



## Soil protection at EU level

Marijke Cardon  
 OVAM, department Soil Management  
 30.05.2013

### The European Union



### Soil degradation is accelerating



Sealing



erosion



organic matter decline

compaction



salinisation

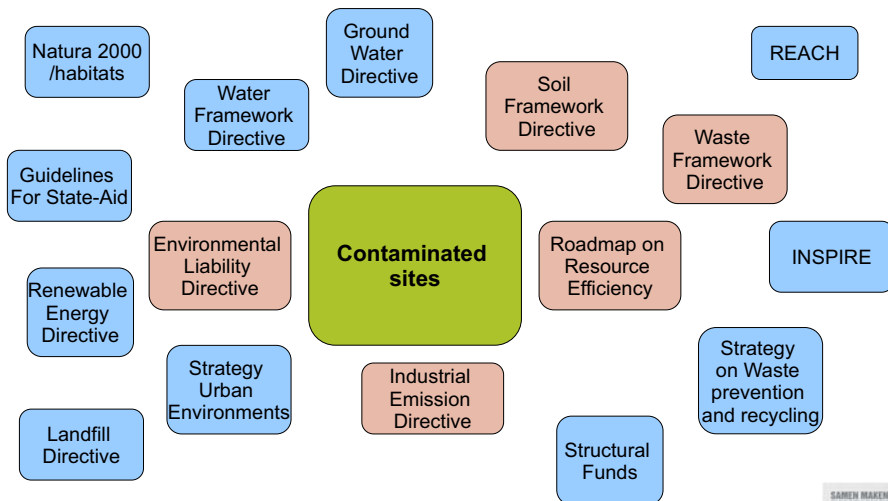
landslides



contamination



## EU legislation linked with contaminated sites policy



5

Marijke Cardon

30.05.2013



## EU Thematic Strategy on Soil Protection

### □ Because of

- Soil is practically a non-renewable natural resource
- Soil performs crucial functions for human activities and ecosystems survival
- Cost 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
- Need for a comprehensive approach, recommended in the 6th EAP, and welcomed by all EU institutions

6

Marijke Cardon

30.05.2013



## EU Thematic Strategy on Soil Protection

- Publication on the 22nd of September 2006
- 3 parts:
  - 'Communication' document (COM(2006)231)
  - Impact Assessment (SEC(2006)620)
  - Proposal for a Soil Framework Directive (COM(2006)232)
- The directive establishes a framework for the protection of soil and the preservation of soil functions.

7

Marijke Cardon

30.05.2013



## Proposal for a Soil Framework Directive – soil contamination

- Definition 'contaminated sites'
- Inventory of contaminated sites
  - Identification of soil polluting activities within 5 years
  - Measurement of the concentration levels within 25 years
- Soil Status Report
  - Made when there is a transaction of a potentially contaminated site
  - Includes background history of the site, chemical analysis determining the concentration levels of the dangerous substances, concentration levels at which dangerous substances pose a significant risk to human health or the environment

8

Marijke Cardon

30.05.2013



## Proposal for a Soil Framework Directive – soil contamination

### □ Remediation

- After remediation sites no longer poses any significant risk to human health or the environment, taking account of its current and approved future use
- No obligated time frame for the remediation of all the sites taken up in the inventory
- Following the 'national remediation strategy'

### □ 'National Remediation Strategy'

- Strategy will be made within 7 years
- Includes remediation targets, prioritisation, timetable and allocated funds

### □ Measures to fund the remediation of 'orphan sites'

### □ Annex 2: obligatory list of potentially soil polluting activities

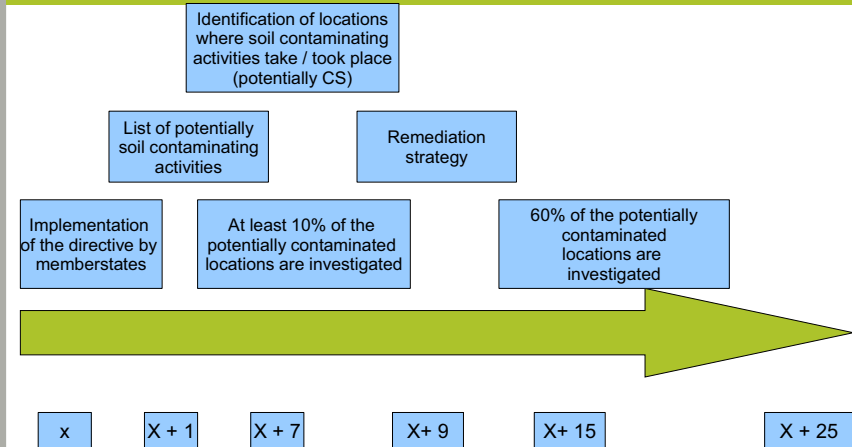
9

Marijke Cardon

30.05.2013



## Proposal for a Soil Framework Directive – soil contamination



10

Marijke Cardon

30.05.2013



## Proposal for a Soil Framework Directive – soil contamination – main outstanding issues

### □ 'Identification and inventory of contaminated sites':

- Some member states have strong concerns in relation to the provisions on the risk assessment methodology for identifying contaminated sites which they request should be left to member states to be determined.
- Some member states cannot support the 25 years deadline for establishing the inventory on contaminated sites.

### □ 'Soil status report':

- Some member states ask for much greater degree of flexibility concerning the establishment, content and use of soil status reports because of concerns about potential costs.
- Some member states request to exclude small sites and private citizens from the requirement of producing soil status reports in the case of land transactions.

11

Marijke Cardon

30.05.2013



## Industrial Emission Directive

### □ Directive 2010/75/EU of 24 November 2010 on industrial emission (recast IPPC)

### □ Some items changed concerning soil emissions

- Activity involves the use, production or release of relevant, hazardous substances + annex 1
- Baseline report
- Closure of the site
- Monitoring
- Access to information

12

Marijke Cardon

30.05.2013



## Industrial Emissions Directive

- Content of the 'baseline report':
  - Information of the soil and groundwater contamination
  - Information on the current and past use of the site
- Goal of the baseline report
  - Quantified comparison with the situation after closure of the site
- Obligation concerning 'closure of the site':
  - Comparison between data from the baseline report and the situation of the soil and groundwater contamination after definitive closure of the activities
  - Contamination during exploitation after baseline report: remediation to baseline situation – BATNEEC
  - Contamination during exploitation before baseline report: riskbased

13

Marijke Cardon

30.05.2013



## Industrial Emission Directive

- Monitoring obligation:
  - Periodic monitoring for relevant hazardous substances
  - Soil – every 10 years
  - Groundwater – every 5 years
  - Exemption: other frequency based on systematic evaluation of risk
- Information must be public accessible through the internet

14

Marijke Cardon

30.05.2013



## Waste Directive

- Directive 2008/98 of 19 November 2008 on Waste
- Excluded from the scope
  - Land (in situ) including unexcavated contaminated soil and buildings permanently connected with land
  - Uncontaminated soil and other naturally occurring material excavated in the course of construction activities where it is certain that the material will be used for the purposes of construction in its natural state on the site from which it was excavated
- Excavated soil (uncontaminated used off-site and contaminated) is waste
  - The waste status of excavated soil should be considered in accordance with the definition of waste and the provisions on by-products or on the end of waste status.

15

Marijke Cardon

30.05.2013



## Roadmap on Resource Efficiency

- Communication from the Commission – COM(2011) 571 final – 20,09,2011 – Roadmap on Resource Efficiency
- Milestone:
  - By 2020, EU policies take into account their direct and indirect impact on land use in the EU and globally, and the rate of land take is on track with an aim to achieve no net land take by 2050; soil erosion is reduced and the soil organic matter increased, with remedial work on contaminated sites well underway
- Member States should:
  - Set up an inventory on contaminated sites, and a schedule for remedial work (by 2015)

16

Marijke Cardon

30.05.2013



Thanks for your attention.  
Questions?

---

