

## Applying circularity principles in contaminated land management in the context of the new EU Soil Strategy - The “Athens Statement” -

NICOLE ([www.nicole.org](http://www.nicole.org)) and COMMON FORUM ([www.commonforum.eu](http://www.commonforum.eu)) share the objective of enabling contaminated land management within a framework of sustainability aimed at responding to major societal challenges, while combining the added value derived from diverse viewpoints including public authorities, industries (site owners), service providers and academia.

Recalling the adoption of the European Green Deal (2019), it is acknowledged that a coherent policy frame for tackling climate change adaptation, biodiversity loss and pollution needs to be developed.

Emphasizing the EU Circular Economy Action Plan (2020) and welcoming the updated EU Soil Strategy (2021), NICOLE and COMMON FORUM, with support from the research and knowledge platform SOILveR ([www.soilver.eu](http://www.soilver.eu)), organised a joint workshop to explore new interfaces and how to apply circularity principles in contaminated land management.

The workshop was held on 24/25 November 2022 in Athens, Greece, a country that typically depends upon EU environmental policies and regulations but lacks a national contaminated land management framework. The Greek context is a relevant example of why the new EU Soil Strategy and upcoming anticipated legislation are of major importance for the entire EU.

This “Athens Statement” summarises key findings and observations from the workshop<sup>1</sup> that were felt to be of high relevance to European Contaminated Land Management communities, regions, EU Member States<sup>2</sup>, and the European Commission.

### **Acknowledge “fit-for-use” as an enabler for achieving zero pollution**

Putting emphasis on the ‘standstill principle’, there is a complementary need to recognize the ‘fit-for-use’ approach in contaminated land management. Risk-informed sustainable remediation (see joint [Position paper](#) 2013) strives for mitigating significant risks for human health and ecosystems, being fully aligned with the ideas of “[One Health](#)” (WHO, 2017).

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<sup>1</sup> *DISCLAIMER: Findings and observations expressed in this document as output from the workshop held on 24/25 Nov 2022 on behalf of NICOLE do not necessarily represent views of all individual NICOLE member organisations.*

<sup>2</sup> *DISCLAIMER: Internal discussions at country level are ongoing and thus EU member states might come up with formal positions that are not in line with all aspects raised here under.*

Besides regulating contaminated site management, it remains urgent to prevent, minimise and mitigate diffuse inputs of contaminants to soil. Consequently, it is strongly encouraged to include diffuse pollution within an EU Soil Health Law (SHL). This also calls for establishing a dynamic early warning system to monitor new contaminants of emerging concern. It is paramount that soil protection policy moves away from being reactive to proactive.

### **Recognise land stewardship and trigger transparency for land transactions**

Recognising the natural, social and economic capital that land possesses drives the idea of [land stewardship](#) (NICOLE, 2018). The availability of transparent information during land transactions is needed to avoid brownfields and support circular land use for conserving and creating value. As an important element to enable uptake of land stewardship, establishing a system of “soil health certificates” for land transactions voluntarily at Member State level, which should utilise a transparent labelling system analogous to energy efficiency, is most welcome. Support by the EU research programme and mission ‘A Soil Deal for Europe’ (as envisaged by the EU Soil Strategy) could trigger the establishment of sound systems, the use of innovative management/monitoring techniques, and encourage digitalization.

### **Aiming towards ecosystem resilience for soils and above ground**

Raising both awareness and an improved knowledge regarding the biodiversity of soils remains a challenge across the EU. One of the main goals the SHL should address, not only for professionals in the contaminated land management arena, but for all citizens in the EU, is to drastically change the mindset when thinking of “soil”. Education, training, research and development will lead to better communication on the critical importance of soil in ecosystem resilience. In the mid- to long term, this increased understanding should inform smarter and more holistic decisions on site remediation strategies and techniques, while optimizing secondary benefits (e.g., preserving/increasing soil carbon) and enhancing ecosystem resilience at landscape scales. To advance this agenda means addressing some key concerns. A thorough explanation of the concept of ‘soil health’ is still missing, and good soil conditions everywhere are not likely a realistic aim. The combined experiences in contaminated land management from our networks prove that simplified, normative requirements without sound processes and methodologies in place can hamper successes in land reclamation, resulting in diminishing returns on investment and sustainability.

### **Encourage and transform for increasing soil re-use**

Alignment between waste regulation and soil health legislation is key. Several key prerequisites are needed to ensure appropriate re-use of excavated soils as well as waste from construction and demolition. These include quality control, geotechnical requirements and use restrictions, traceability, and proximity. The aim is for reducing irreversible environmental impacts, avoiding new contamination sources, and managing liability. Furthermore, guidance on “passports for excavated soil” should support establishing land use related quality standards, incentivize for a labelling system, and address questions on liability (including for emerging contaminants). To reduce the use of primary raw materials,

consideration needs to be given to allow for transformational policy to influence market forces (e.g. taxes, quotas and other incentives for recycled components). NICOLE and COMMON FORUM also encourage the SHL to promote incentive models throughout the EU, instead of coercive actions, maximising the opportunistic aspects for socioeconomic growth.

### **Enable the EU Soil Health Law and promote good interfaces between existing EU legislation**

Based on the EC identification of interfaces between existing EU legislation and the SHL proposal, legal adaptations through the SHL (amending provisions) should be considered. Where appropriate, clear reference should be provided in order to;

- 1) Avoid overlaps with existing EU legislation; (e.g. Waste and Water Framework Directives, IED, CAP)
- 2) Rectify contradictory provisions;
- 3) Complete legal gaps; and
- 4) Centralise soil concepts in SHL to ensure overall coherence.

### **Build capacity and strive for efficient administration**

NICOLE and COMMON FORUM believe that the SHL should further strengthen synergy effects including the transfer of data (and digitalization) in order to ensure an efficient use of information and evidence. The importance of this is highlighted against a backdrop of a growing skilled labour shortage and pressure for proportionate deployment of limited public resources. The needs for building capacity will most likely involve all main actors in land management. This should not only involve developing training courses and materials for practitioners but will also require streamlined and targeted reporting mechanisms for which the European Commission and Member States will need to allocate personnel and technical/financial resources to guarantee efficient administration.




Johan DE FRAYE	Dietmar MÜLLER-GRABHERR
Chair of NICOLE	General Secretary to COMMON FORUM
Rotterdam, 20.12.2022	Vienna, 20.12.2022