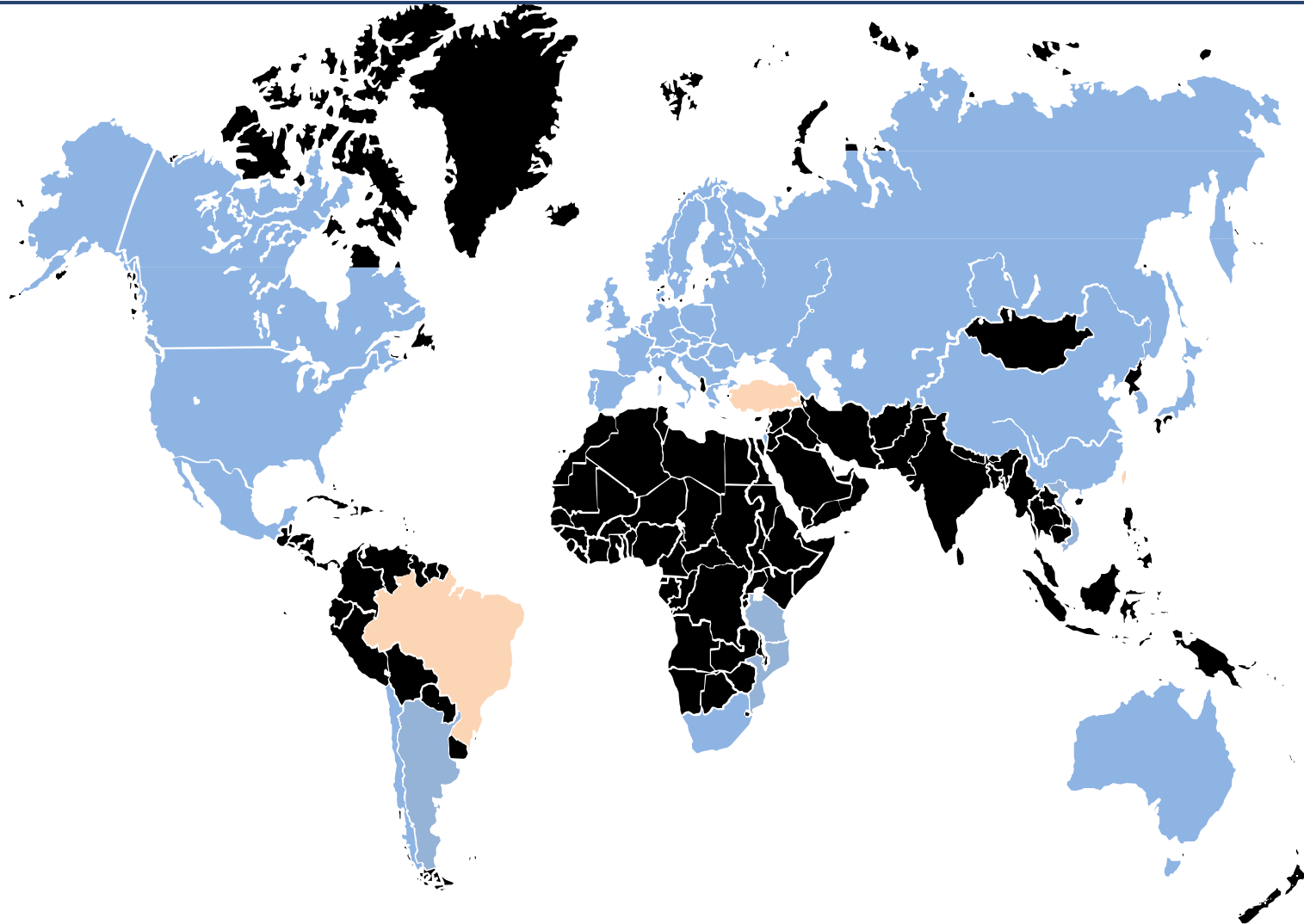


# ICCL / Common Forum networks

- ◆ Network of contaminated land policy experts and advisors dealing with contaminated land management:
  - International scale (since 1993), Europe (since 1994)
  
- ◆ Mission:
  - Being a platform for exchange of knowledge and experiences, for initiating and following-up of international projects among members,
  - Establishing a discussion platform on policy, research, technical and managerial concepts of contaminated land,

# ICCL & CF countries



# The European and International Networks on contaminated land management

- ◆ NATO CCMS (80s – 2007)
- ◆ **International Committee on Contaminated Land (since 1993)**
- ◆ **Common forum on contaminated land in Europe (since 1994)**
  - CARACAS (1996 – 1998)
  - CLARINET 1998 – 2001)
- ◆ NICOLE (since 1996)
- ◆ Sednet
- ◆ Cabernet
- ◆ Eurodemo / Eurodemo+
  
- ◆ SNOWMAN
  
- ◆ IMPEL (Environment inspectorate)



# Types of activities

- ◆ New concepts for Contaminated land management:
  - Risk based land management
- ◆ Critical analysis of EU Directives/ Strategies/ guidances
  - Alternative proposal for a Soil Protection Directive
  - Consultations INSPIRE templates, BIOS / ELD, AMEC/ baseline report guidance content
- ◆ Proposal of technical guidance documents
  - IMPEL demand
- ◆ Discussions with researchers:
  - i.e. need for harmonisation on risk assessment
  - EU projects / Advisory board

# Recent activities

- Questionnaires / Review of specific issues
  - regulatory framework in Member States
  - ELD implementation
  - Mining residues inventory
- Technical support:
  - Accidents leading to pollution (HU, CA)
  - TAIEX
- H2020 / proposals of project
  - Network of public procurers for soil decontamination
  - Research and Knowledge agenda for soil



# Inventory on soil related issues in EU Legislation

Dominique DARMENDRAIL

CF – NICOLE Joint Workshop  
Berlin, May 2014

# Regulatory environment at European level



# The most « important » ones

- ◆ The SOIL Protection Strategy
- ◆ The Industrial Emissions Directive (IED)
- ◆ The Environmental Liability Directive (ELD)
- ◆ The Water Framework Directive and associated daughter directive (GW, priority substances)
- ◆ Reporting: INSPIRE (soil format) and Resource Efficiency Roadmap (indicators)



# the Soil Protection Strategy / 4 Pillars

- ◆ Framework legislation with protection and sustainable use of soil
  - Soil Protection Directive – Draft
- ◆ Integration of soil protection into other policies
  - Revision of the Sewage Sludge Directive, the Industrial Emission Directive, the Waste Framework Directive, the Environment Liability Directive
  - New EU legislation such the Renewable Energies Directive, or new strategies (Biodiversity, Climate Change, Rural development Plans),
  - Development of the Environmental reporting / INSPIRE Directive,
  - Development of the Resource Efficiency Roadmap,
- ◆ Closing the recognised knowledge gap by Community and national research programmes;
- ◆ Increasing public awareness of the need to protect soil

# The Soil Protection Draft Directive (1/3)

- German presidency (1st half 2007)
- Portuguese presidency (2nd half 2007)
  - voting for agreement during Environment Council dd. 20.12.2007
  - blocking minority by Germany, the Netherlands, Austria, France and the UK
- French presidency (2nd half 2008) – New proposal
- Czech presidency (1st half 2009) – Intense discussions
- Spanish presidency (1st half 2010)
  - Start from Portuguese draft
  - Coreper March 2010: 6 against, 4 in middle (Sweden, Finland, Poland and Romania)
- Not at the agenda of the EU presidencies since 2010

# The Soil Protection Draft Directive (2/3)

- ◆ In Parallel, Unformal discussions within CF
  - Alternative proposal discussed between experts from PRO and CON Countries
  - Posted on <http://www.commonforum.eu/SoilDirectiveAlternative.asp>
- ◆ Evolution in Member States:
  - Convergence on practice in the identification of contaminated sites, the use of risk assessment (need for intervention), the design of integrated strategies with regard to land and water management and the use of innovative remediation technologies

# Evolution of contaminated land policies at national level

- ◆ **First generation: the early days 1980**
  - Drastic risk control, focus on soil contamination
  - systematic approaches (protocols, national inventories)
  
- ◆ **Second generation: contaminated land risk assessment 1990**
  - Possibilities for tailor-made approaches with cost effective investigations
  - Landuse becomes very important in assessment and decision making
  
- ◆ **Third generation: Risk Based Land Management and solution design 2000**
  - Integration with spatial planning, water management,
  - Economic development vs. protection of Environment & HH
  
- ◆ **??? 4<sup>th</sup> generation “Risk-informed and sustainable land management**

# The Soil Protection Draft Directive (3/3)

## ◆ Withdrawal of the proposal or not?

- EC REFIT Communication
- ENV Council Lunch in March 2014:
  - 2 questions: whether soil protection remains an objective for action at the level of the Union and, if yes, which is the appropriate approach to achieve it
  - Confirmation of an already known state of play with a number of Member States
  - the Commission will come back with "*something possible, more flexible, more adaptable to local circumstances and more coherent with other policies*".
- 7th EAP / 2 new articles on soil

# Other actions mentioned in the Soil Strategy implementation report

- ◆ Collaboration with FAO at international level
- ◆ Soil Monitoring at regular intervals (five-ten years), also by using new remote-sensing techniques – GMES programme
- ◆ Further **integration** of soil protection in different policies:
  - CAP negotiations
  - EU Biodiversity strategy to 2020
  - Resource Efficiency strategy / details
  - Cohesion policy provisions

# Soil Strategy - Pillar “Public awareness”

- ◆ EEA - 2010 State of the Environment / Soil part - 2011
- ◆ DG ENV Report on the implementation of the Soil Strategy – 13 February 2012  
[http://ec.europa.eu/environment/soil/three\\_en.htm](http://ec.europa.eu/environment/soil/three_en.htm)
- ◆ JRC – The state of Soil in Europe (2012-02)  
<http://ec.europa.eu/dgs/jrc/index.cfm?id=2540>
- ◆ 10-11 May 2012 – DG ENV Conference on Soil remediation and soil sealing
- ◆ Conference « Land as a resource », Bruxelles, 19 June 2014

# Industrial Emission Directive / Main provisions to soil contamination (1/2)

## ◆ **Baseline report** for all sites

- where activity involves use, production or release of relevant hazardous substances **and having regard to the possibility of soil and groundwater contamination**
  - List of substances?
  - Consideration of preventive measures
  - Level of information requested, vs. new measurements

## ◆ **Periodic monitoring Emissions to air, soil or water:**

- frequency of at least every 5 years (GW), 10 years (soils) for dangerous substances likely to be found



# Industrial Emission Directive / Main provisions to soil contamination (1/2)

## ◆ New Site closure and remediation procedures

- Remediation to baseline report conditions
- Technical feasibility may be taken in to account
- If baseline not enough, additional measures based on risk approach

## ◆ Some questions

- how to deal with small elevation of concentrations not reaching remediation standards?
- what with update of a permit?
- only risk approach when baseline report isn't necessary

# Environmental Liability Directive

- ◆ **Principle:** an operator whose activity has caused the environmental damage or the imminent threat of such damage is to be held financially liable (induce operators to adopt measures and develop practices to minimise the risks of environmental damage)
- ◆ **Targets :** surface water, groundwater, endangered species, protected habitats, soil (only in case damage is a danger to human health)
- ◆ A lot of cases at the European Court of Justice - Most linked to soil and Water Damages!
- ◆ EC studies recently published:
  - harmonization needed, financial provisions calculation, definition of land damage, proposal for extending to marine env., pipeline/mining ...

# What is contaminated? Uncontaminated?

- ◆ Renewable Energy Directive (2009/28/EC)
  - 'heavily contaminated land' means land that is unfit for the cultivation of food and feed due to soil contamination
- ◆ Mining Residues Directive (2006/21/EC)
  - Unpolluted soil : « soil that is removed from the upper layer of the ground during extractive activities and that is not deemed to be polluted under the national law of the MS where the site is located or under Community law”
  - National threshold values for defining it / national background values!!

# TYPES OF SITUATION FACED

- ◆ Suspected land: is it a problem? Is it risky?



- Are the operating site impacts acceptable?

**IED**

- Is the future redevelopment project feasible on this particular site?

- Site closure: What should I do for regenerating the land?

**IED**

# Soil Protection / CF views

- ◆ What do we need?
  - Steward natural resources and capital
  - **Meeting societal needs** (food, drinking water, energy production, shelter, infrastructure)
  - Overcoming **societal challenges** (climate change mitigation and adaptation, increasing demands on nonrenewable natural resources, environmental justice).
  
- ◆ Using & Protecting Land/Soil, restoring if needed

# Conclusions

- ◆ Different pieces of EU legislation,
  - Recognise the efforts already done
  - Existing Common Ground for managing Contamination
  - RTD needs remaining
  
- ◆ Need of real integration for more sustainability (legislation & framework)
  - The Soil – Sediment – Water system and its services!
  - Need for sustainable land use and integrated management of the land-soil-sediment-water system
  
- ◆ Better common understanding/ building consensus

◆ Thanks for your attention!



More information on:  
[www.commonforum.eu](http://www.commonforum.eu)  
[www.iccl.ch](http://www.iccl.ch)