



© Environment Agency Austria

# POLITICAL STEERING OF CONTAMINATED AREAS IN THE EUROPEAN UNION

DIETMAR MÜLLER-GRABHERR

ENVIRONMENT AGENCY AUSTRIA **umweltbundesamt**<sup>U</sup>

# POLITICAL STEERING

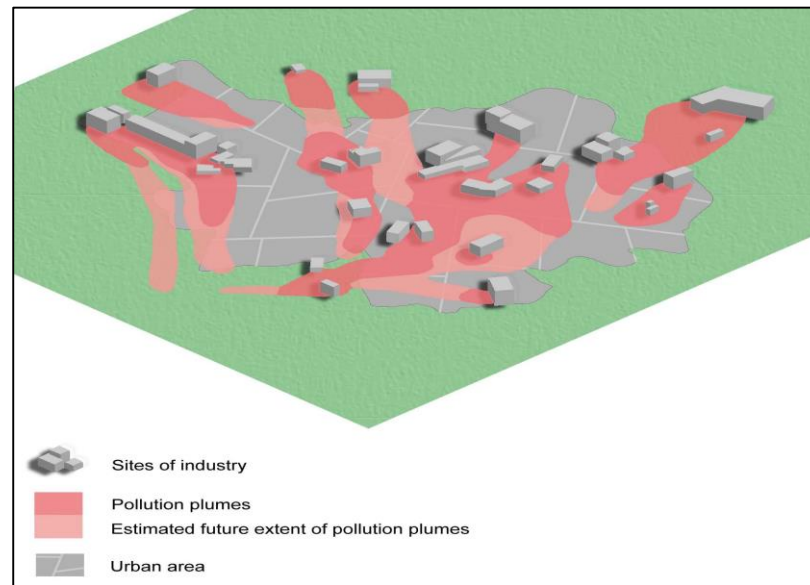
## Which means are effective?

- visioning
- legislation, thematic programs
- setting objectives, targets
- financial incentives

## Who is responsible?

- governments
- stakeholder
- society

**GOOD GOVERNANCE !**



© Environment Agency Austria

# OUTLINE

- ❑ Introduction
- ❑ European policies and legislation
- ❑ Improving Governance and Practice

## MISSION

- transnational exchange of knowledge and experiences in Europe
- discussion platform (policy, research, concepts)
- initiating and following-up of international projects
- cooperation and exchange of expertise with all stakeholders

## CONSTITUENCY:

- ❑ initiated in 1994 (Bonn; Germany); 2 regular meetings / year
- ❑ policy makers, regulators & technical advisors
- ❑ **Europe** (European Union + Free Trade Association)
  - ❑ regular Secretariat (established in 2007)

# CF / NICOLE Joint Position Paper



Pictures  
Courtesy of WSP and National Grid

## Risk-Informed and Sustainable Remediation

The COMMON FORUM on Contaminated Land, initiated in 1994, is a network of contaminated land policy makers and advisors from national ministries in European Union Member States and European Free Trade Association countries. The objectives of COMMON FORUM are to develop strategies for the management and treatment of contaminated sites and for land recycling with respect to "sustainable resource protection" for contaminated land and groundwater.

[www.commonforum.eu](http://www.commonforum.eu)

NICOLE is a network for the stimulation, dissemination and exchange of knowledge about all aspects of industrially contaminated land. Its 125 members of 15 European countries come from industrial companies and trade organisations (problem holders), service providers / technology developers, universities and independent research organisations (problem solvers) and governmental organisations (policy makers). The network started in February 1996 as a concerted action under the 4th Framework Programme of the European Community. Since February 1999, NICOLE has been self supporting and is financed by the fees of its members.

[www.nicole.org](http://www.nicole.org)

Joint Position Statement by

## NICOLE and COMMON FORUM

9 June 2013

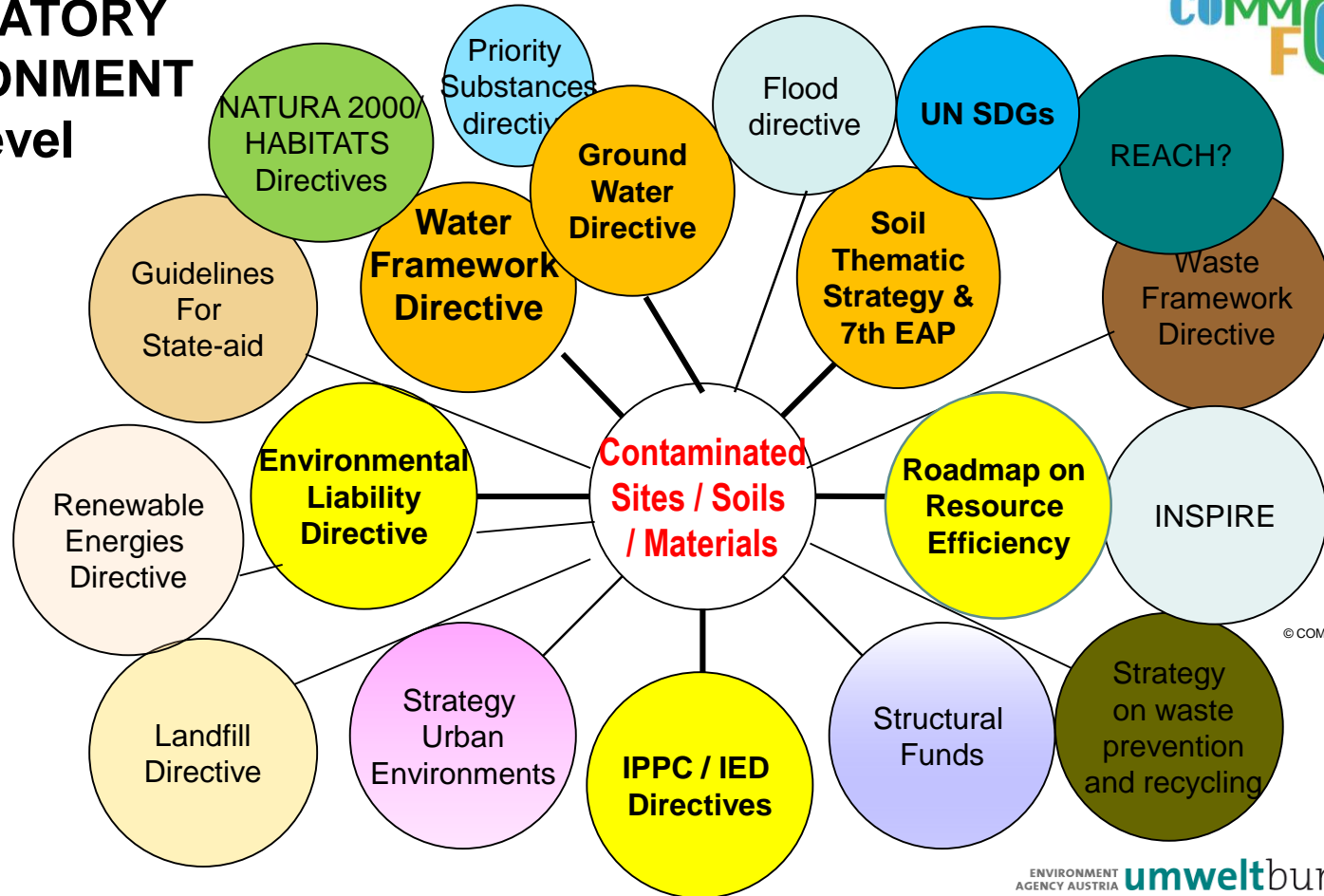
© NICOLE / COMMON FORUM

Available in:

English, Dutch,  
French, Italian,  
German,  
Portuguese,  
Spanish, Serb,  
Danish

<http://nicole.org>

# REGULATORY ENVIRONMENT at EU level



© COMMON FORUM

# WORKING ACROSS & CONNECTING SCALES



- Overarching objectives
- National policy & guidance
- regional planning
- local implementation
- advise
- control



# SOIL THEMATIC STRATEGY (EC, 2006)

The strategy has been built around **four key pillars**:

- **framework legislation** with protection and sustainable use of soil as its principal aim;
- **integration of soil protection** in the formulation and implementation of **national and Community policies**;
- closing knowledge gaps through **research** supported by Community and national research programmes;
- increasing **public awareness** of the need to protect soil.



# DRAFT SOIL FRAMEWORK DIRECTIVE

## LEGISLATIVE PROPOSAL (2006)

### Risk area approach

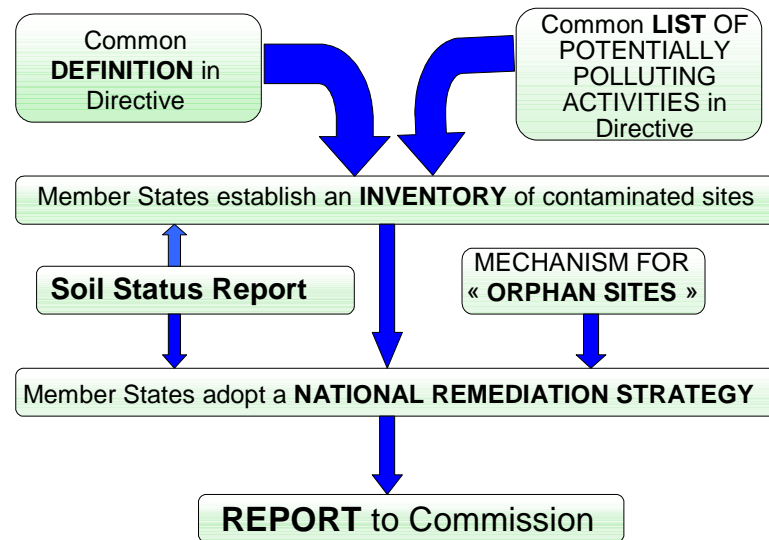
- erosion, organic matter decline, compaction, salinisation and landslides

### National/regional approaches:

- **contamination** (see figure)

## WITHDRAWAL (2014)

- **7th EAP (2014 – 2020)**



© European Commission

## 7<sup>th</sup> Environment Action Programme (7<sup>th</sup> EAP; 2014):

- to reflect with Member States on *how soil quality issues could be addressed using a targeted and proportionate risk-based approach within a **binding legal framework***
- to establish the policy baseline, a gap analysis and the need to further act at EU level
- Soil legislation/policy inventory (report February 2017)
  - 35 EU level policies
  - 671 instruments across 28 EU Member States

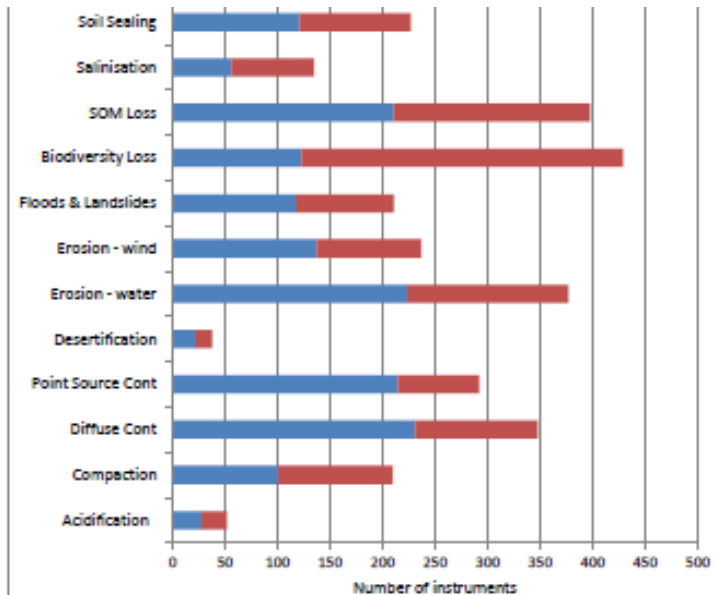
# EU POLICIES: PRIORITY CLUSTERS

The strategy has been built around **six CLUSTERS**:

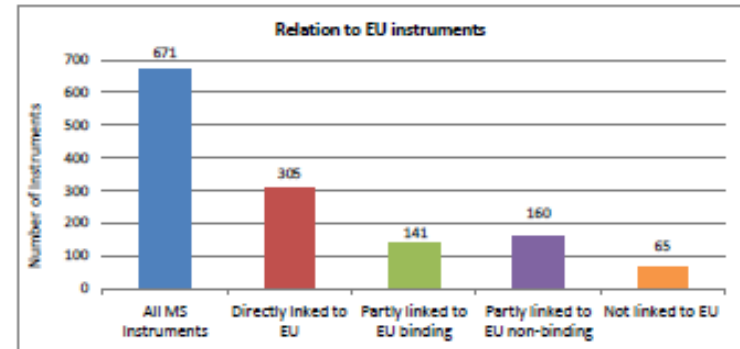
- a. CAP and complementary measures on agricultural and forest land
- b. Overarching instruments (e.g. 7th EAP)
- c. Diffuse pollution / water management
- d. Industrial / localised contamination of land
- e. Nature, land use planning and soil sealing
- f. Climate Change and Energy

# INVENTORY OF SOIL PROTECTION POLICY INSTRUMENTS IN EU MEMBER STATES

## Number of instruments per soil threat



© Ecologic Institute, Berlin 2017



© Ecologic Institute, Berlin 2017

# ENVIRONMENTAL LIABILITY DIRECTIVE (2004)

establishes a framework based on the “polluter-pays-principle”:

- liability with regard to the **prevention and remediation** of environmental damages
  - damage to protected habitats and species (significant adverse effects on favourable conservation status)
  - water damage (significant adverse effects ecological, chemical status)
  - land damage (significant risk to human health)
- does not require fault or negligence
- restoration of the environment to baseline conditions
  - if not (completely) possible: complementary measures elsewhere
  - compensation as well for interim losses

Main EU instrument regulating pollutant emissions from large industrial installations, as well covering issues regarding **site contamination**:

- defines soil and provides for a **baseline report**: characterising the status of soil and groundwater to be submitted before starting the operation of an installation
- further assessment upon cessation of activities
- **significant pollution** by relevant hazardous substances: **measures to return the site to baseline status**

## Milestones:

- **by 2015:** Set up an inventory of contaminated sites, and a schedule for remedial work (by Member States).
- **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.**



## WFD ART. 4 (“MANAGEMENT BY OBJECTIVES”)

### Art. 4 (1) (b) GROUNDWATER

- 1) prevent & limit
  - ❑ preventing the deterioration of chemical status of GW-bodies
- 2) achieving good groundwater status
- 3) implementing measures to reverse any significant and sustained upward trend

### Art. 4 (1) (c) PROTECTED AREAS

- 1) meeting the requirements of protected areas

***“All live is interaction“***

(Alexander von Humboldt, 1769 - 1859)

## **CONTACT & INFORMATION**

Dietmar MÜLLER-GRABHERR

**COMMON FORUM on Contaminated Land in Europe**

Webpage: [www.commonforum.eu](http://www.commonforum.eu)

E-Mail: [CF-secretariat@umweltbundesamt.at](mailto:CF-secretariat@umweltbundesamt.at)

ENVIRONMENT AGENCY AUSTRIA  
[www.umweltbundesamt.at](http://www.umweltbundesamt.at)

**TANIA Seminar**  
Lathi (FINLAND) ● 19 November 2019