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## European Union Policy Context for Contaminated Sites Management and Polish EU Presidency Priorities



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# History of soil protection policies in the EU

- 1972 **European Soil Charter** adopted by Council of Europe
- 1996 creation of the **European Soil Bureau** at the JRC
- 1998 Workshop Soil Protection Policies within the EU Bonn Memorandum, Germany
- 1999 establishment of the **European Soil Forum** (meetings: in Berlin (1999) and Napoli (2001))
- 2002 adoption by the EP and Council of the **Sixth Environment Action Programme** includes a strategy for soil protection
- 2002 Communication: **Towards a Thematic Strategy for Soil Protection** (COM(2002)179 final adoption by the Commission with responses from CoR, EESC, EP, Council)
- 2006 **Thematic Strategy for Soil Protection** adopted by the EC

# EU institutions collecting data about soil contamination

## The European Environmental Agency

- is an agency whose task is to provide sound and independent information on the environment
- The European Environment Information and Observation Network is a collaborative network of the EEA and jointly provide the information that is used for making decisions for improving the state of environment in Europe and making EU policies more effective
- The dataset on soil contamination contains information on the following issues:
  - Progress in the management of contaminated sites
  - Industrial and commercial branches responsible for local soil contamination
  - Expenditure and estimated costs
  - Main contaminants affecting soil and groundwater

## European Soil Data Center/JRC – ESDC

- The ESDC is one of the ten environmental data centers in Europe and is the focal point for soil data at European level





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# Regulatory environment at European level



## Main regulations to impact soil status

- Proposal for a Soil Framework Directive
- Environmental Liability Directive
- Industrial Emission Directive /IPPC recast



## Regulatory environment at European level

### Other regulations and policies partially influence soil status

- Waste Framework Directive
- Directive on wastes from extractive industry – inert waste
- Landfill Directive
- Sewage Sludge Directive
- Water Framework Directive
- Ground Water Directive
- Renewable Energies Directive
- Strategy Urban Environments
- Structural Funds
- Guidelines For State-aid
- Strategy on sustainable use of resources



## Communication EC Adopted in September 2006

### 4 pillars:

- (1) framework legislation with protection and sustainable use of soil as its principal aim;
  - Soil Protection Directive – Draft
  - Environmental Liability Directive – Implementation phase
- (2) integration of soil protection into other policies
  - Revision of the Sewage Sludge Directive, the IPPC/IED Directive, the Waste Framework Directive
  - Soil Provisions in the Renewable Energies Directive
  - Biodiversity, Climate Change, Rural Development Plans, etc.
- (3) closing the recognized knowledge gap by Community and national research programmes;
- (4) increasing public awareness of the need to protect soil



# Proposal for a Soil Framework Directive

## Objectives

- establish COMMON PRINCIPLES for the protection of soil
- preserve (protection) of SOIL FUNCTIONS
  - biomass production, storing, filtering substances and water, biodiversity pool, environment for human and human activities, source of raw materials, acting as carbon pool, archive of geological and archaeological heritage
- prevent the THREATS
- ensure SUSTAINABLE USE of soil





# Proposal for a Soil Framework Directive

## Soil threats

- sealing
- erosion
- organic matter decline
- compaction
- salinisation + acidification
- landslides
- contamination



# Proposal for a Soil Framework Directive - risk areas

## Identification of risk areas

- MS can use monitoring data or models
- MS can establish risk acceptability
- MS can use indicative parameters listed in Annex I

## Establishing targets for risk areas indicating

- what want to achieve

## Measures to achieve targets

- to be established and adopted by MS

## Monitoring of progress and reporting to Commission

- on risk area identification
- on measures taken and their effects





# Proposal for a Soil Framework Directive - contamination

## Inventory of contaminated sites

- to be established and regularly updated by MS

## National remediation strategy

- to be established and adopted by MS
- containing targets, means, and prioritization, to be regularly revised

## Soil status report

- will be necessary for land where a potentially soil contaminating activity takes place or has taken place in the past

## Mechanism to fund the remediation of orphan sites

- to be established by MS, such as funds or taxes for specific sectors and activities

## Reporting to Commission

- on inventory of contaminated sites and remediation plans



# Proposal for a Soil Framework Directive – state of negotiations

## Favourable opinions

- Committee of the Regions, February 2007
- European Economic and Social Committee, April 2007
- European Parliament : adoption in first reading November 2007, with amendments providing more flexibility in some provisions and strengthening others

## Further inter-institutional negotiations

- are not advancing as quickly as one could have hoped
- no political agreement on the Ministers Council since December 2007
- not at the official Agenda of the Polish Presidency but for Poland it is a very important issue. Therefore we focus on work in this scope within informal group led by CFCL in EU to develop common text of this directive



# Environmental Liability Directive



➤ entered into force  
on 30 April 2004

## Main objectives

- establish a framework based on the "polluter pays" principle
- prevent and remedy "environmental damage"

## Environmental damage

- protected species and habitats
- water
- soil (only in case damage is a danger to human health)





# Environmental Liability Directive

## The liable party

- is in principle the "operator", i.e. the one (natural or legal person) who carries out an occupational activity

## Strict liability for environmental elements

- The operator, who carries out certain dangerous activities as listed in the Directive is strictly liable (without fault) for the environmental damage he caused

## Fault liability covers endangered species and protected habitats

- All operators carrying out occupational activities are liable for fault-based damage they cause to nature as defined by the ELD

Directive only applicable to damage caused after date of entry into force (30 April 2007)

50 cases at European Court of Justice, mainly due to soil and water damage





# Industrial Emissions Directive (IPPC recast) - soil related issues

## Establishment of a baseline report

- before starting operation of an installation or before a permit of installation is updated for the first time
- contain the information necessary to determine the state of soil and groundwater contamination
- to make comparison with the state upon definitive cessation of activity

## Periodic monitoring of soil (and groundwater -GW)

- not for all installations, only for dangerous substances likely to be found
- Every 5 years for GW, every 10 years for Soil

## Obligation to remediate the site

- measures to return the site to state of baseline report upon closure of the installation (no-degradation approach)



# Industrial Emissions Directive (IPPC recast) - soil related issues



Adopted in December 2010

Transposition within 2 years at  
National / Regional levels

Start of the «Harmonization» work at  
European Level

- WG on monitoring issues – launched in June 2011
- Proposal on baseline report is expected



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# Polish EU Presidency Priorities in the area of environment



## Formal Priorities PL Presidency

- Climate protection. Adoption to the climate change in Europe
- Protection of the biodiversity
- Efficient use of resource
- Rio +20

**PRIORYTET  
PRIORITAIRE**



# Polish EU Presidency Priorities

## - events

Conference *Soil organic matter – the old truth and new challenges*

21 September 2011

➤ the aim of the conference was to raise awareness amongst administration regarding significance of soil organic matter in the context of climate change





# Polish EU Presidency Priorities - events

## *Conference Soil organic matter – the old truth and new challenges - results*

- Soil and land management research is important bases for the success of bio-based economy in Europe and the world
- Soil organic matter has been one of the essential drivers for the ability of soil to perform its functions – e.g. biomass production, retention, filtering and buffering, biodiversity





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THANK YOU FOR YOUR  
ATTENTION

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