

“Capacity Building and Strengthening Institutional Arrangement”

Workshop: “Hazardous Substances and Wastes”

Development of a European Policy for the Management of Contaminated Sites

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APAT

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1. History of Community actions on soil

6° Environmental Action Program (2001):

- prevent soil degradation

EC Communication “Towards a Soil Thematic Strategy” COM (2002)179,

main soil threats:

- **Erosion**
- **Contamination**
- **Decline in organic matter and biodiversity**
- **Salinization**
- **Compaction**
- **Sealing**
- **Landslides and floods**

*Development of a European **Soil Thematic Strategy** started.*

2. Thematic Strategy

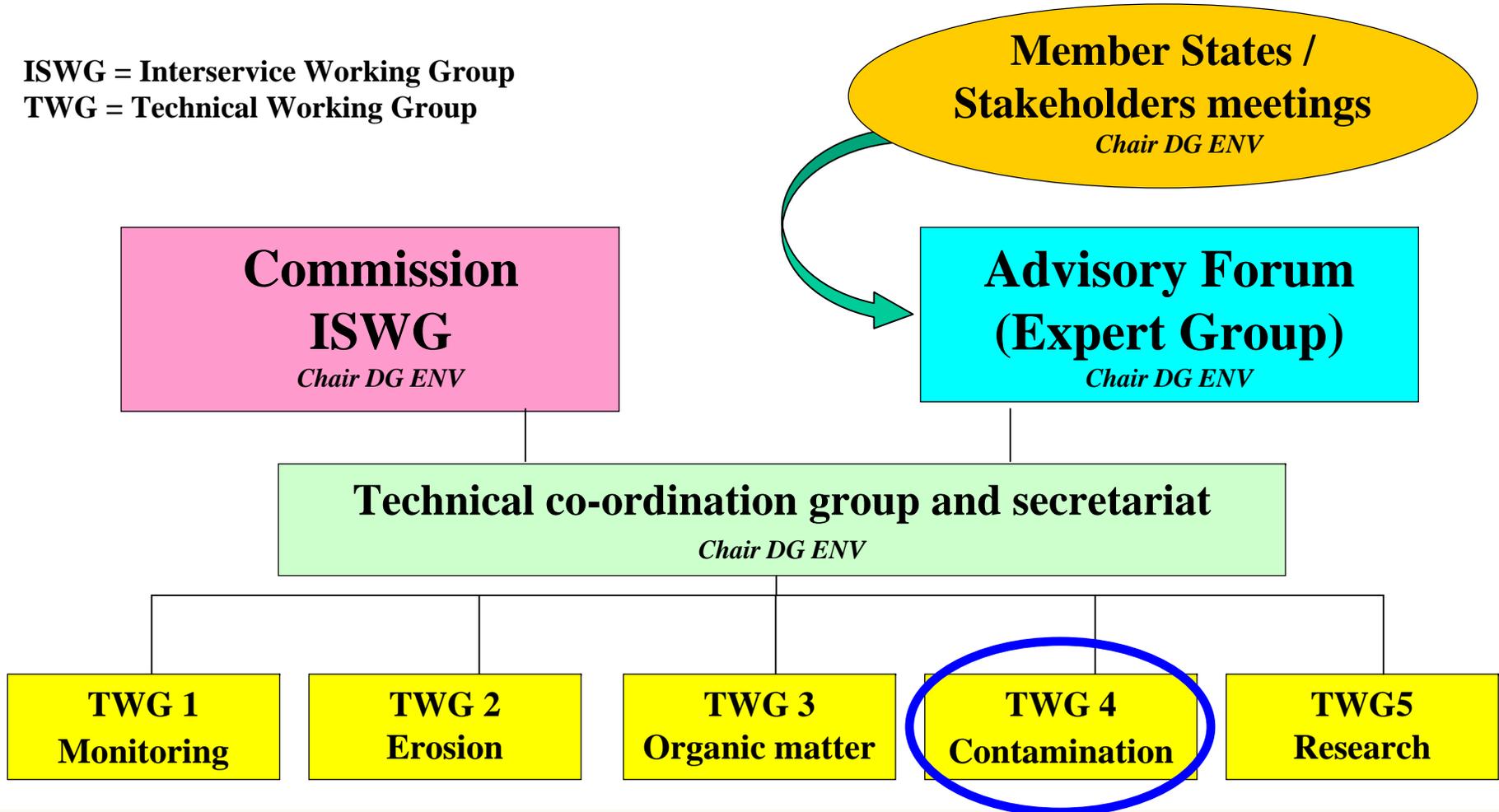
Why a Thematic Strategy for soil protection?

- ❖ Soil is practically a **non-renewable** natural resource
- ❖ Soil performs **crucial** functions for human activities and ecosystems survival
- ❖ Costs of soil degradation are **very high** and are mainly **borne by society** and **not** by the land users
- ❖ Soils are **increasingly degrading** or **irreversibly lost** across the EU => the Community *acquis* is manifestly **not** sufficient
- ❖ Need for a **comprehensive approach**, advocated in the 6th EAP, and welcomed by all EU Institutions

2. Thematic Strategy

Soil Thematic Strategy - organization for the development (2003-2004)

ISWG = Interservice Working Group
TWG = Technical Working Group



2. Thematic Strategy

Report of the CLM Task Group

The Final Report on Contaminated Land Management (CLM), including the comments of the Advisory Forum, was published in 2004 together with the other reports from the TWG on Contamination

European Union Soil Thematic Strategy

**Report of the
Working Group on
Contamination**

**VOLUME
IV**

**Working together towards a Risk
Based Land Management**

-
-
**Task group on Contaminated land
management**

**Final Report
21 May 2004**



2. Thematic Strategy

2006 - The content of the Thematic Strategy

- ❖ **Communication**

- ❖ **Proposal for a Soil Framework Directive**

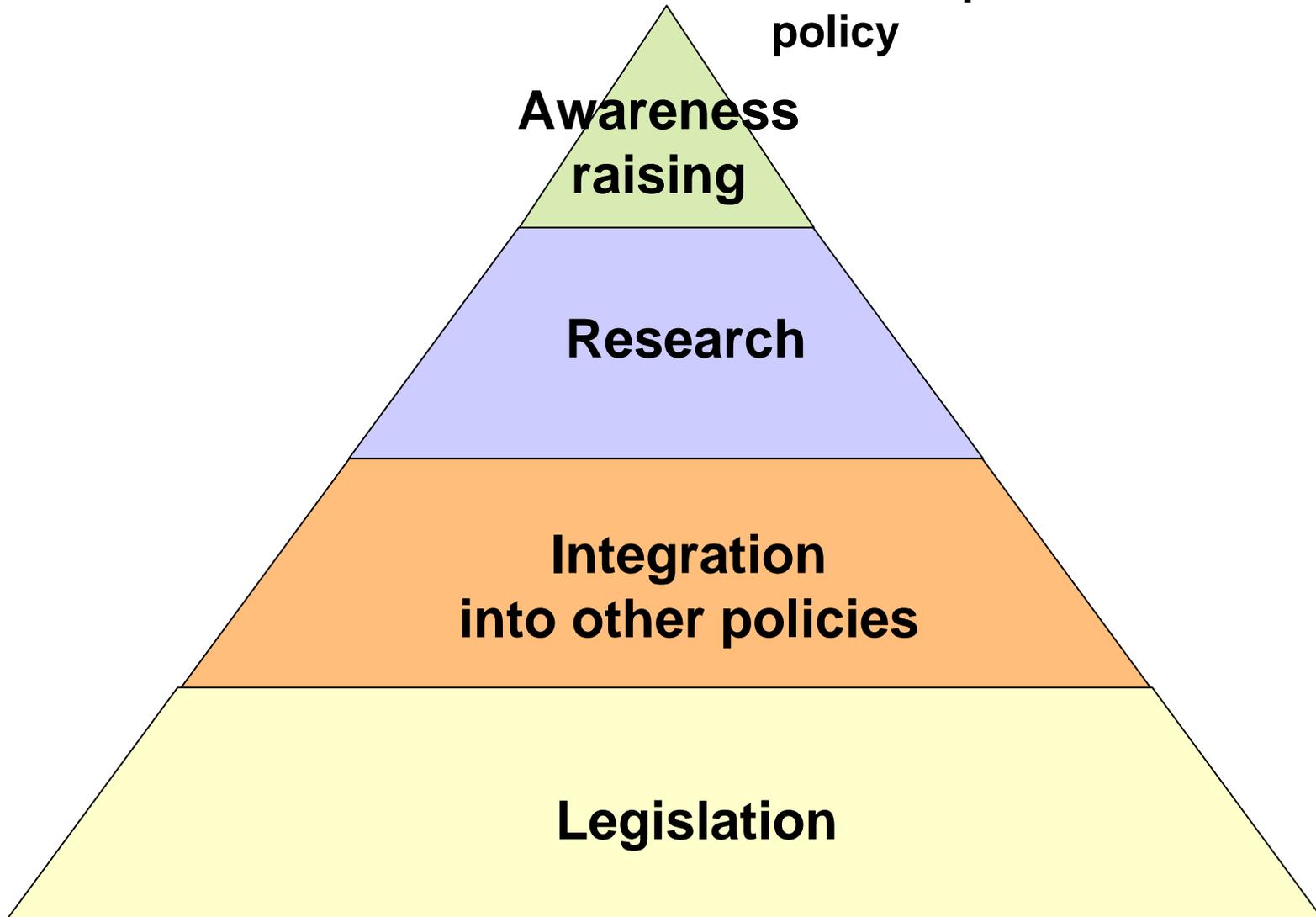
- ❖ **Impact Assessment**

3. Communication

- ❖ Lays down the **objective** of soil policy: the protection of soil functions across the EU
- ❖ Sets out the **four pillars** of EU soil policy
- ❖ Indicates the **next steps** at EU level

3. Communication

The four pillars of EU soil policy



3. Communication

Objective of the Directive

The Directive establishes a framework for the protection of soil and the preservation of soil functions:

- (a) biomass production, including in agriculture and forestry;
- (b) storing, filtering and transforming nutrients, substances and water;
- (c) biodiversity pool, such as habitats, species and genes;
- (d) physical and cultural environment for humans and human activities;
- (e) source of raw materials;
- (f) acting as carbon pool;
- (g) archive of geological and archeological heritage

3. Communication

Sealing

Soil threats covered



Erosion



Organic matter decline



Compaction



Salinisation



Landslides



Contamination



3. Communication

Sealing

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.

3. Communication

“Agricultural” threats -1-

Erosion OM decline Compaction Salinisation Landslides



- Identification of risk areas within five years
- Using the elements listed in Annex I
- Taking into account the effects on climate change and desertification
- To be made public and reviewed every ten years

3. Communication

“Agricultural” threats -2-

- Application of programmes of measures within eight years and containing:
 - risk reduction targets
 - appropriate measures for reaching those targets
 - a timetable for implementation
 - estimate of allocation of private or public funds
- To be made public and reviewed every five years

4. Proposal for a Soil Framework Directive

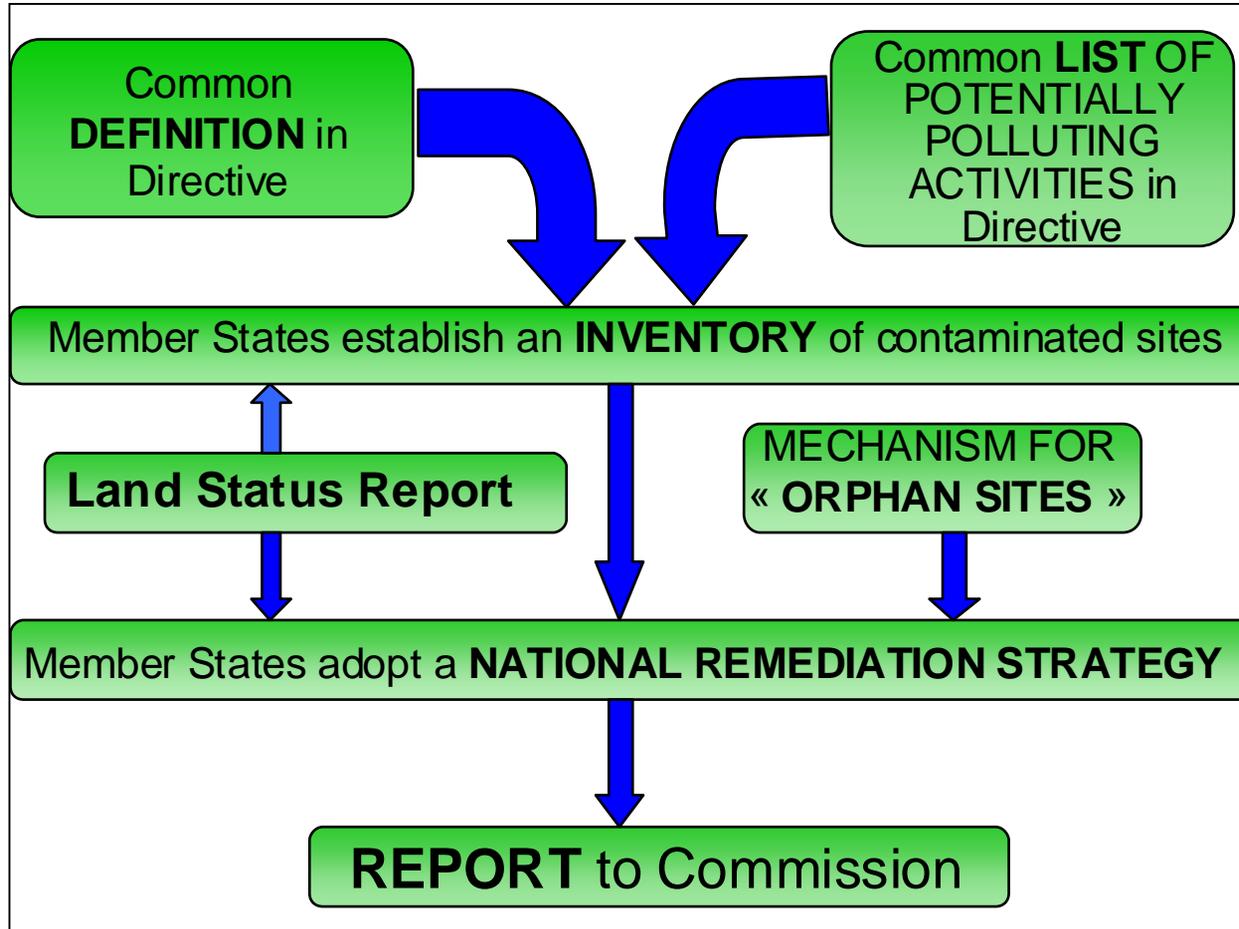
Elements of the Directive proposal relating to Soil Contamination

- **DEFINITION** : contamination posing a risk to human health and environment, taking into account current and intended use (Art.10).
- **SITE IDENTIFICATION** procedure: MS establish an authority to identify potentially contaminated sites and contaminated sites according to a given schedule (Art.11).
- **LIST OF POTENTIALLY POLLUTING ACTIVITIES**: established on Community level (Annex II to the Directive).
- **INVENTORY OF CONTAMINATED SITES** to list all contaminated sites by MS, to be regularly updated (Art.10).
- **REMEDIATION**: sites in the inventory must be remediated in order to stop significant risk to human health and the environment (Art.13).
- **NATIONAL REMEDIATION STRATEGY** to be established by MS, containing targets, means, and prioritisation, to be published and regularly revised (Art.14).
- **SOIL STATUS REPORT** necessary for land transactions where a potentially soil contaminating activity takes place or has taken place (Art. 12).
- **MECHANISMS TO FUND THE REMEDIATION OF ORPHAN SITES** to be established by MS, such as funds or taxes for specific sectors and activities (Art. 13).
- **HARMONISATION OF RISK ASSESSMENT METHODOLOGIES** to be facilitated by the Commission (Art.17, Art.18).
- **REPORTING** regularly to EC on inventory of contaminated sites and national remediation plans (Art. 16).
- **Emendement to Liability Directive 2004/35/CE** for what concerns orphan sites (Art.23).



4. Proposal for a Soil Framework Directive

National/local approach to contaminated sites management



4. Proposal for a Soil Framework Directive

Definition of “contaminated site”

Definition of “contaminated site”: a site where there is a confirmed presence, caused by man, of dangerous substances of such a level that Member States consider they pose a significant risk to human health or the environment. That risk shall be evaluated taking into account current and approved future use of the land

4. Proposal for a Soil Framework Directive

Inventory of contaminated sites

- Identification of soil polluting activities (Annex II) within five years
- Measurement of the concentration levels of dangerous substances in “potentially contaminated sites” within 25 years
- Use of the Soil Status Report by the competent authority to help in the completion of the inventory

4. Proposal for a Soil Framework Directive

List of potentially soil-polluting activities

Contained in Annex II to the Soil Framework Directive:

- ❖ **Seveso installations**
- ❖ **Airports**
- ❖ **Former military sites**
- ❖ **Dry cleaners**
- ❖ **Landfills of waste**
- ❖ **Pipelines for dangerous substances**
- ❖ **IPPC installations**
- ❖ **Ports**
- ❖ **Petrol and filling stations**
- ❖ **Mining installations**
- ❖ **Waste water treatment plants**

4. Proposal for a Soil Framework Directive

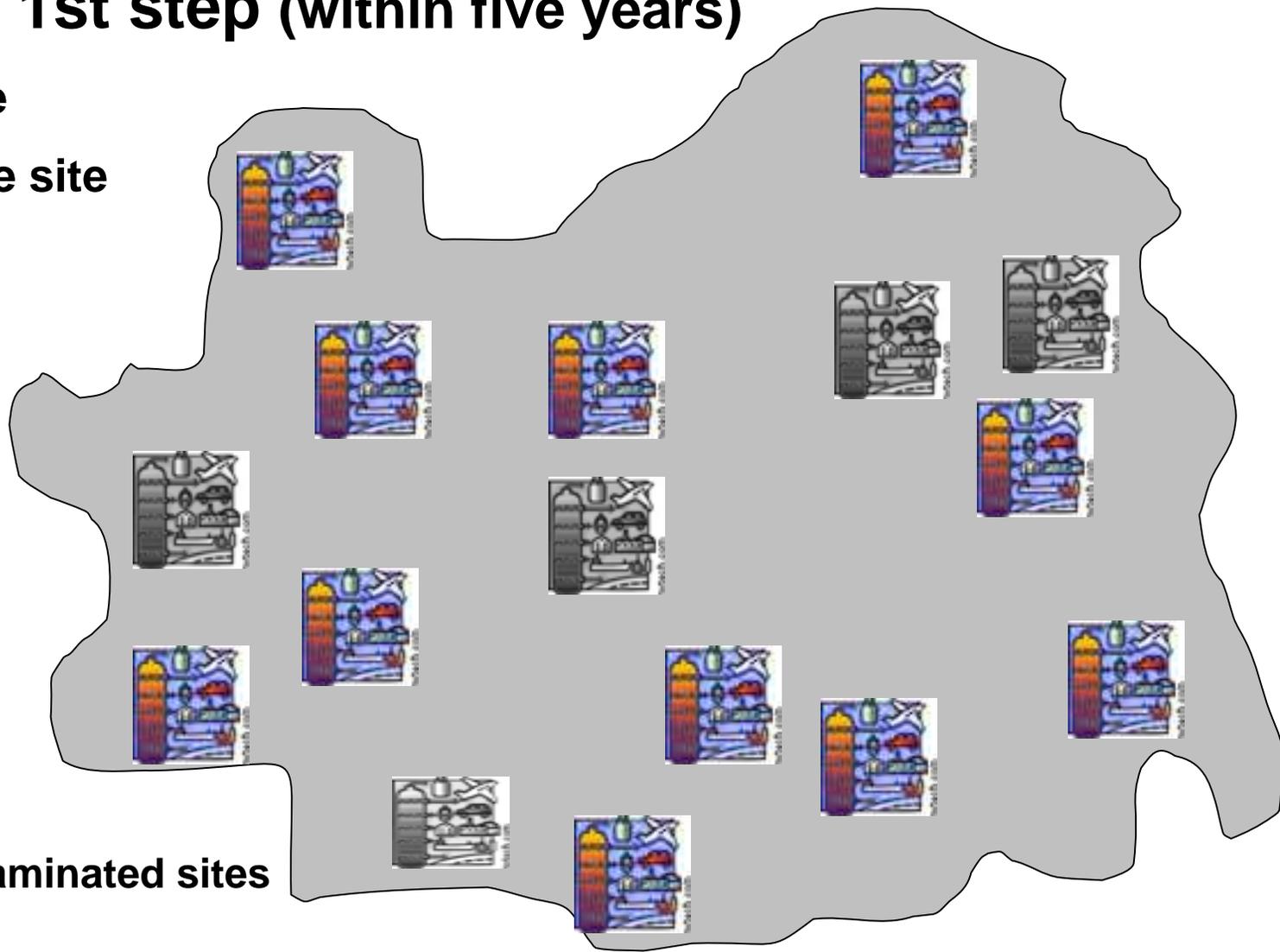
1st step (within five years)



Active site



Non-active site

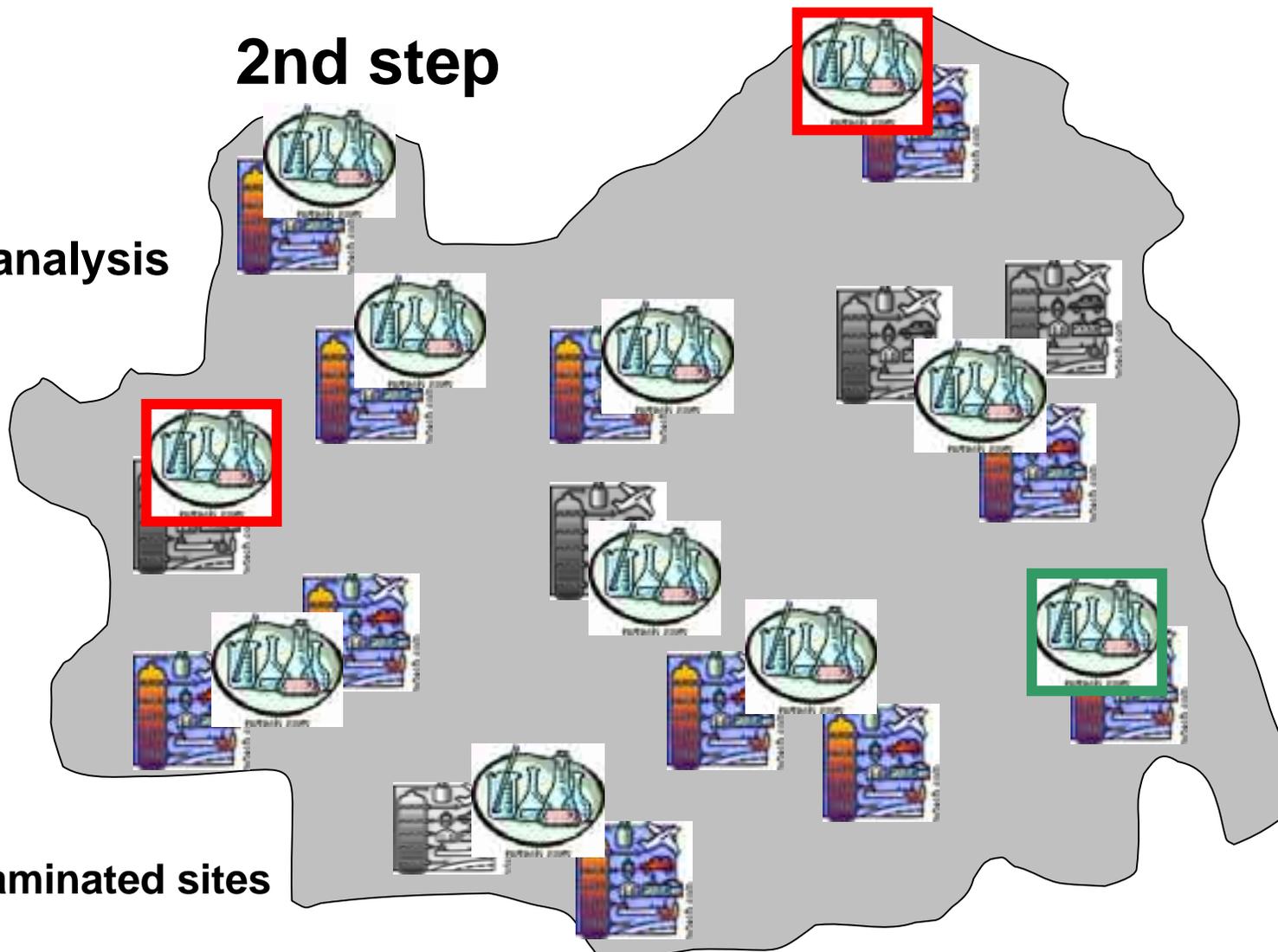


Inventory of contaminated sites

4. Proposal for a Soil Framework Directive

2nd step

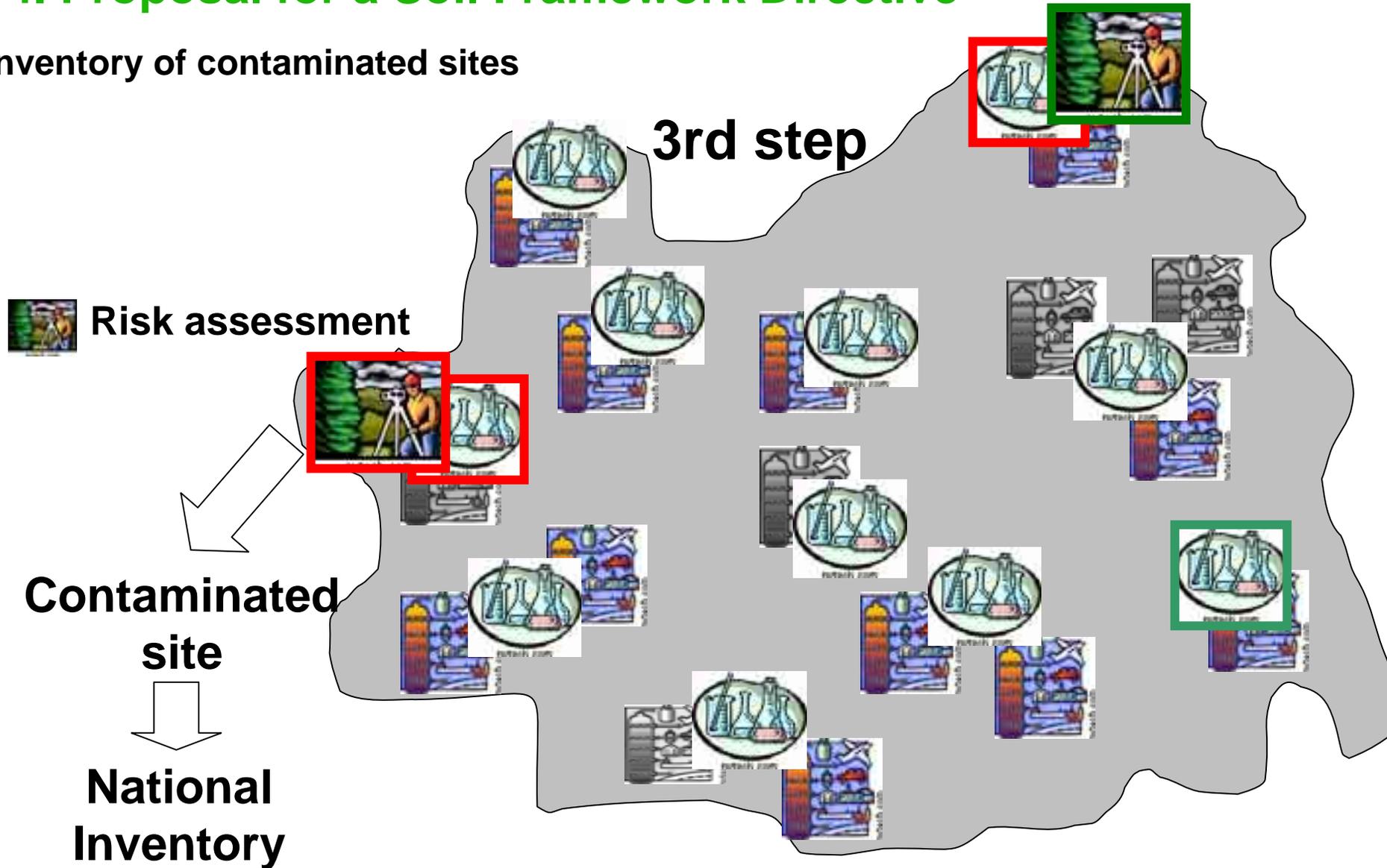
 **Chemical analysis**



Inventory of contaminated sites

4. Proposal for a Soil Framework Directive

Inventory of contaminated sites



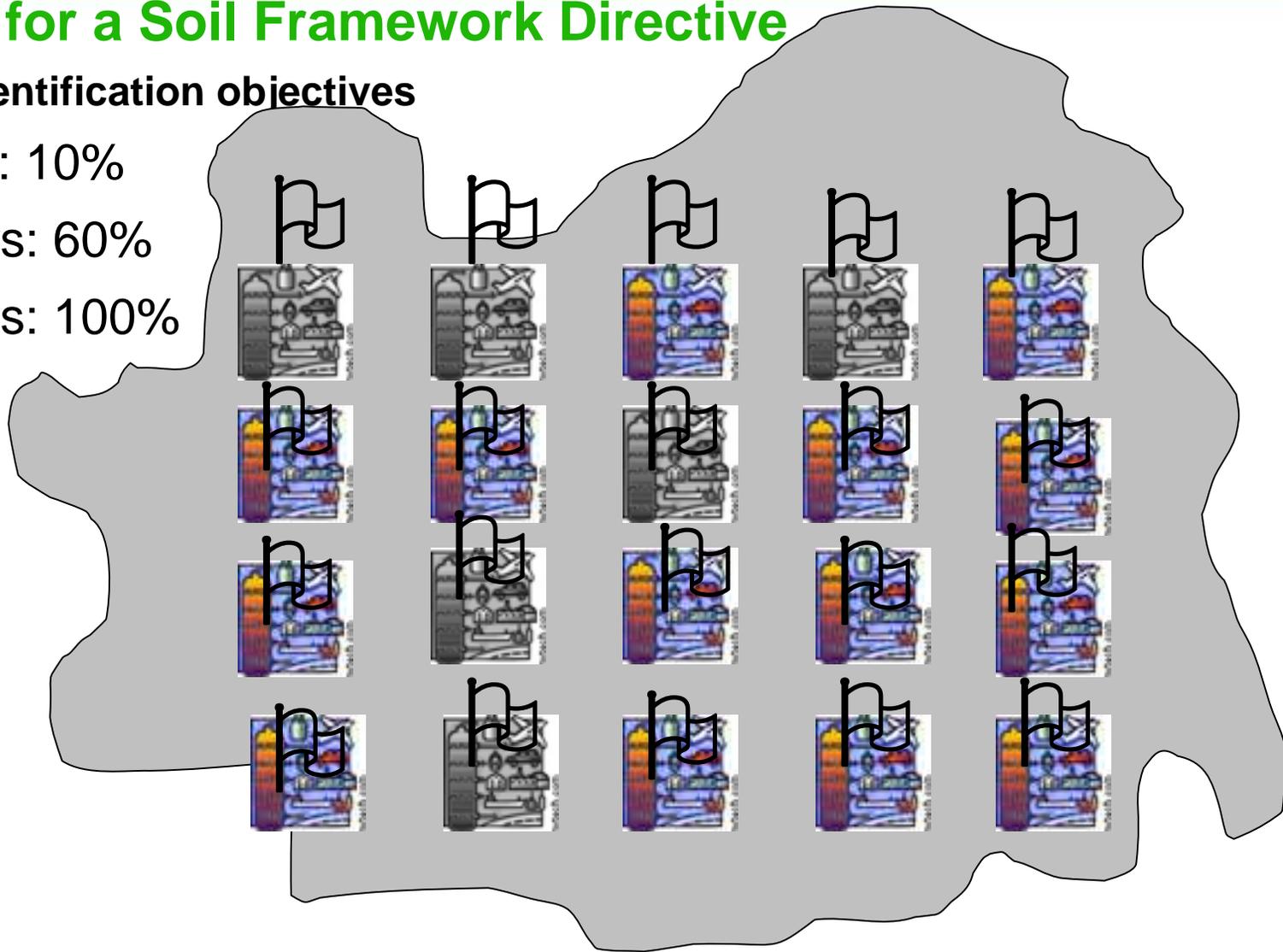
4. Proposal for a Soil Framework Directive

Intermediate identification objectives

Within 5 years: 10%

Within 15 years: 60%

Within 25 years: 100%



 : Investigation concluded to determine if contaminated site

4. Proposal for a Soil Framework Directive

Soil Status Report

Concerns potentially polluted sites (Annex II)

- To be made when selling one of these sites
- By the owner or prospective buyer
- To be produced by an “authorised body”
- Contains:
 - the background history of the site
 - a chemical analysis
 - concentration levels posing a risk

4. Proposal for a Soil Framework Directive

National Remediation Strategies

- Remediation of contaminated sites
- Member States have to remediate contaminated sites (no deadline fixed)
- Within seven years, draw up a National Remediation Strategy, including:
 - remediation targets
 - a prioritisation, starting with those sites which pose a significant risk to human health
 - a timetable for implementation
 - funds allocated

4. Proposal for a Soil Framework Directive

Definition of remediation

Actions on the soil aimed at the removal, control, containment or reduction of contaminants, taking account of its current use and approved future use, so that the contaminated site no longer poses any significant risk to human health or the environment

4. Proposal for a Soil Framework Directive

Mechanism for “orphan sites”

Member States shall set up appropriate mechanisms to fund the remediation of the contaminated sites for which, subject to the polluter pays principle, the person responsible for the pollution cannot be identified or cannot be held liable under Community or national legislation or may not be made to bear the costs of remediation

4. Proposal for a Soil Framework Directive

The proposal - summary

- The proposal for a Directive provides for Member States taking appropriate measures to prevent soil contamination by dangerous substances.
- Member States must draw up a list of sites polluted by dangerous substances when concentration levels pose a significant risk to human health and the environment, and of sites where certain activities have been carried out (landfills, airports, ports, military sites, activities covered by the IPPC Directive, etc.). The proposal contains a list of these potentially polluting activities.
- When these sites are sold and the transaction is made, the owner or potential buyer must submit a report to the competent national authorities and the other party on the state of the soil. This report is produced by an authorised body or a person authorised by the Member State.
- Member States must then remediate the polluted sites in line with a national strategy setting out the priorities. Where it is not possible for the person responsible to sustain the cost of remedying the site, the Member State concerned must make provisions for the appropriate financing.

5. At present

After the adoption of the Thematic Strategy by the Commission on 22nd September 2006...

- Transmission to the other EU Institutions (EP, Council, EESC, CoR)
- Start of the co-decision procedure on the proposal for a Soil Framework Directive

<http://ec.europa.eu/environment/soil/index.htm>