differences in opinion regarding the proposal for Soil Framework Directive, concerning *inter alia* the application of the subsidiarity principle, the appropriateness of the amount of red tape involved, and the costs that implementing the Directive would entail. Given this situation, the question arises as to whether it would be sufficient for the further course of action to have a European Soil Protection Strategy without a legally binding Directive. It would be necessary to define the content of such a non-binding strategy.

The German delegation recommends that an exchange of views should be conducted in the Council (Agriculture and Fisheries) due to the fact that the agricultural sector is so directly affected.