

EUROPEAN PARLIAMENT

2004



2009

Committee on the Environment, Public Health and Food Safety

3.8.2007

PE 392.343v01-00

AMENDMENTS 346-586— PART II (Article 9 – Annex)

Draft report

(PE 378.893v01-00)

Cristina Gutiérrez-Cortines

Establishing a framework for the protection of soil

Proposal for a directive (COM(2006)0232 – C6-0307/2006 – 2006/0086(COD))

Text proposed by the Commission

Amendments by Parliament

Amendment by Hartmut Nassauer

Amendment 346
Chapter III

Chapter III
Soil contamination

Deleted

SECTION ONE
PREVENTION AND INVENTORY

Article 9
Prevention of soil contamination

For the purposes of preserving the soil functions referred to in Article 1(1), Member States shall take appropriate and proportionate measures to limit the intentional or unintentional introduction of dangerous substances on or in the soil, excluding those due to air deposition and those due to a natural phenomenon of exceptional, inevitable and irresistible character, in order to avoid accumulation

AM\680001EN.doc

PE 392.343v01-00

that would hamper soil functions or give rise to significant risks to human health or the environment.

Or. de

Justification

Chapter III concerns soil contamination. Soil contamination is local in nature and requires appropriate measures tailored to the individual case and geared to the type of contamination and the type of soil. In the spirit of the subsidiary principle, it should therefore remain the task of the Member States to take suitable prevention and restoration measures. See proposed new version of Article 9.

Amendment by Hartmut Nassauer

Amendment 347 Article 9

For the purposes of **preserving** the soil functions referred to in Article 1(1), Member States shall take appropriate **and proportionate** measures to **limit the intentional or unintentional introduction of dangerous substances on or in the soil, excluding those due to air deposition and those due to a natural phenomenon of exceptional, inevitable and irresistible character, in order to avoid accumulation that would hamper soil functions or give rise to significant risks to human health or the environment.**

For the purposes of **restoring** the soil functions referred to in Article 1(1), Member States shall take appropriate measures to **remediate soil contamination caused by human activities.**

Remediation carried out in accordance with Member State regulations shall be considered as remediation within the meaning of this Directive.

Member States shall ensure that the use made of the site in the past is fundamental for the quality of remediation.

Or. de

Justification

This article is introduced to replace the deleted Chapter III. The Commission's aim is to prevent and/or remedy soil contamination. Given that the remediation of soil contamination requires a wide range of different measures depending on the type of contamination and the type and quality of soil, owing to its local nature, this task should be carried out by the Member States in line with the subsidiarity principle. Measures already introduced by Member States that have soil protection legislation should be recognised.

Amendment by Richard Seeber

Amendment 348

Article 9

For the purposes of preserving the soil functions referred to in Article 1(1), Member States shall take appropriate and proportionate measures to limit the intentional or unintentional introduction of dangerous substances on or in the soil, excluding those due to air deposition and those due to a natural phenomenon of exceptional, inevitable and irresistible character, in order to avoid accumulation that **would hamper** soil functions or give rise to significant risks to human health or the environment.

For the purposes of preserving the soil functions referred to in Article 1(1), Member States shall take appropriate and proportionate measures to:

(a) prevent the intentional or unintentional introduction of dangerous substances on or in the soil by illegal dumping, seepage or leakage. Measures shall be based on an assessment of the likelihood of whether activities involving hazardous substances on or in the soil might lead to soil contamination;

(b) limit the intentional or unintentional introduction of dangerous substances on or in the soil, excluding those due to air deposition and those due to a natural phenomenon of exceptional, inevitable and irresistible character, in order to avoid accumulation to an extent that soil functions would be hampered or that would give rise to significant risks to human health or the environment.

Justification

A distinction needs to be drawn between two types of soil contamination: contamination resulting from industrial activities and from agricultural activities. Whilst contamination resulting from industrial activities should be prevented, contamination arising from agricultural activities can only be limited so that it does not give rise to any risk to soil functions, health and the environment.

The need for these preventive measures should be assessed on the basis of a risk assessment of activities that have the potential to cause soil contamination.

Amendment by Holger Kraemer

Amendment 349
Article 9

For the purposes of preserving the soil functions referred to in Article 1(1), Member States shall **take** appropriate and proportionate measures to limit the intentional or unintentional introduction of dangerous substances on or in the soil, excluding those due to air deposition and those due to a natural phenomenon of exceptional, inevitable and irresistible character, in order to avoid accumulation that **would hamper** soil functions or **give** rise to significant risks to human health or the environment.

For the purposes of preserving the soil functions referred to in Article 1(1), Member States shall **ensure that** appropriate and proportionate measures **are taken at the competent administrative level** to limit the intentional or unintentional introduction of dangerous substances on or in the soil, excluding those due to air deposition and those due to a natural phenomenon of exceptional, inevitable and irresistible character, in order to avoid accumulation that **significantly hampers** soil functions or **gives** rise to significant risks to human health or the environment.

Or. de

Justification

To exclude trivial cases.

Amendment by Horst Schnellhardt

Amendment 350
Article 9

For the purposes of preserving the soil functions referred to in Article 1(1), Member States shall take appropriate and proportionate measures to limit the intentional or unintentional introduction of dangerous substances on or in the soil, excluding those due to air deposition and those due to a natural phenomenon of exceptional, inevitable and irresistible character, in order to avoid accumulation that would hamper soil functions **or give rise to significant risks to human health or the environment**.

For the purposes of preserving the soil functions referred to in Article 1(1), Member States shall – **where they have not already done so on the basis of legal provisions** – take appropriate and proportionate measures to limit the intentional or unintentional introduction of dangerous substances on or in the soil, excluding those due to air deposition and those due to a natural phenomenon of exceptional, inevitable and irresistible character, in order to avoid accumulation that would **significantly** hamper soil functions.

Or. de

Justification

The proposal for a directive of the European Parliament and of the Council establishing a framework for the protection of soil and amending Directive 2004/35EG is based on soil protection. There is therefore no competence for health protection and this must consequently be deleted.

Amendment by Anja Weisgerber and Thomas Ulmer + Renate Sommer and Peter Liese + Elisabeth Jeggle

Amendment 351 Article 9

For the purposes of preserving the soil functions referred to in Article 1(1), Member States shall take appropriate and proportionate measures to limit the intentional or unintentional introduction of dangerous substances on or in the soil, excluding those due to air deposition and those due to a natural phenomenon of exceptional, inevitable and irresistible character, in order to avoid accumulation that would hamper soil functions **or give rise to significant risks to human health or the environment**.

For the purposes of preserving the soil functions referred to in Article 1(1), Member States shall – **where they have not already done so** – take appropriate and proportionate measures to limit the intentional or unintentional introduction of dangerous substances on or in the soil, excluding those due to air deposition and those due to a natural phenomenon of exceptional, inevitable and irresistible character, in order to avoid accumulation **that is not insignificant and** that would hamper soil functions..

Or. de

Justification

When hazardous substances are introduced on or in the soil, soil functions are generally hampered. In order to exclude trivial cases, the threshold of a significant level should already be made in connection with the hampering of soil functions. Given that the proposal concerns preventive soil protection, the reference to risk prevention should be deleted.

Amendment by Lambert van Nistelrooij, Markus Pieper, Esther De Lange, Neil Parish

Amendment 352

Article 9

For the purposes of preserving the soil functions referred to in Article 1(1), Member States shall take appropriate and proportionate measures to limit the intentional or unintentional introduction of dangerous substances ***on or in the soil***, excluding those due to air deposition ***and those due to a natural phenomenon of exceptional, inevitable and irresistible character***, in order to avoid accumulation that would hamper soil functions ***or*** give rise to significant risks to human health or the environment.

For the purposes of preserving the soil functions referred to in Article 1(1), Member States shall take appropriate and proportionate measures to limit the intentional or unintentional introduction of dangerous substances, excluding those due to air deposition, in order to avoid accumulation that would hamper soil functions ***and*** give rise to significant risks to human health or the environment..

Or. de

Justification

Natural causes are excepted, above all because in many cases the costs for the Member States and businesses affected cannot be calculated or there are no options for action.

Account should be taken only of cases where soil functions are hampered to such an extent that they could pose a significant risk for human health or the environment, so that the competent authorities in the Member States need not deal unnecessarily with insignificant cases of soil being adversely affected.

Amendment by Karsten Friedrich Hoppenstedt

Amendment 353

Article 9

For the purposes of preserving the soil functions referred to in Article 1(1), Member

For the purposes of preserving the soil functions referred to in Article 1(1), Member

States shall **take** appropriate and proportionate measures to limit the intentional or unintentional introduction of dangerous substances on or in the soil, excluding those due to air deposition and those due to a natural phenomenon of exceptional, inevitable and irresistible character, in order to avoid accumulation that would hamper soil functions **or give rise to** significant risks to human health or the environment.

States shall **ensure that** appropriate and proportionate measures **are taken** to limit the intentional or unintentional introduction of dangerous substances on or in the soil, excluding those due to air deposition and those due to a natural phenomenon of exceptional, inevitable and irresistible character, in order to avoid accumulation that would hamper soil functions **so that** significant risks to human health or the environment **could exist**.

Or. de

Justification

It is important to establish the cause and effect link to the existence of risks to people/the environment in order to cover cases that are indeed problematic and take appropriate measures.

Amendment by Richard Seeber

Amendment 354 Article 9

For the purposes of preserving the soil functions referred to in Article 1(1), Member States shall take appropriate and proportionate measures to limit the intentional or unintentional introduction of dangerous substances on or in the soil, excluding those due to air deposition and those due to a natural phenomenon of exceptional, inevitable and irresistible character, in order to avoid accumulation that would **hamper** soil functions or give rise to significant risks to human health or the environment.

I. For the purposes of preserving the soil functions referred to in Article 1(1), Member States shall take appropriate and proportionate measures to limit the intentional or unintentional introduction of dangerous substances on or in the soil, excluding those due to air deposition and those due to a natural phenomenon of exceptional, inevitable and irresistible character, in order to avoid accumulation that would **affect existing** soil functions **with a view to current and future use** or give rise to significant risks to human health or the environment.

Or. en

Justification

The approach taken to the effects of introducing dangerous substances should be geared to the use made of the soil, and should observe the principle of proportionality.

Activities authorised under EU or national legislation, already fulfilling the obligation for preventing soil contamination in compliance with the relevant legal requirements, must not be subject to the requirements of this directive.

A doubling of regulatory regimes without any added value to soil protection must be avoided!

Amendment by Gyula Hegyi

Amendment 355
Article 9

For the purposes of preserving the soil functions referred to in Article 1(1), Member States shall take appropriate and proportionate measures to limit the intentional or unintentional introduction of dangerous substances on or in the soil, excluding *those due to air deposition and* those due to a natural phenomenon of exceptional, inevitable and irresistible character, in order to avoid accumulation that would hamper soil functions or give rise to significant risks to human health or the environment.

For the purposes of preserving the soil functions referred to in Article 1(1), Member States shall take appropriate and proportionate measures to limit the intentional or unintentional introduction of dangerous substances on or in the soil, excluding those due to a natural phenomenon of exceptional, inevitable and irresistible character, in order to avoid accumulation that would hamper soil functions or give rise to significant risks to human health or the environment.

Or. en

Justification

Existing air legislations are often poorly enforced and excluding pollution from air deposition is not justified.

Amendment by Hiltrud Breyer, Roberto Musacchio, Umberto Guidoni

Amendment 356
Article 9

For the purposes of preserving the soil functions referred to in Article 1(1), Member States shall take appropriate and proportionate measures to *limit* the intentional or unintentional introduction of dangerous substances on or in the soil, excluding *those due to air deposition and* those due to a natural phenomenon of

For the purposes of preserving the soil functions referred to in Article 1(1), Member States shall take appropriate and proportionate measures to *prevent* the intentional or unintentional introduction of dangerous substances on or in the soil, excluding those due to a natural phenomenon of exceptional, inevitable and

exceptional, inevitable and irresistible character, in order to avoid accumulation that would hamper soil functions or give rise to significant risks to human health or the environment.

irresistible character, in order to avoid accumulation that would hamper soil functions or give rise to significant risks to human health or the environment.

Or. en

Justification

Atmospheric depositions are a big cause of diffuse contamination and must also be prevented. The precautionary measures against adverse effects must be taken to prevent that negative effect.

Amendment by John Bowis + Eija-Riitta Korhola

Amendment 357
Article 9

For the purposes of preserving the soil functions referred to in Article 1(1), Member States shall take appropriate and proportionate measures to limit the intentional or unintentional introduction of dangerous substances on or in the soil, excluding those due to air deposition *and* those due to a natural phenomenon of exceptional, inevitable and irresistible character, in order to avoid accumulation that would hamper soil functions or give rise to significant risks to human health or the environment.

For the purposes of preserving the soil functions referred to in Article 1(1), Member States shall take appropriate and proportionate measures to limit the intentional or unintentional introduction of dangerous substances on or in the soil, excluding:

- (a)* those due to air deposition;
- (b)* those due to a natural phenomenon of exceptional, inevitable and irresistible character, in order to avoid accumulation that would hamper soil functions or give rise to significant risks to human health or the environment;
- (c) those which participate in the treatment or the improvement of the soil.*

Or. en

Justification

This article needs to be restructured for a better understanding but also completed. As an example, calcium oxide or lime is classified as an irritant substance, however lime is used to correct the pH of the soil in order to improve its fertility, it then participates to the treatment and the improvement of the soil.

Amendment by Richard Seeber

Amendment 358

Article 9, paragraph 1 a (new)

Measures to prevent soil contamination adopted by Community or national approval procedures seizing protection of soil, are considered to be precautionary measures in compliance to article 9, paragraph 1.

Or. en

Justification

The approach taken to the effects of introducing dangerous substances should be geared to the use made of the soil, and should observe the principle of proportionality.

Activities authorised under EU or national legislation, already fulfilling the obligation for preventing soil contamination in compliance with the relevant legal requirements, must not be subject to the requirements of this directive.

A doubling of regulatory regimes without any added value to soil protection must be avoided!

Amendment by Richard Seeber

Amendment 359

Article 9, paragraph 1 a (new)

Member States shall ensure that contaminated soil is remediated taking account of the precautionary principle, the sustainability principle, the polluter-pays principle and the proportionality principle .

Or. de

Justification

A distinction needs to be drawn between two types of soil contamination: contamination resulting from industrial activities and from agricultural activities. Whilst contamination resulting from industrial activities should be prevented, contamination arising from agricultural activities can only be limited so that it does not give rise to any risk to soil functions, health and the environment.

The need for these preventive measures should be assessed on the basis of a risk assessment of activities that have the potential to cause soil contamination.

Amendment by Horst Schnellhardt

Amendment 360

Article 9, paragraph 1 a (new)

Installations approved in accordance with

- Council Directive 96/61/EC of 24 September 1996¹ concerning integrated pollution prevention and control,

- Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on waste² and its daughter directives (in particular Directive 1999/31/EC on the landfill of waste),

- Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006³ on the management of waste from extractive industries

shall be considered to meet the precautionary obligation referred to in paragraph 1 through compliance with the measures taken to prevent soil contamination as part of the approval procedure.

¹ ***OJ L 257, 10.10.1996, p. 26. Last amended by Regulation (EC) No 166/2006 of the European Parliament and the Council (OJ L 33, 4.2.2006, p. 1).***

² ***OJ L 114, 27.4.2006, p. 9.***

³ ***OJ L 102, 11. 4. 2006, p. 15.***

Or. de

Justification

Activities already approved in accordance with EU legislation containing provisions on soil protection must not be halted by the new soil protection framework directive but must be fully taken into account.

Amendment by Anja Weisgerber and Thomas Ulmer

Amendment 361
Article 9, paragraph 1 a (new)

Article 9(1) shall not apply to installations covered by Directive 96/61/EC provided that these installations meet the requirements of Directive 96/61/EC.

Or. de

Justification

The clarification from the preliminary draft should be reinstated in Article 9(3) to the effect that installations covered by the IPPC Directive 96/61/EC shall be considered as complying with the requirements under Article 9(1) of the soil protection framework directive provided that the installations comply with the provisions of the IPPC Directive.

Amendment by Vittorio Prodi and Guido Sacconi

Amendment 362
Article 9, paragraph 1 a (new)

For the purpose of preserving the soil functions and conditions required to ensure the protection of the environment and human health, sustainable economic activities, food safety, high quality standards and/or certified agricultural products and production systems, Member States shall take adequate measures in order to:

(a) promote suitable and sustainable land management practices;

(b) reduce contamination hazards in

agricultural and forest soils;

(c) integrate and update legislation and policies;

(d) promote specific monitoring campaigns within pilot areas representing specific soil and production systems.

Or. en

Justification

Some prevention measures must be outlined in order to preserve the soil functions.

Amendment by Hiltrud Breyer, Roberto Musacchio, Umberto Guidoni

Amendment 363

Article 9, paragraph 1 a (new)

Member States shall take appropriate steps to establish a hierarchy of measures to protect soil from pollution, with priority being given to prevention.

Not later than [three years after the entry into force of this Directive], the Commission shall, in accordance with the regulatory procedure with scrutiny referred to in Article 19(3), adopt a priority list of dangerous substances on or in the soil which are liable to have persistent and bio-accumulative and toxic properties or very persistent and very bio-accumulative properties, have irreversible or long-term negative impacts or disrupt endocrine functions. European reference values based on risk assessment for these substances shall be established in accordance with the procedure described in Article 18(2).

Or. en

Amendment by Frieda Brepoels

Amendment 365
Article 10, title

Inventory of contaminated sites

Strategy for identification of contaminated sites

Or. en

Justification

This wording describes the goal more precisely.

Amendment by Jutta Haug +Richard Seeber

Amendment 366
Article 10, title

Inventory of contaminated sites

Identification and remediation of
historically contaminated sites

Or. de

Justification

In contrast to Article 9, this article should cover only pre-existing soil contamination.

The Member States should identify and compile an inventory of such sites and then remediate them pursuant to Article 13. The criteria set out in Article 14 of the draft directive could be used for this purpose.

The Member States are also required to designate a competent authority.

Amendment by Jutta Haug

Amendment 367
Article 10, paragraph 1

1. ***Member States shall, in accordance***

1. ***Where there is evidence for significant***

with the procedure laid down in Article 11, identify the sites in their national territory where there is a confirmed presence, caused by man, of dangerous substances of such a level that Member States consider they pose a significant risk to human health or the environment, hereinafter "contaminated sites".

That risk shall be evaluated taking into account current and approved future use of the land.

hampering of soil functions caused by human activities that contaminate the soil, the competent authorities designated by the Member States shall take appropriate measures to establish whether these sites pose a risk to human health or the environment.

Or. de

Justification

The Member States should report on their previous experience to enable the Commission to identify contaminating activities or the relevant types of potentially contaminated sub-areas.

Amendment by Richard Seeber

Amendment 368
Article 10, paragraph 1

1. Member States shall, *in accordance with the procedure laid down in Article 11, identify the sites in their national territory where there is a confirmed presence, caused by man, of dangerous substances of such a level that Member States consider they pose a significant risk to human health or the environment, hereinafter "contaminated sites".*

That risk shall be evaluated taking into account current and approved future use of the land.

1. Member States shall identify the *historically contaminated* sites in their national territory.

Or. en

Justification

See justification to Haug + Seeber amendment, Article 10, title.

Amendment 369
Article 10, paragraph 1

1. Member States shall, in accordance with the procedure laid down in Article 11, identify the sites in their national territory where there is a confirmed presence, caused by man, of dangerous substances of such a level that Member States consider they pose a significant risk to human health or the environment, hereinafter "contaminated sites".

That risk shall be evaluated taking into account current and approved future use of the land.

1. Where there is evidence for significant hampering of soil functions caused by human activities that can terminate the soil, the competent authorities designated by the Member States shall take appropriate measures to establish whether these sites pose a risk to human health or the environment.

Or. de

Justification

The Member States should report on their previous experience to enable the Commission to identify contaminating activities or the relevant types of potentially contaminated sub-areas.

There should at least be evidence of risk as a criterion for classification. Measuring concentrations of pollutants at numerous potentially contaminated sites appears unproductive. (Ulmer + Jeggle)

There should be evidence of significant adverse effects on soil function or risks where contaminating activities or contaminated sub-areas are to be identified. Measuring concentrations of pollutants appears unproductive. Risk assessment should be regulated in Article 11. Moreover, the scope of the environmental liability directive (Directive 2004/35/EC) should be reflected in the soil framework directive. (Sommer/Liese)

The Member States should inform the Commission of their previous experiences so that it can identify contaminating activities or the relevant sectors. Reference should not be made to human activity with dangerous substances alone, since such activities are generally preceded by a comprehensive assessment of installations and sites by the authorities as part of the approval procedure. There should at least be evidence of adverse effects on soil functions or risks as a criterion for classification. (Weisgerber + Ulmer)

Amendment by Hiltrud Breyer, Roberto Musacchio, Umberto Guidoni

Amendment 370
Article 10, paragraph 1

1. Member States shall, ***in accordance with the procedure laid down in Article 11, identify the sites in their national territory where there is a confirmed presence, caused by man, of dangerous substances of such a level that Member States consider they pose a significant risk to human health or the environment, hereinafter “contaminated sites”.***

That risk shall be evaluated taking into account current and approved future use of the land.

1. Member States shall identify the ***contaminated*** sites in their national territory.

Or. en

Justification

The amendment restructures the provisions to correspond to the usual practice by merging Articles 10 and 11 and by moving the definition to Art 2. The provisions of Article 11 regarding the timetable for the on-site risk assessment are strengthened and an additional step for 10 years after implementation dl is added.

Amendment by María Sornosa Martínez

Amendment 371
Article 10, paragraph 1

1. Member States shall, ***in accordance with the procedure laid down in Article 11, identify the sites in their national territory where there is a confirmed presence, caused by man, of dangerous substances of such a level that Member States consider they pose a significant risk to human health or the environment, hereinafter “contaminated sites”.***

That risk shall be evaluated taking into account current and approved future use of the land.

1. Member States shall identify the ***contaminated*** sites in their national territory.

Or. en

Justification

The definition has been included in Article 2.

Amendment by Karsten Friedrich Hoppenstedt

Amendment 372
Article 10, paragraph 1

1. Member States shall, in accordance with the procedure laid down in Article 11, identify the **sites** in their national territory where there is a confirmed presence, caused by man, of dangerous substances of such a **level** that Member States consider they pose a significant risk to human health or the environment, hereinafter "contaminated sites".

That risk shall be evaluated taking into account current and approved future use of the land.

1. Member States shall, in accordance with the procedure laid down in Article 11, identify the **areas** in their national territory where there is a confirmed presence, caused by man, of dangerous substances of such a **type** that Member States consider they pose a significant risk to human health or the environment, hereinafter "contaminated sites"

That risk shall be evaluated taking into account current and approved future use of the land.

Or. de

Justification

In considering the level of risk posed by substances, other factors and circumstances such as exposure must also be taken into account alongside concentration. The term 'area' should be used throughout, since it covers directly affected surfaces that may be only part of a plot/site.

Amendment by Anders Wijkman

Amendment 373
Article 10, paragraph 1

1. Member States shall, ***in accordance with the procedure laid down in Article 11, identify the sites in their national territory where there is a confirmed presence, caused by man, of dangerous substances of such a level that Member States consider they pose a significant risk to human health or the environment, hereinafter "contaminated sites".***

1. Member States shall identify the ***contaminated*** sites in their national territory.

That risk shall be evaluated taking into account current and approved future use of the land.

Or. en

Justification

The amendment restructures the provisions to correspond to the usual practice by merging Articles 10 and 11 and by moving the definition to Art 2. The provisions of Article 11 regarding the timetable for the on-site risk assessment are strengthened and an additional step for 10 years after implementation dl is added.

Amendment by Frieda Brepoels

Amendment 374
Article 10, paragraph 1

1. Member States shall, in accordance with the procedure laid down in Article 11, ***identify the sites in their national territory where there is a confirmed presence, caused by man, of dangerous substances of such a level that Member States consider they pose a significant risk to human health or the environment, hereinafter "contaminated sites"***.

1. Member States shall, in accordance with the procedure laid down in Article 11, ***ensure that the contaminated sites in their territory are identified.***

That risk shall be evaluated taking into account current and approved future use of the land.

Or. en

Justification

Provided the definition of "contaminated sites" is given in article 2, part of the text is redundant here.

Amendment by Vittorio Prodi

Amendment 375
Article 10, paragraph 1, subparagraph 1

1. Member States shall, in accordance with the procedure laid down in Article 11, identify the sites in their national territory where there is a confirmed presence, caused by man, of dangerous substances of such a level that Member States consider they pose a significant risk to human health or the environment, hereinafter “contaminated sites”.

1. ***In the absence of a national pollution control and authorisation system for operating businesses and of a national inventory of potentially contaminated areas and of abandoned polluted areas***, Member States shall, in accordance with the procedure laid down in Article 11, identify the sites in their national territory where there is a confirmed presence, caused by man, of dangerous substances of such a level that Member States consider they pose a significant risk to human health or the environment, hereinafter "contaminated sites".

Or. en

Justification

In some Member States control and authorisation systems are already in place and operate very well, so there is no need for double work and unnecessary administrative tasks. It is also important to encourage voluntary remediation and sharing of information, leaving the stigma associated with the "contaminated site" label for cases where remediation would not otherwise be delivered in a reasonable time.

Amendment by Evangelia Tzampazi

Amendment 376
Article 10, paragraph 1

1. Member States shall, in accordance with the procedure laid down in Article 11, identify the sites in their national territory where there is a confirmed presence, caused by **man**, of dangerous substances of such a level that Member States consider they pose a significant risk to human health or the environment, hereinafter “contaminated sites”.

That risk shall be evaluated taking into account current **and** approved future use of the land.

1. Member States shall, in accordance with the procedure laid down in Article 11, identify the sites in their national territory where there is a confirmed presence, caused by **human activity**, of dangerous substances of such a level that Member States consider they pose a significant risk to human health or the environment, hereinafter “contaminated sites”.

That risk shall be evaluated taking into account current **or** approved future use of the land.

Justification

(a) It is not necessary for the presence of dangerous substances to be confirmed by carrying out measurements. This could arise from the use to which the site is being put, for example, the location of a dye works. If we are seeking immediate results, Member States can assess the situation without the need for precise measurements, which are time-consuming and costly.

(b) There is no need for soil quality to conform to both current and future use. It may be suitable only for future use. The term 'and' creates confusion.

Amendment by Françoise Grossetête

Amendment 377

Article 10, paragraph 1, subparagraph 1

1. Member States shall, in accordance with the procedure laid down in Article 11, identify the sites in their national territory where there is a confirmed presence, caused by man, of dangerous substances ***of such a level that*** Member States consider ***they pose*** a significant risk to human health or the environment, hereinafter “contaminated sites”.

1. Member States shall, in accordance with the procedure laid down in Article 11, identify the sites in their national territory where there is a confirmed presence, caused by man, of dangerous substances ***and where*** Member States consider ***this constitutes*** a significant risk to human health or the environment, hereinafter “contaminated sites”.

Or. fr

Justification

It is necessary to adopt a risk-based approach in respect of soil policy.

Amendment by Hiltrud Breyer, Roberto Musacchio, Umberto Guidoni + Anders Wijkman

Amendment 378

Article 10, paragraph 1 a (new)

1a. For the purpose of paragraph 1, Member States shall:

(a) establish reference values for concentration levels of dangerous

substances at which there are sufficient reasons to believe that they may pose a significant risk to human health or the environment;

(b) within five years from [transposition date], have identified the location of at least the sites where the potentially soil-polluting activities referred to in Annex II are taking place or have taken place in the past. The identification shall be reviewed at regular intervals;

(c) measure the concentration levels of dangerous substances in the sites identified in accordance with point (b);

(d) carry out an on-site risk assessment on the sites where the concentration levels exceed the reference values established in point (a) in accordance with the following time-table:

(i) within five years from [transposition date], for at least 10% of the sites identified;

(ii) within ten years from [transposition date], for at least 40% of the sites identified;

(iii) within 15 years from [transposition date], for at least 80% of the sites;

(iv) within 20 years from [transposition date], for the remaining sites.

Or. en

Justification

See justification to Breyer a.o. amendment, Article 10, paragraph 1.

Amendment by Richard Seeber

Amendment 379

Article 10, paragraph 1 a (new)

1a. For the purposes of identifying and remediating historically contaminated sites,

the Member States may take into account:

(a) the risk-based need for identification and remediation with a view to human health and the environment,

(b) prioritisation and setting of a time schedule according to the risk to human health and the environment,

(c) remediation objectives taking into account current and approved future use of the land,

(d) use of financial resources allocated by the authorities responsible for budgetary decisions in the Member States in accordance with their national procedures.

Or. de

Justification

See justification to Haug and Seeber amendment, Article 10, title.

Amendment by Frieda Brepoels

Amendment 380
Article 10, paragraph 2

2. Member States shall establish a national inventory of contaminated sites, hereinafter “the inventory”. The inventory shall be made public and reviewed at least every five years.

2. The location of contaminated sites and the results of the soil investigations on contaminated sites shall be made public. Competent authorities shall update the information they have on contaminated sites on the basis of information delivered to them or generated on their behalf.

Or. en

Justification

In several Member States the competence to legislate on soil lies with the regions rather than with the national authority. Therefore the establishment of the inventory of contaminated sites should be done at the appropriate level. Moreover, for the database to be effective, it should be updated constantly.

Amendment 381
Article 10, paragraph 2

2. Member States shall establish a national inventory of contaminated sites, hereinafter "the inventory". The inventory shall be made public and reviewed at least every five years.

2. Member States shall establish a national inventory of contaminated sites, hereinafter "the inventory". The inventory shall be made public and reviewed at least every five years, ***in particular in order to include new contaminated sites that have been identified and to exclude sites which have undergone remediation.***

Or. en

Justification

See justification to Breyer a.o. amendment, Article 10, paragraph 1.

Amendment by Renate Sommer and Peter Liese + Anja Weisgerber and Thomas Ulmer

Amendment 382
Article 10, paragraph 2

2. Member States shall establish ***a*** national ***inventory*** of contaminated sites, hereinafter "the inventory". The inventory shall be made public and ***reviewed at least*** every five years.

2. Member States shall establish national ***or regional inventories*** of contaminated sites, hereinafter "the inventory". The inventory shall be made public and, ***where necessary, updated*** every five years. ***The Member States shall provide information on 'contaminated sites' on their territory in accordance with the procedure referred to in Article 17.***

Or. de

Justification

Publishing obligations are adequately regulated in Directive 2003/35/EC. The general publication of a list of potentially contaminated sites beyond the areas actually affected would not offer any benefit for the environment.

Given that the corresponding inventories are being worked on all the time and adjusted in line with work done and knowledge acquired, a regular review would lead to a significant enforcement workload and avoidable duplication of work.

Amendment by Karsten Friedrich Hoppenstedt

Amendment 383
Article 10, paragraph 2

2. Member States shall establish a national inventory of *contaminated sites*, hereinafter "the inventory". The inventory shall be **made public and reviewed** at least every five years.

2. Member States shall establish, **at national, regional or local level**, a national **or regional** inventory of **areas requiring remediation**, hereinafter "the inventory". The inventory shall be **updated** at least every five years.

Areas that no longer pose a significant risk to human health or the environment shall be removed from the register.

Or. de

Justification

Account should be taken of federal structures. Comprehensive reviews should be replaced by a less burdensome updating.

Amendment by Vittorio Prodi

Amendment 384
Article 10, paragraph 2

2. Member States shall establish a national inventory of contaminated sites, hereinafter "the inventory". The inventory shall be made **public and reviewed** at least every five years.

2. Member States shall establish a national inventory of contaminated sites, hereinafter "the inventory". The inventory shall be made **accessible and updated** at least every five years, **although sites shall be removed from the inventory as soon as practicable following remediation. In circumstances where the responsible person is willing to remediate a site in a reasonable timescale that is acceptable to the competent authority, the site shall not be placed on the inventory.**

Or. en

Justification

See justification to Prodi amendment, Article 10, paragraph 1, subparagraph 1.

Amendment by Richard Seeber

Amendment 385
Article 10, paragraph 2

2. Member States shall establish a national inventory of contaminated sites, hereinafter "the inventory". The inventory shall be made public and reviewed at least every five years.

2. Member States shall establish a national inventory of **identified historically** contaminated sites, hereinafter "the inventory". The inventory shall be made public and reviewed at least every five years.

Or. de

Justification

See justification to Haug and Seeber amendment, Article 10, title.

Amendment by Alexandru-Ioan Morțun

Amendment 386
Article 10, paragraph 2

2. Member States shall establish a national inventory of contaminated sites, hereinafter "the inventory". The inventory shall be made public and reviewed at least every five years.

2. Member States shall establish a national inventory of contaminated sites, hereinafter "the inventory". ***In compiling the inventory Member States may use the data and information already available at national level.*** The inventory shall be made public and reviewed at least every five years.

Or. en

Justification

Member States must be allowed to use the data and information already gathered.

Amendment by Gyula Hegyi

Amendment 387
Article 10, paragraph 2

2. Member States shall establish a national inventory of contaminated sites, hereinafter “the inventory”. The inventory shall be **made public and reviewed** at least every five years.

2. Member States shall establish a national inventory of contaminated sites, hereinafter “the inventory”. The inventory shall be **updated** at least every five years. **The Commission shall make it available to the public through the Internet.**

Or. en

Justification

Inventories exist already in several Member States. Cheapest and easiest way to make the inventories publicly available is to put them on the web.

Amendment by Péter Olajos

Amendment 388
Article 10, paragraph 2

2. Member States shall establish a national inventory of contaminated sites, hereinafter “the inventory”. The inventory shall be made public and **reviewed** at least every five years.

2. Member States shall establish a national inventory of contaminated sites, hereinafter “the inventory”. The inventory shall be made public and **updated** at least every five years.

Or. en

Amendment by Evangelia Tzampazi

Amendment 389
Article 10, paragraph 2

2. Member States shall establish a national inventory of contaminated sites, hereinafter “the inventory”. The inventory shall be made public and **reviewed at least every five years**.

2. Member States shall establish a national inventory of contaminated sites, hereinafter “the inventory”. The inventory shall be made public and **regularly updated**.

Or. el

Justification

Inventory review will be an ongoing process, given the continuing addition of new countries, under Articles 10-12.

Amendment by María Sornosa Martínez

Amendment 390
Article 10, paragraph 2

2. Member States shall establish a national inventory of contaminated sites, hereinafter “the inventory”. ***The inventory shall be made public and reviewed at least every five years.***

2. ***For the purpose of paragraph 1***, Member States shall establish a national inventory of contaminated sites, hereinafter “the inventory”, ***in accordance with the procedure laid down in Article 11.***

Or. en

Justification

The definition has been included in Article 2.

Amendment by Thomas Ulmer and Jutta Haug

Amendment 391
Article 10, paragraph 2

2. Member States shall establish ***a*** national ***inventory*** of contaminated sites, hereinafter “the inventory”. The inventory shall be made public and ***reviewed at least*** every five years.

2. Member States shall establish national ***or regional inventories*** of contaminated sites, hereinafter “the inventory”. The inventory shall be made public and, ***where necessary, updated*** every five years. ***The Member States shall provide information on 'contaminated sites' on their territory in accordance with the procedure referred to in Article 17.***

Or. de

Justification

Publishing obligations are adequately regulated in Directive 2003/35/EC. The general publication of a list of potentially contaminated sites beyond the areas actually affected would not offer any benefit for the environment. (Ulmer)

The Member States should report on their previous experience to enable the Commission to identify contaminating activities or the relevant types of potentially contaminated sub-areas.
(Haug)

Amendment by Anders Wijkman

Amendment 392
Article 10, paragraph 2

2. Member States shall establish a national inventory of contaminated sites, hereinafter “the inventory”. The inventory shall be made public and reviewed at least every five years.

2. Member States shall establish a national inventory of contaminated sites, hereinafter “the inventory”. The inventory shall be made public and reviewed at least every five years, ***in particular in order to include new contaminated sites that have been identified and to exclude sites which have undergone remediation.***

Or. en

Justification

The amendment restructures the provisions to correspond to the usual practice by merging Articles 10 and 11 and by moving the definition to Art 2. The provisions of Article 11 regarding the timetable for the on-site risk assessment are strengthened and an additional step for 10 years after implementation dl is added.

Amendment by Richard Seeber

Amendment 393
Article 10, paragraph 2 a (new)

2a. Each Member States shall designate a competent authority to be responsible for the identification and remediation of historically contaminated sites.

Or. de

Justification

See justification to Haug and Seeber amendment, Article 10, title.

Amendment by María Sornosa Martínez

Amendment 394
Article 10, paragraph 2 a (new)

2a. The inventory shall be made public and reviewed at least every five years.

Or. en

Amendment by Anders Wijkman + Hiltrud Breyer, Roberto Musacchio and Umberto Guidoni
+ Richard Seeber + Hartmut Nassauer

Amendment 395
Article 11

Article 11
Identification procedure

deleted

1. Each Member State shall designate a competent authority to be responsible for the identification of contaminated sites.

2. Within five years from [transposition date], the competent authorities shall have identified the location of at least the sites where the potentially soil-polluting activities referred to in Annex II are taking place or have taken place in the past.

For those purposes, the activities referred to in point 2 of Annex II shall be considered independently of the thresholds specified in Annex I to Council Directive 96/61/EC¹, except for the activities carried out by micro-enterprises, as defined in point 3 of Article 2 in the Annex to Commission Recommendation 2003/361/EC², and those relative to the rearing of livestock.

The identification shall be reviewed at regular intervals.

3. In accordance with the following timetable, the competent authorities shall measure the concentration levels of dangerous substances in the sites identified in accordance with paragraph 2, and where the levels are such that there may be

sufficient reasons to believe that they pose a significant risk to human health or the environment, an on-site risk assessment shall be carried out in relation to those sites:

(a) within five years from [transposition date], for at least 10% of the sites;

(b) within 15 years from [transposition date], for at least 60% of the sites;

(c) within 25 years from [transposition date], for the remaining sites.

¹ *OJ L 257, 10.10.1996, p. 26.*

² *OJ L 124, 20.5.2003, p. 36.*

Or. en

Justification

Provisions are moved to article 10. Amendment should fall if amendment by same authors to art 10 not adopted. (Wijkman + Breyer a.o.)

In the spirit of the subsidiarity principle and the draft directive's status as a framework directive, the decision on how to identify contaminated sites should be taken at national level. In particular, it is not considered appropriate to base decisions on identifying soil contamination on soil analyses (levels of pollutants) alone.

Note: there are minor mistakes in the German version. (Seeber)

See justification to Nassauer amendment, Chapter III.

Amendment by Jutta Haug

Amendment 396

Article 11, title

Identification procedure

*Procedure for the identification,
investigation and assessment of potentially
contaminated sites*

Or. de

Justification

As part of the procedure for identifying contaminated sites, risk assessment should focus on the measurement and analysis of areas at risk.

Amendment by Renate Sommer and Peter Liese + Elisabeth Jeggle + Anja Weisgerber and Thomas Ulmer

Amendment 397
Article 11, paragraph 1

1. Each Member State shall designate a competent authority to be responsible for the identification of contaminated sites. Deleted

Or. de

Justification

It would be more systematic if the Member States' duty to designate competent authorities were included in Article 10 (Jeggle + Weisgerber/Ulmer)

It would be more systematic for the designation of competent authorities to be included in Article 10. The activities/sites listed in Annex II are not appropriate for the estimation of specific pollution situations. Preference should be given in the procedure for designating contaminated sites to a risk assessment carried out on the basis of more comprehensive investigation and assessment methods, rather than the regular and often superfluous measurements of levels of pollutants in soil pursuant to Article 11(3) of the draft directive (Weisgerber/Ulmer)

Amendment by Vittorio Prodi

Amendment 398
Article 11, paragraph 1

1. **Each Member State** shall designate **a** competent **authority** to be responsible for the identification of contaminated sites.

1. Member **States** shall designate **the** competent **authorities** to be responsible for the identification of **both potentially contaminated sites and contaminated sites and for the management of the related list and inventory.**

Or. en

Justification

It is up to the Member States to decide which authority is best suited to identify potentially contaminated sites and to manage the list and inventory.

Amendment by Frieda Brepoels

Amendment 399
Article 11, paragraph 1

1. Each Member State shall designate **a** competent **authority** to be responsible for the identification of contaminated sites.

1. Each Member State shall designate competent **authorities** to be responsible for the identification of contaminated sites.

Or. en

Justification

In several Member States the competence to legislate on soil lies with different regional authorities. There is no need to create a new authority for the identification of contaminated sites.

Amendment by Karsten Friedrich Hoppenstedt

Amendment 400
Article 11, paragraph 1

1. Each Member State shall designate **a** competent **authority** to be responsible for the identification of contaminated sites.

1. Each Member State shall designate **one or more** competent **authorities** to be responsible for the identification of contaminated sites.

Or. de

Justification

Account should be taken of federal structures.

Amendment by Amalia Sartori

Amendment 401
Article 11, paragraph 1 a (new)

1a. Member States shall base the assessment of the risks that substances on or in soil pose to human health or the environment on methodologies, which take into account all the following conditions:

- the concentration of the dangerous substance,***
- the confirmed presence of a route or pathway by which the dangerous substance can reach somebody or something it can harm and***
- the confirmed presence of a receptor, which could be harmed; receptors include controlled waters, living organisms or property.***

Or. en

Justification

Although we support the aims of Amendment 62, which are to link, the definition of contaminated land to risk and avoid prescriptive requirements for identification of contaminated sites we prefer the pollutant-pathway-receptor terminology, as it is more precise than ‘concentration of substance’ target and ‘level of exposure’. This new definition of contaminated soil is risk-based. A site where there is confirmed presence of a dangerous substance does not necessarily present a risk for human health and the environment if there is no pathway for the pollution to reach the receptor.

Amendment by Anja Weisgerber and Thomas Ulmer + Elisabeth Jeggle

Amendment 402
Article 11, paragraph 1 a (new)

1a. Member States shall report on the investigation and assessment methods used by them for risk assessment in accordance with the procedure referred to in Article 17.

Or. de

Justification

In line with the intention of the soil framework directive, more emphasis should be placed on the exchange of information between Member States. The experience that some Member States have gained from dealing with historical contamination could be of benefit to other Member States. (Weisgerber/Ulmer)

Emphasis should be placed on an exchange of information between Member States. (Jeggle)

Amendment by Anja Weisgerber + Thomas Ulmer + Elisabeth Jeggle + Renate Sommer and
Peter Liese

Amendment 403
Article 11, paragraph 2

2. Within five years from [transposition date], the competent authorities shall have identified the location of at least the sites where the potentially soil-polluting activities referred to in Annex II are taking place or have taken place in the past. Deleted

For those purposes, the activities referred to in point 2 of Annex II shall be considered independently of the thresholds specified in Annex I to Council Directive 96/61/EC¹, except for the activities carried out by micro-enterprises, as defined in point 3 of Article 2 in the Annex to Commission Recommendation 2003/361/EC², and those relative to the rearing of livestock.

The identification shall be reviewed at regular intervals.

¹ OJ L 257, 10.10.1996, p. 26.

² OJ L 124, 20.5.2003, p. 36.

Or. de

Justification

See justification to Weisgerber/Ulmer amendment, Article 11, paragraph 1.

The instruction to the Member States to designate competent authorities should be contained in Article 10. (Jeggle)

On no account should installations for integrated pollution prevention and control (IPPC installations) be given a blanket designation as potentially contaminated locations. The determination of potential soil-polluting activities should also be confined to potentially polluted sub-areas and polluting activities. Annex II should therefore be deleted and only concrete activities which show a potential risk should be targeted (Sommer/Liese)

Amendment by Karsten Friedrich Hoppenstedt

Amendment 404
Article 11, paragraph 2

2. Within *five* years from [transposition date], *the competent authorities shall have identified the location of at least the sites where the potentially soil-polluting activities referred to in Annex II are taking place or have taken place in the past.*

For those purposes, the activities referred to in point 2 of Annex II shall be considered independently of the thresholds specified in Annex I to Council Directive 96/61/EC¹, except for the activities carried out by micro-enterprises, as defined in point 3 of Article 2 in the Annex to Commission Recommendation 2003/361/EC², and those relative to the rearing of livestock.

The identification shall be reviewed at regular intervals.

¹ OJ L 257, 10.10.1996, p. 26.

² OJ L 124, 20.5.2003, p. 36.

2. Within *two* years from [transposition date], *the Member States shall have developed a system for identifying contaminated areas taking account of the following provisions:*

a) Where there is evidence for the existence of contaminated areas, the competent authorities shall take appropriate measures to establish whether the suspicion of a contaminated area is confirmed;

b) For this purpose, specific criteria, such as measured values, shall be laid down by the Member States for use when establishing whether the area is contaminated.

Or. de

Justification

The schematic identification of areas suspected of being historically contaminated owing to hazardous activities, independently of specific grounds for suspicion and of installed protection mechanisms, does not tackle the actual problems. The procedure for identifying contaminated areas must be linked to the precondition of a suspected risk in order to bring about a more proportionate solution more closely matched to the problem.

Amendment 405
Article 11, paragraph 2

2. Within *five years* from [transposition date], *the competent authorities shall have identified the location of at least the sites where the potentially soil-polluting activities referred to in Annex II are taking place or have taken place in the past.*

2. Within *two years* from [transposition date] *the Member States shall have set up a system to identify the location of the sites, which shall involve:*

(a) taking into account existing information as to the presence of dangerous substances in soil or groundwater;

(b) considering whether there is a significant probability that activities on and in the soil, involving dangerous substances, may have led to soil contamination that presents a risk to human health or the environment taking into account all relevant factors and having regard to the activities as specified in Annex II; and

(c) if necessary, considering whether the levels of these substances are such that there is good reason to believe they pose a significant risk to human health or the environment, taking current and future approved use into account.

For those purposes, the activities referred to in point 2 of Annex II shall be considered independently of the thresholds specified in Annex I to Council Directive 96/61/EC¹, except for the activities carried out by micro-enterprises, as defined in point 3 of Article 2 in the Annex to Commission Recommendation 2003/361/EC², and those relative to the rearing of livestock.

The identification shall be reviewed at regular intervals.

The identification shall be reviewed at regular intervals. *Investigations by the authorities within the meaning of this provision may be carried out and ordered only where soil function is significantly hampered. The costs shall be borne by the Member States or the competent*

¹ OJ L 257, 10.10.1996, p. 26.

² OJ L 124, 20.5.2003, p. 36.

authorities.

Or. de,

Justification

The blanket obligation to carry out investigations would cause a high financial and administrative burden. It is more useful to carry out investigations where there is a specific reason to do so.

Amendment by Jutta Haug

Amendment 406
Article 11, paragraph 2

2. Within five years from [transposition date], the competent authorities shall have identified the *location of at least the sites where the potentially soil-polluting activities referred to in Annex II are taking place or have taken place in the past.*

2. Within five years from [transposition date], the competent authorities *in the Member States* shall have identified the *areas where dangerous substances were handled over a long period or in significant quantities and the relevant methods of operation, management or processes or disruption to the operation for which approval was granted suggest that not insignificant amounts of such substantives may have entered the soil.*

For those purposes, the activities referred to in point 2 of Annex II shall be considered independently of the thresholds specified in Annex I to Council Directive 96/61/EC¹, except for the activities carried out by micro-enterprises, as defined in point 3 of Article 2 in the Annex to Commission Recommendation 2003/361/EC², and those relative to the rearing of livestock.

¹ OJ L 257, 10.10.1996, p. 26.

² OJ L 124, 20.5.2003, p. 36.

The identification shall be reviewed at regular intervals.

Justification

Risk assessment should focus on concentrated measurements and analyses of risk areas as part of the procedure for identifying contaminated areas.

Amendment by Evangelia Tzampazi

Amendment 407
Article 11, paragraph 2

2. Within five years from [transposition date], the competent authorities shall have identified the location of ***at least the sites where the potentially soil-polluting activities referred to in Annex II are taking place or have taken place in the past.***

2. Within five years from [transposition date], the competent authorities shall have identified the location of ***those sites requiring further soil quality investigation on the basis of the list of present or past activities*** referred to in Annex II.

Or. el

Justification

It is extremely difficult to reach agreement on the precise scope of the lists contained in Annex II. Local conditions vary greatly from country to country and the scope of the list and even the description of the various activities may be confusing and open to many interpretations. Furthermore, a number of other soil polluting activities are not included in the list. The only practical solution is to use the list as a basis for investigating 'suspect' locations.

Amendment by Frieda Brepoels

Amendment 408
Article 11, paragraph 2, subparagraphs 1 and 2

2. Within ***five*** years from [transposition date], the competent authorities shall have ***identified the location of at least the sites where the potentially soil-polluting activities referred to in Annex II are taking place or have taken place in the past.***

2. Within ***three*** years from [transposition date], the competent authorities shall have ***worked out a strategy to identify contaminated sites; this strategy shall include a list of activities that are being carried out or have been carried out in the past, that have a high potential for causing soil contamination; at least the genuinely high risk activities in Annex II must be***

included in this list.

For those purposes, the activities referred to in point 2 of Annex II shall be considered independently of the thresholds specified in Annex I to Council Directive 96/61/EC¹, except for the activities carried out by micro-enterprises, as defined in point 3 of Article 2 in the Annex to Commission Recommendation 2003/361/EC², and those relative to the rearing of livestock.

¹ OJ L 257, 10.10.1996, p. 26.

² OJ L 124, 20.5.2003, p. 36.

Or. en

Justification

The real high risk activities of Annex II include items 1, 2, 8 and 9.

Amendment by Horst Schnellhardt

Amendment 409

Article 11, paragraph 2, subparagraph 1

2. Within **five** years from [transposition date], the competent authorities shall have identified the location of at least the sites where the potentially soil-polluting activities referred to in Annex II are taking place or have taken place in the past.

2. Within **eight** years from [transposition date], the competent authorities shall have identified the location of at least the sites where the potentially soil-polluting activities referred to in Annex II are taking place or have taken place in the past

Or. de

Justification

The careful listing of potentially contaminated sites must be guaranteed. A classification of certain installations such as IPPC, which already comply with soil protection conditions under EU law, as potentially soil polluting is to be rejected.

Amendment by Horst Schnellhardt

Amendment 410

Article 11, paragraph 2, subparagraph 2

For those purposes, the activities referred to in point 2 of Annex II shall be considered independently of the thresholds specified in Annex I to Council Directive 96/61/EC¹, except for the activities carried out by micro-enterprises, as defined in point 3 of Article 2 in the Annex to Commission Recommendation 2003/361/EC², and those relative to the rearing of livestock.

The identification shall be reviewed at regular intervals.

¹ OJ L 257, 10.10.1996, p. 26.

² OJ L 124, 20.5.2003, p. 36.

Sites at which approved activities pursuant to Directive 96/61/EC concerning integrated pollution prevention and control, Directive 2006/12/EC on waste and its daughter directives (in particular Directive 99/31/EC on the landfill of waste), and Directive 2006/21/EC on the management of waste from extractive industries have been carried out shall not be included in the list.

Activities carried out by micro enterprises as defined in Article 2(1) of the annex to Commission Recommendation 2003/361/EC, and activities relating to the rearing of livestock, shall also be exempt.

The identification shall be reviewed at regular intervals.

Or. de

Justification

The careful listing of potentially contaminated sites must be guaranteed. A classification of certain installations such as IPPC, which already comply with soil protection conditions under EU law, as potentially soil polluting is to be rejected.

Amendment by Péter Olajos

Amendment 411

Article 11, paragraph 2, subparagraph 3

The identification shall be **reviewed** at regular intervals.

The identification shall be **updated** at regular intervals.

Or. en

Amendment by Holger Kraemer

Amendment 412
Article 11, paragraph 3

3. In accordance with the following timetable, the competent authorities shall measure the concentration levels of dangerous substances in the sites identified in accordance with paragraph 2, and where the levels are such that there may be sufficient reasons to believe that they pose a significant risk to human health or the environment, an on-site risk assessment shall be carried out in relation to those sites:

Deleted

a) within five years from [transposition date], for at least 10% of the sites;

b) within 15 years from [transposition date], for at least 60% of the sites;

c) within 25 years from [transposition date], for the remaining sites.

Or. de

Justification

The obligation to make comprehensive measurements in accordance with a strict schedule places an excessive burden on those concerned without offering any recognisable benefit for the environment.

Amendment by Françoise Grossetête

Amendment 413
Article 11, paragraph 3

3. In accordance with the following timetable, the competent authorities shall measure the concentration levels of dangerous substances in the sites identified in accordance with paragraph 2, and where the levels are such that there may be sufficient reasons to believe that they pose a significant risk to human health or the

3. On the sites identified in accordance with paragraph 2, the competent authorities shall assess the risks in order to establish whether the level of soil pollution is compatible with the way in which it is being used without creating a significant risk to human health or the environment. Where necessary, measurements shall be taken of

environment, an on-site risk assessment shall be carried out in relation to those sites:

a) within five years from [transposition date], for at least 10% of the sites;

b) within 15 years from [transposition date], for at least 60% of the sites;

c) within 25 years from [transposition date], for the remaining sites.

the concentration levels of dangerous substances.

Or. fr

Justification

It is the responsibility of the national authorities to establish priorities regarding a given industrial sector or specific pollutant, depending on local circumstances. The use of percentages does not contribute to a risk-based approach. Furthermore, given the number of measures needed, it is necessary to draw up a realistic and operational timetable.

Amendment by Karsten Friedrich Hoppenstedt

Amendment 414

Article 11, paragraph 3

3. In accordance with the following timetable, the competent authorities shall measure the concentration levels of dangerous substances in the sites identified in accordance with paragraph 2, and where the levels are such that there may be sufficient reasons to believe that they pose a significant risk to human health or the environment, an on-site risk assessment shall be carried out in relation to those sites:

a) within five years from [transposition date], for at least 10% of the sites;

b) within 15 years from [transposition date], for at least 60% of the sites;

c) within 25 years from [transposition date], for the remaining sites.

3. For areas where dangerous substances are present in a way that there may be sufficient reasons to believe that they pose a significant risk to human health or the environment, a detailed investigation shall be carried out concluding in a risk assessment taking account of the current or approved future use.

Justification

The procedure for identifying contaminated areas forms part of Article 10. A strict timetable as laid down in Article 11(3) is inappropriate. It must be left to the Member States to decide what priorities to set, what sectors to focus on and what substances and values on what scale are appropriate for the region concerned.

Amendment by Renate Sommer and Peter Liese + Elisabeth Jeggle + Anja Weisgerber and Thomas Ulmer

Amendment 415
Article 11, paragraph 3

3. *In accordance with the following timetable, the competent authorities shall measure the concentration levels of dangerous substances in the sites identified in accordance with paragraph 2, and where the levels are such that there may be sufficient reasons to believe that they pose a significant risk to human health or the environment, an on-site risk assessment shall be carried out in relation to those sites:*

a) within five years from [transposition date], for at least 10% of the sites;

b) within 15 years from [transposition date], for at least 60% of the sites;

c) within 25 years from [transposition date], for the remaining sites.

3. *The competent authorities shall assess the areas referred to in Article 10 with a view in particular to the type and concentration of contaminants, and the possibility of their spreading into the environment and being absorbed by people, animals and plants in accordance with a procedure pursuant to Article 11a.*

When assessing the risk, account shall be taken of the current and approved future use of the site.

Where there may be sufficient reasons to believe that they pose a significant risk to human health or the environment, the competent authority shall issue orders for the risk to be investigated.

Justification

Preference should be given to a risk assessment pursuant to Article 11(3) of the draft directive in order to identify contaminated sites. The wording of the Environmental Liability Directive (Directive 2004/35/EC) should be incorporated in Article 10 in order to reflect its scope. A stronger distinction should be drawn between polluter and owner when investigating the site. Experience in Germany has shown that rules on the treatment of contaminated sites lead to a considerable burden and require significant additional resources. ((Sommer/Liese)

In the procedure for identifying contaminated sites, a risk assessment with an investigation and assessment is to be preferred to regular and frequently superfluous measurements of levels of contaminants in the soil referred to in Article 11(3) of the draft directive. (Jeggle)

It would be more systematic for the designation of competent authorities to be included in Article 10. The activities/sites listed in Annex II are not appropriate for the estimation of specific pollution situations. Preference should be given in the procedure for designating contaminated sites to a risk assessment carried out on the basis of more comprehensive investigation and assessment methods, rather than the regular and often superfluous measurements of levels of pollutants in soil pursuant to Article 11(3) of the draft directive (Weisgerber/Ulmer).

Amendment by Jutta Haug

Amendment 416

Article 11, paragraph 3

3. *In accordance with the following timetable*, the competent authorities shall ***measure*** the concentration levels of dangerous substances in the ***sites*** identified in accordance with paragraph 2, ***and*** where the levels are such that there may be sufficient reasons to believe that they pose a significant risk to human health or the environment, ***an on-site*** risk assessment shall be carried out in relation to those sites:

a) within five years from [transposition date], for at least 10% of the sites;

b) within 15 years from [transposition

3. Where there is no adequate information on actual contamination, the competent authorities ***or accredited third parties*** shall ***carry out indicative measurements to ascertain*** the concentration levels of dangerous substances in the ***areas*** identified in accordance with paragraph 1 ***to identify dangerous substances, which shall be restricted to substances handled in these areas. In areas*** where the levels are such that there may be sufficient reasons to believe that they pose a significant risk to human health or the environment, ***a detailed investigation concluding in a*** risk assessment shall be carried out in relation to those sites, ***taking account of their current and approved future use.***

date], for at least 60% of the sites;

*c) within 25 years from [transposition date],
for the remaining sites.*

Or. de

Justification

Risk assessment should focus on concentrated measurements and analyses of risk areas as part of the procedure for identifying contaminated areas.

Amendment by Evangelia Tzampazi

Amendment 417

Article 11, paragraph 3, introductory part

3. In accordance with the following timetable, the competent authorities shall **measure the concentration levels of dangerous substances in** the sites identified in accordance with paragraph 2, **where the levels are** such that there may be sufficient reasons to believe that they pose a significant risk to human health or the environment, **an on-site** risk assessment shall be carried out in relation to those sites:

3. In accordance with the following timetable, the competent authorities shall **designate** the sites identified in accordance with paragraph 2, **and, if the concentration levels of the dangerous substances are considered to be** such that there may be sufficient reasons to believe that they pose a significant risk to human health or the environment, **a** risk assessment shall be carried out **accordingly** in relation to those sites:

Or. el

Justification

Compulsory measurement of the concentration levels of dangerous substances in sites likely to have been polluted may be both costly and time-consuming, while the visual inspection monitoring of activities by the authorities, for example, may be sufficient to establish whether a given area is in fact polluted. This amendment will give the Member States the flexibility to decide for themselves regarding areas likely to be polluted and list them in order depending on the degree of danger they pose to public health and the environment.

Amendment by Frieda Brepoels,

Amendment 418

Article 11, paragraph 3, introductory part

3. In accordance with the following timetable, the competent authorities shall ***measure the concentration levels of dangerous substances in the sites identified in accordance with paragraph 2, and where the levels are such that there may be sufficient reasons to believe that they pose a significant risk to human health or the environment, an on-site risk assessment shall be carried out in relation to those sites:***

3. In accordance with the following timetable, the competent authorities shall ***ensure that soil investigations are carried out on locations where activities mentioned under paragraph 2 are taking place or have taken place, for the purpose of verifying whether the investigated site should be qualified as a contaminated site:***

Or. en

Justification

The task of the competent authorities is to ensure the investigations are carried out, not necessarily to carry them out themselves.

Amendment by Vittorio Prodi

Amendment 419

Article 11, paragraph 3, introductory part

3. ***In accordance with the following timetable, the competent authorities shall measure the concentration levels of dangerous substances in the sites identified in accordance with paragraph 2, and where the levels are such that there may be sufficient reasons to believe that they pose a significant risk to human health or the environment, an on-site risk assessment shall be carried out in relation to those sites:***

3. ***Member States shall define criteria and procedures for investigating sites identified according to paragraph 2 to check for the presence of potential contamination and for determining whether site-specific risk analysis must be carried out. The abovementioned criteria should also include an evaluation of whether potential contamination of soil poses any risk that the quality standards for water bodies may not be fulfilled as required by Directive 2000/60/EC and Directive 2006/118/EC.***

Member States shall identify public or private subjects, including owners or users of sites identified according to paragraph 2, which are responsible for performing investigations and related site-specific risk

assessment for soil as referred to in the first subparagraph. Member States shall determine the timing of the action to be performed by these subjects, including the procedures for transmission of the results to the competent authorities, in order to respect the following time table:

Or. en

Justification

Member States should identify the criteria and the procedures related to investigations and risk assessment and the timing of the action required to respect the timetable provided by the Directive.

Amendment by Gyula Hegyi

Amendment 420

Article 11, paragraph 3, introductory part

3. In accordance with the following timetable, the competent authorities shall measure the concentration levels of dangerous substances in the sites identified in accordance with paragraph 2, and where the levels are such that there may be sufficient reasons to believe that they pose a significant risk to human health or the environment, an on-site risk assessment shall be carried out in relation to those sites:

3. In accordance with the following timetable, the competent authorities shall ***ensure the measurement or measure at the polluter's expense*** the concentration levels of dangerous substances in the sites identified in accordance with paragraph 2, and where the levels are such that there may be sufficient reasons to believe that they pose a significant risk to human health or the environment, an on-site risk assessment shall be carried out in relation to those sites:

Or. en

Justification

According to the polluter pays principle, the cost of the measurements has to be paid by the polluter.

Amendment by Péter Olajos

Amendment 421

Article 11, paragraph 3

3. In accordance with the following timetable, the competent authorities shall **measure** the concentration levels of dangerous substances in the sites identified in accordance with paragraph 2, and where the levels are such that there may be sufficient reasons to believe that they pose a significant risk to human health or the environment, an on-site risk assessment shall be carried out in relation to those sites:

- (a) within five years from [transposition date], for at least 10% of the sites;
- (b) within 15 years from [transposition date], for at least 60% of the sites;
- (c) within 25 years from [transposition date], for the remaining sites.

3. In accordance with the following timetable, the competent authorities shall **ensure the measurement of** the concentration levels of dangerous substances in the sites identified in accordance with paragraph 2, and where the levels are such that there may be sufficient reasons to believe that they pose a significant risk to human health or the environment, an on-site risk assessment shall be carried out in relation to those sites **at the polluter's expense**:

- (a) within five years from [transposition date], for at least 10% of the **potential** sites;
- (b) within 15 years from [transposition date], for at least 60% of the **potential** sites;
- (c) within 25 years from [transposition date], for the remaining sites.

Or. en

Amendment by Thomas Ulmer + Elisabeth Jeggle + Jutta Haug + Peter Liese

Amendment 422
Article 11, paragraph 3 a (new)

3a. The Member States shall report on the investigation and assessment methods used by them for risk assessment in a procedure pursuant to Article 17.

Or. de

Justification

The emphasis should be placed on an exchange of information between the Member States. (Ulmer + Jeggle)

Risk assessment should focus on concentrated measurements and analyses of risk areas as part of the procedure for identifying contaminated areas. (Haug)

In accordance with the intention of the soil framework directive, more emphasis should be placed on an exchange of information between the Member States.

The information gained from analyses of historically contaminated sites in more than 25 years of experience in dealing with historical contamination in Germany could be of use here

for other Member States. Moreover, the sectors which have proved relevant in Germany could provide guidance for recording in other Member States. (Liese)

Amendment by Cristina Gutiérrez-Cortines

Amendment 423

Article 11, paragraph 3 a (new)

3a. Member States shall establish a register of polluted sites identified in accordance with paragraphs 2 and 3.

Or. en

Justification

In order to avoid risks to human health and to guarantee the transparency of the Market, Member States should include the information required in this Article in a register.

Amendment by Anja Weisgerber and Thomas Ulmer + Renate Sommer and Peter Liese + Elisabeth Jeggle

Amendment 424

Article 11 a (new)

Article 11a

Establishment of uniform assessment principles

The Member States shall ensure that risk assessments of contaminated sites include at least the risks posed by direct human contact, the impaired quality of food and feed and the impaired quality of water.

(a) Risks posed by direct human contact shall be assessed on the basis of appropriate exposure estimates and scientifically recognised human toxicological principles.

(b) Risks posed by impaired quality of food and feed shall be assessed on the basis of the provisions for food laid down in Commission Regulation (EC) No 1881/2006 of 19 December 2006 and for feed in Directive 2002/32/EC.

(c) Risks posed by impaired water quality shall be assessed on the basis of the provisions of Directive 2000/60/EC.

2. The Member States shall set, on the basis of the assessment principles referred to in paragraph 1, risk-related values for the most significant protection areas and uses on their territory taking account of exposure conditions occurring in those areas, with a view to individual investigations being carried out where those values are exceeded, to establish whether soil functions are significantly impaired and this poses a risk to human health or the environment or the suspicion of risk can be excluded where those values are not reached (test values).

3. The Member States shall report on the values or levels set by them in a procedure pursuant to Article 17.

Or. de

Justification

On the basis of the reports of the technical working groups, there should be a discussion on uniform Europe-wide minimum standards and assessment principles for dealing with soil contamination, making use of action already taken by the Member States and taking account of national responsibility for achieving environmental standards and the instruments to be used for this purpose. (Weisgerber/Ulmer)

Uniform Europe-wide minimum standards and assessment principles are necessary. The proposal for a new Article 11a is based on existing rules in Member States and prescribes a risk-based assessment geared to protection targets and use. Specific values should be set by the Member States taking account of use and exposure conditions relevant in the areas concerned. This will be in keeping with the Member States' responsibility. (Sommer/Liese)

In order to guarantee uniform conditions of competition, uniform assessment criteria should be laid down to provide a framework for setting specific values at national level whilst leaving sufficient room for climatic and use-related variations. Specific values should be set by the Member States taking account of use and exposure conditions relevant in the areas concerned. (Jeggle)

Article 12

deleted

Soil status report

1. Where a site is to be sold on which a potentially polluting activity listed in Annex II is taking place, or for which the official records, such as national registers, show that it has taken place, Member States shall ensure that the owner of that site or the prospective buyer makes a soil status report available to the competent authority referred to in Article 11 and to the other party in the transaction.

2. The soil status report shall be issued by an authorised body or person appointed by the Member State. It shall include at least the following details:

(a) the background history of the site, as available from official records;

(b) a chemical analysis determining the concentration levels of the dangerous substances in the soil, limited to those substances that are linked to the potentially polluting activity on the site;

(c) the concentration levels at which there are sufficient reasons to believe that the dangerous substances concerned pose a significant risk to human health or to the environment.

3. Member States shall establish the methodology necessary for determining the concentration levels referred to in paragraph 2(b).

4. The information contained in the soil status report shall be used by the competent authorities for the purposes of identifying contaminated sites in accordance with Article 10(1).

Justification

The soil status report is a procedure regulated by private law which should not be governed by public-law rules. A soil status report must not lead to a general data search with additional requirements as regards investigation or remediation. (Hoppenstedt)

Land transactions are actions governed by private law which should not be subject to public-law rules. (Krahmer)

The proposal creates an over-bureaucratic system which not only imposes burdens on those involved in property transactions but also forces the authorities to be partly responsible for identifying soil pollution.

This prescription clearly interferes with private law. Information on private sites should not be open to the wider public but be restricted to the parties involved in the sales of sites.

Furthermore, the publication of personal data conflicts with efficient data protection and carries the risk of infringing companies' valid interests in the protection of data. (Seeber)

Chapter III concerns soil contamination. Soil contamination is local in nature and requires appropriate measures tailored to the individual case and geared to the type of contamination and the type of soil. In the spirit of the subsidiary principle, it should therefore remain the task of the Member States to take suitable prevention and restoration measures. See proposed new version of Article 9. (Nassauer)

Amendment by Anja Weisgerber and Thomas Ulmer + Elisabeth Jeggle

Amendment 426

Article 12, title

Soil status report

Obligations to disclose

Or. de

Justification

Universal, compulsory institutionalisation of the 'soil status report' in property transactions for sites which may be contaminated contributes in large measure to the considerable costs which would be generated as a result of the proposal and does not lend any added value to soil protection. This is a private procedure, one which should not be subject to the provisions governing public procedures. (Weisgerber/Ulmer)

Universal, compulsory institutionalisation of the 'soil status report' in property transactions for sites which may be contaminated is a significant factor in the considerable costs which

would be generated as a result of the proposal. There should at least be evidence of damage if this is to be compulsory. (Jeggle)

Amendment by Jutta Haug

Amendment 427

Article 12

-1. Member States may compel site owners to provide evidence to the competent authority, in accordance with Article 11. The rules of Directive 2004/35/EC remain unchanged.

1. Where a site is to be sold on which a potentially polluting activity listed in Annex II is taking place, or for which the official records, such as national registers, show that it has taken place, ***Member States shall ensure that the owner of that site or the prospective buyer makes a soil status report available to the competent authority referred to in Article 11 and to the other party in the transaction.***

1. Where a site is to be sold on which a potentially polluting activity listed in Annex II is taking place, or for which the official records, such as national registers, show that it has taken place, ***the owner of the site shall make information about the soil status available to the competent authority and the prospective buyer.***

2. The soil status report shall be issued by an authorised body or person appointed by the Member State. It shall include at least the following details:

a) the background history of the site, as available from official records;

(b) a chemical analysis determining the concentration levels of the dangerous substances in the soil, limited to those substances that are linked to the potentially polluting activity on the site;

(c) the concentration levels at which there are sufficient reasons to believe that the dangerous substances concerned pose a significant risk to human health or to the environment.

3. Member States shall establish the methodology necessary for determining the concentration levels referred to in

paragraph 2(b).

4. The information contained in the soil status report shall be used by the competent authorities for the purposes of identifying contaminated sites in accordance with Article 10(1).

Or. de

Justification

Member States are given sufficient flexibility in property transactions and are guaranteed legal certainty concerning soil status.

Amendment by Elisabeth Jeggle + Anja Weisgerber, Thomas Ulmer + Horst Schnellhardt +
Renate Sommer and Peter Liese

Amendment 428
Article 12

1. Where a site is to be sold on which a potentially polluting activity listed in Annex II is taking place, or for which the official records, such as national registers, show that it has taken place, Member States shall ensure that the owner of that site or the prospective buyer makes a soil status report available to the competent authority referred to in Article 11 and to the other party in the transaction.

2. The soil status report shall be issued by an authorised body or person appointed by the Member State. It shall include at least the following details:

(a) the background history of the site, as available from official records;

(b) a chemical analysis determining the concentration levels of the dangerous substances in the soil, limited to those substances that are linked to the potentially polluting activity on the site;

(c) the concentration levels at which there are sufficient reasons to believe that the

Member States can compel site owners to provide evidence to the competent authority, in accordance with Article 11. The rules of Directive 2004/35/EC remain unchanged.

dangerous substances concerned pose a significant risk to human health or to the environment.

3. Member States shall establish the methodology necessary for determining the concentration levels referred to in paragraph 2(b).

4. The information contained in the soil status report shall be used by the competent authorities for the purposes of identifying contaminated sites in accordance with Article 10(1).

Or. de

Justification

Universal, compulsory institutionalisation of the 'soil status report' in property transactions for sites which may be contaminated is a significant factor in the considerable costs which would be generated as a result of the proposal. There should at least be evidence of damage if this is to be compulsory. (Jeggle)

Universal, compulsory institutionalisation of the 'soil status report' in property transactions for sites which may be contaminated contributes in large measure to the considerable costs which would be generated as a result of the proposal and does not lend any added value to soil protection. This is a private procedure, one which should not be subject to the provisions governing public procedures. (Weisgerber/Ulmer)

*Universal, compulsory institutionalisation of the 'soil status report' in property transactions for sites which may be contaminated is a significant factor in the considerable costs which would be generated as a result of the proposal and does not lend any added value to soil protection.
This is a private procedure, one which should not be subject to the provisions governing public procedures. A soil status report should in any case deal only with existing information. (Schnellhardt)*

Institutionalisation of the 'soil status report' in property transactions for sites which may be contaminated is a significant factor in the considerable costs which would be generated as a result of the proposal and does not lend any added value to soil protection. A notification requirement such as is practised in Germany would seem more practical and less bureaucratic in this context. Only recommendations for a voluntary solution should form part of the soil protection strategy accompanying the Directive. (Sommer/Liese)

Amendment by Vittorio Prodi

Amendment 429
Article 12, paragraph 1

1. Where a site is to be sold on which a potentially polluting activity listed in Annex II is taking place, or for which the official records, such as national registers, show that it has taken place, Member States shall ensure that the owner of that site *or* the prospective buyer ***makes a soil status report*** available to the competent authority referred to in Article 11 ***and to the other party in the transaction.***

1. Where a site is to be sold on which a potentially polluting activity listed in Annex II is taking place, or for which the official records, such as national registers, show that it has taken place, Member States shall ensure that the owner of that site ***makes a risk assessment and/or soil status report available to*** the prospective buyer ***or allows the prospective buyer access to make his own risk assessment and/or soil status report. Following completion of the transaction, the risk assessment and/or soil status report shall be made*** available to the competent authority referred to in Article 11 ***if requested in order to allow it to carry out its duties.***

Or. en

Justification

Linking release of information included in the soil status report to automatically placing the sites on an inventory will discourage transactions. If the requirement to provide soil assessment data to authorities is linked with the application for a change of use of a site or where the authority believes there is a significant risk of harm to environment and health, risks are better controlled and managed in a cost effective manner while not discouraging transactions and voluntary remediation activities.

Amendment by Anders Wijkman

Amendment 430
Article 12, paragraph 1

1. ***Where*** a site ***is to be sold*** on which ***a potentially polluting*** activity listed in Annex II is taking place, or for which the official records, such as national registers, show that it has taken place, Member States shall ensure that the owner of that site ***or the prospective buyer*** makes a soil status report available to the competent authority referred to in Article 11 and to the ***other party in the transaction.***

1. ***In the case of*** a site on which ***an*** activity listed in Annex II is taking place, or for which the official records, such as national registers, show that it has taken place, Member States shall ensure that the owner of that site makes a soil status report available to the competent authority referred to in Article 11 and to the ***prospective buyer or tenant if the site is to be sold or rented, or if the land use of the site changes to a more sensitive land use.***

Or. en

Justification

Knowledge of whether a site is contaminated or not is not only relevant for the prospective buyer but also in the interest of the prospective user. This is for example relevant for when people rent a land or change land use.

Amendment by Françoise Grossetête

Amendment 431
Article 12, paragraph 1

1. Where a site is to be sold on which a potentially polluting activity listed in Annex II is taking place, or for which the official records, such as national registers, show that it has taken place, Member States shall ensure that ***the owner of that site or the prospective buyer makes a soil status report available to the competent authority referred to in Article 11 and to the other party in the transaction.***

1. Where a site is to be sold on which a potentially polluting activity listed in Annex II is taking place, or for which the official records, such as national registers, show that it has taken place, Member States shall ensure that ***the procedures referred to in Article 11 have been carried out in respect of this site.***

Or. fr

Justification

The accelerated inventory procedure does not necessitate the targeting of sites to be sold and no special procedures are required for them.

Amendment by Robert Sturdy

Amendment 432
Article 12, paragraph 1

1. Where ***a*** site is to be sold ***on which a potentially polluting activity listed in Annex II is taking place, or for which the official records, such as national registers, show that it has taken place,*** Member States shall ensure that the owner of that site or the prospective buyer makes a soil status report available to the competent authority referred to in Article 11 and to the other party in the

1. Where ***an identified contaminated*** site is to be sold, Member States shall ensure that the owner of that site or the prospective buyer makes a soil status report available to the competent authority referred to in Article 11 and to the other party in the transaction.

transaction.

Or. en

Justification

Requiring a soil status report only for identified contaminated sites avoids an additional administrative burden for owners of non-contaminated sites. This does not prohibit land users from carrying out assessments on a voluntary basis or in compliance with existing national or community environmental policy.

Amendment by Vittorio Prodi and Alfonso Andria

Amendment 433
Article 12, paragraph 1

1. **Where** a site **is to be sold** on which a potentially polluting activity listed in Annex II is taking place, or for which the official records, such as national registers, show that it has taken place, Member States shall ensure that the owner of that site **or the prospective buyer** makes a soil status report available to the competent authority referred to in Article 11 and to the other party in the transaction.

1. **In the case of a commercial transaction regarding** a site on which a potentially polluting activity listed in Annex II is taking place, or for which the official records, such as national **or local** registers, show that it has taken place, Member States shall ensure that the owner of that site makes a soil status report available to the competent authority referred to in Article 11 and to the other **prospective** party in the transaction.

Or. en

Justification

Legislation existing in Member States allows for a multitude of real estate transaction which do not necessarily require a formal selling act of the site involved. Real Estate transactions can take place even without a selling of the site (e.g. acquisition of a company owning a real estate). Reference should therefore be made to the term “transactions”. Providing the report should be of the owner’s burden. The owner of the site has better access to data regarding the history of the site.

Amendment by Miroslav Ouzký

Amendment 434
Article 12, paragraph 1

1. Where **a** site is to be sold on which a

1. Where **an identified contaminated** site is

potentially polluting activity listed in Annex II is taking place, or for which the official records, such as national registers, show that it has taken place, Member States shall ensure that the owner of that site or the prospective buyer makes a soil status report available to the competent authority referred to in Article 11 and to the other party in the transaction.

to be sold on which a potentially polluting activity listed in Annex II is taking place, or for which the official records, such as national registers, show that it has taken place, Member States shall ensure that the owner of that site or the prospective buyer makes a soil status report available to the competent authority referred to in Article 11 and to the other party in the transaction.

Or. en

Justification

Requiring a soil status report only for identified contaminated sites avoids an additional administrative burden for owners of non-contaminated sites.

Amendment by Gyula Hegyi

Amendment 435 Article 12, paragraph 1

1. Where a site is to be sold on which a potentially polluting activity listed in Annex II is taking place, or for which the official records, such as national registers, show that it has taken place, Member States shall ensure that the owner of that site or the prospective buyer makes a soil status report available to the competent authority referred to in Article 11 and to the other party in the transaction.

1. Where a site is to be sold **or leased** on which a potentially polluting activity listed in Annex II is taking place, or for which the official records, such as national registers, show that it has taken place, Member States shall ensure that the owner of that site or the prospective buyer **or tenant** makes a soil status report available to the competent authority referred to in Article 11 and to the other party in the transaction.

Or. en

Justification

Land purchase is only one way in which soil passes from one user to the other. In many cases the use changes through a lease contract and also in this case the new use should, for reasons of level playing field, be informed about the state of the land this person or company will use.

Amendment by María Sornosa Martínez

Amendment 436
Article 12, paragraph 1

1. Where a site is to be sold on which *a potentially polluting* activity listed in Annex II is taking place, or for which the official records, such as national registers, show that it has taken place, Member States shall ensure that the owner of that site or the prospective buyer makes a soil status report available to the competent authority referred to in Article 11 and to the *other party in the transaction*.

1. Where a site is to be sold, *or rented to a new user*, on which *an* activity listed in Annex II is taking place, or for which the official records, such as national registers, show that it has taken place, Member States shall ensure that the owner of that site or the prospective buyer makes a soil status report available to the competent authority referred to in Article 11 and to the *prospective buyer or tenant*.

Or. en

Amendment by Frieda Brepoels

Amendment 437
Article 12, paragraph 1

1. Where a site is to be sold on which a potentially polluting activity listed in Annex II is taking place, or for which the official records, such as *national* registers, show that it has taken place, Member States shall ensure that the owner of that site or the prospective buyer makes a soil status report available to the competent authority referred to in Article 11 and to the other party in the transaction.

1. Where a site is to be sold on which a potentially polluting activity listed in Annex II is taking place, or for which the official records, such as registers, show that it has taken place, Member States shall ensure that the owner of that site or the prospective buyer makes a soil status report available to the competent authority referred to in Article 11 and to the other party in the transaction.

Or. en

Justification

In several Member States the competence to legislate on soil lies with the regional authorities rather than the national one. Annex II is considered to be limited to the high risk activities (numbers 1, 2, 8 and 9).

Amendment by Hiltrud Breyer, Roberto Musacchio, Umberto Guidoni

Amendment 438
Article 12, paragraph 1

1. **Where** a site is **to be sold** on which a **potentially polluting** activity listed in Annex II is taking place, or for which the official records, such as national registers, show that it has taken place, Member States shall ensure that the owner of that site **or the prospective buyer** makes a soil status report available to the competent authority referred to in Article 11 and to the **other party in the transaction**.

1. **In the case of** a site on which **an** activity listed in Annex II is taking place, or for which the official records, such as national registers, show that it has taken place, Member States shall ensure that the owner of that site makes a soil status report available to the competent authority referred to in Article 11 and to the **prospective buyer or tenant if**:

- **the site is to be sold or rented, or**
- **the land use of the site changes to a more sensitive land use.**

Or. en

Justification

Knowledge of whether a site is contaminated or not is not only relevant for the prospective buyer but also in the interest of the prospective user. This is for example relevant for when people rent a land or change land use.

Amendment by Hiltrud Breyer, Roberto Musacchio, Umberto Guidoni

Amendment 439
Article 12, paragraph 1, subparagraph 1 a (new)

A permit for any proposed change of use of a site relevant to this paragraph which requires a permit under national or Community legislation shall only be granted if the application is accompanied by a risk assessment which takes account of the proposed change of use and if so required a soil status report, and the competent authority is satisfied that the condition of the site is fit for the proposed use or will be fit if conditions attached to the permit are implemented prior to the proposed change of use. In particular, the competent authority must be satisfied that

the site will not be a contaminated site following the change of use.

Or. en

Justification

See justification to Breyer a.o. amendment to Article 12, para 1.

Amendment by Vittorio Prodi

Amendment 440

Article 12, paragraph 1, subparagraph 1 a (new)

A permit for any proposed change of use of a site which requires a permit under the law of any Member State shall only be granted if the application is accompanied by a risk assessment which takes account of the proposed change of use and a soil status report and the competent authority is satisfied that the condition of the site is fit for the proposed use. In particular, the competent authority must be satisfied that the site will not be a contaminated site following the change of use.

Or. en

Justification

See justification to Prodi amendment, Article 12. paragraph 1.

Amendment by Vittorio Prodi and Alfonso Andria

Amendment 441

Article 12, paragraph 1, subparagraph 1 a (new)

As long as the projected transaction has not been completed, members, experts, officials and other servants of the competent authority shall be required, even after their duties have ceased, not to disclose to third parties not being part of the transaction

any information directly or indirectly linked or related to the transaction.

Or. en

Justification

See justification to Prodi/Andria amendment, Article 12, paragraph 1.

Amendment by Françoise Grossetête

Amendment 442
Article 12, paragraph 2

2. The soil status report shall be issued by an authorised body or person appointed by the Member State. It shall include at least the following details: Deleted

(a) the background history of the site, as available from official records;

(b) a chemical analysis determining the concentration levels of the dangerous substances in the soil, limited to those substances that are linked to the potentially polluting activity on the site;

(c) the concentration levels at which there are sufficient reasons to believe that the dangerous substances concerned pose a significant risk to human health or to the environment.

Or. fr

Justification

It is up to the national authorities to establish priorities regarding a given industrial sector or specific pollutant, depending on local circumstances.

Amendment by Miroslav Ouzký + Robert Sturdy

Amendment 443
Article 12, paragraph 2, introductory part

2. The soil status report shall be *issued* by an authorised body or person appointed by the Member State. It shall include at least the following details:

2. The soil status report shall be *verified* by an authorised body or person appointed by the Member State. It shall include at least the following details:

Or. en

Justification

It should be possible for land owners to perform their own analysis of the soil. However, the result of the analysis should always be verified by an objective third party. (Ouzký)

This ensures that landowners and in particular farmers, with their broad knowledge and experience can carry out their own analysis of the land which is then verified by the approved competent authority. This will reduce unnecessary bureaucracy, reduce the financial burden and promote good practice amongst land users while still ensuring an objective review of the soil status report. (Sturdy)

Amendment by Péter Olajos

Amendment 444

Article 12, paragraph 2, point (a)

(a) the background history of the site, as available from official records;

(a) the background history of the site, as available from official records, ***with special regard to the status of groundwater;***

Or. en

Justification

The state of the groundwater concerning the overall status of the soil is essential. For providing all necessary information required for a balanced decision, all already available data, such as that concerning groundwater has to be supplied to the owner of prospective buyer.

Amendment by Frieda Brepoels

Amendment 445

Article 12, paragraph 2, point (b)

(b) ***a chemical analysis determining the concentration levels of the dangerous substances in the soil, limited to those***

(b) ***the results of a soil investigation, indicating whether the site must be qualified as a contaminated site or not;***

substances that are linked to the potentially polluting activity on the site;

Or. en

Justification

Concentration levels do not form a risk per se, cf. amendment Ms. Brepoels on article 2, point 2a (new).

Amendment by Frieda Brepoels

Amendment 446
Article 12, paragraph 2, point (c)

(c) the concentration levels at which there are sufficient reasons to believe that the dangerous substances concerned pose a significant risk to human health or to the environment. **deleted**

Or. en

Justification

Concentration levels do not form a risk per se, cf. amendment Ms. Brepoels on article 2, point 2a (new).

Amendment by Roberto Musacchio, Dimitrios Papadimoulis and Umberto Guidoni

Amendment 447
Article 12, paragraph 2, point (c)

(c) the concentration levels at which there are sufficient reasons to believe that the dangerous substances concerned pose a significant risk to human health or to the environment.

(c) the concentration levels at which there are sufficient reasons to believe that the dangerous substances concerned pose a significant risk to human health or to the environment, *taking into account current or approved future use of the land.*

Or. en

Justification

The current or approved use of the land must be taken into account: the soil quality reference standards might be different according to different land use.

Amendment by Péter Olajos

Amendment 448

Article 12, paragraph 2, point (c a) (new)

(ca) the risk of biodiversity loss of the soil.

Or. en

Justification

The state of biodiversity in the soil, which is an ecosystem on its own, represents a significant aspect concerning the quality of the soil, as amongst others, the productivity of the soil depends on it.

Amendment by María Sornosa Martínez

Amendment 449

Article 12, paragraph 2, point (c a) (new)

(ca) a qualitative and indicative description of the status of the humic quality and the structure quality of the soil;

Or. en

Justification

To include in the soil status report an indicative description of organic matter, compaction (structure) and salinisation, where relevant, which might help to improve the soil status, for example the infiltration capacity for water, even in town and city areas.

Amendment by Vittorio Prodi and Alfonso Andria

Amendment 450

Article 12, paragraph 2, subparagraph 1 a (new)

Precise details of the proposed transaction referred to in paragraph 1, particularly those of a commercially sensitive nature, shall not be required.

Or. en

Justification

Real Estate transactions are often, commercially speaking, highly sensitive (e.g. bidding procedures) and subject to confidentiality. It must be made sure that the reporting obligation set forth in art. 12 shall not cause any conflicts.

Amendment by Françoise Grossetête + Frieda Brepoels

Amendment 451

Article 12, paragraph 3

3. Member States shall establish the methodology necessary for determining the concentration levels referred to in paragraph 2(b).

Deleted

Or. fr

Justification

It is up to the national authorities to establish priorities regarding a given industrial sector or specific pollutant, depending on local circumstances. (Grossetête)

This can be deleted provided paragraph 2(b) is replaced (cf. amendment Ms. Brepoels on article 12, paragraph 2). (Brepoels)

Amendment by Anja Weisgerber and Thomas Ulmer + Jutta Haug + Elisabeth Jeggle + Renate Sommer and Peter Liese + Karsten Friedrich Hoppenstedt

Amendment 452

Article 13, paragraph 1

1. Member States shall ensure that the contaminated sites listed in their inventories are remediated.

Member States shall ensure that the contaminated sites listed in their inventories are remediated, ***if this is necessary for security and is proportionate in the light of the assessment by the competent authority.***

Or. de

Justification

It must be made clear that remediation is not needed on all sites. In addition to the specific dangers, proportionality and the uses permitted by planning law must be considered. Specific remediation measures may be postponed (assuming this is ecologically responsible) if they can be combined with other activities such as construction projects as part of regional development and thereby implemented in a more cost-effective way. (Weisgerber/Ulmer)

The Directive must make it clear that remediation is not necessary at all sites. In cases where it is absolutely necessary, there must be the opportunity for considering all remediation options. (Haug)

In addition to the specific dangers, proportionality and the uses permitted by planning law must be considered; there is a need for more flexibility. (Jeggle)

The Directive must make it clear that remediation is not necessary at all sites. In addition to the specific dangers, proportionality and the purposes permitted by planning law must be considered. Specific remediation measures may be postponed (assuming this is ecologically responsible) if they can be combined with other activities such as construction projects as part of regional development and thereby implemented in a more cost-effective way. (Sommer/Liese)

The principle of proportionality must play a decisive role. (Hoppenstedt)

Amendment by Holger Kraemer

Amendment 453 Article 13, paragraph 1

1. Member States shall ensure that the contaminated sites listed in their inventories are remediated.

1. Member States shall ensure that sites ***found to be contaminated, pursuant to Article 11 (2), are remediated, as long as this has not yet been done, is necessary for security and is proportionate.***

Amendment by Dorette Corbey

Amendment 454
Article 13, paragraph 1

1. Member States shall ensure that the contaminated sites listed in their inventories are remediated.

1. Member States shall ensure that the contaminated sites listed in their inventories are remediated, ***in accordance with priorities to be set, or already set, by the Member States themselves.***

Or. nl

Justification

It needs to be made clear that the Member States themselves must set the priorities as far as possible and that in doing so they may make use of existing policy.

Amendment by Frieda Brepoels

Amendment 455
Article 13, paragraph 1

1. Member States shall ensure that the contaminated sites ***listed in their inventories*** are remediated.

1. Member States shall ensure that the contaminated sites ***identified according to the procedure laid down in Article 11 or 12*** are remediated.

Or. en

Justification

Cf. Amendments Ms. Brepoels on articles 11 and 12.

Amendment by Vittorio Prodi

Amendment 456
Article 13, paragraph 1

1. Member States shall ensure that the contaminated sites listed in their inventories

1. Member States shall ensure that the contaminated sites listed in their inventories

are remediated.

are remediated. *Member States shall also ensure that temporary and urgent safety measures are adopted where there is a serious risk of contamination spreading, threatening both human health and the environment.*

Or. en

Amendment by Hiltrud Breyer, Roberto Musacchio, Umberto Guidoni

Amendment 457
Article 13, paragraph 1

1. Member States shall ensure that the contaminated sites *listed* in their *inventories* are remediated.

1. Member States shall ensure that the contaminated sites in their *national territory* are remediated.

Or. en

Amendment by Richard Seeber

Amendment 458
Article 13, paragraph 1

1. Member States shall ensure that the contaminated sites listed in their inventories are remediated.

1. Member States shall ensure that the sites listed in their inventories as *historically* contaminated are remediated.

Or. de

Justification

This article should focus only on soil contamination which took place in the past. The criteria given in the article must be seen as applying in this context.

There should be compulsory remediation for cases of recent soil contamination. This should be commensurate with the precautionary principle, the principle of sustainability, the principle of liability and the principle of proportionality, and should be expanded in Article 9.

Amendment by Anja Weisgerber and Thomas Ulmer + Elisabeth Jeggle + Renate Sommer

and Peter Liese

Amendment 459
Article 13, paragraph 2

2. Remediation *shall consist of actions on the soil aimed at the removal, control, containment or reduction of contaminants* so that the contaminated site, taking account of its current use and *approved* future use, no longer poses any *significant* risk to human health or the environment.

2. Remediation *measures shall be taken to ensure* that the contaminated site, taking account of its current use and *admissible* future use, no longer poses any risk to human health or the environment. *If such measures are not possible or are unreasonable, other protective and restrictive measures must be implemented. Natural pollution-reducing processes may be considered when deciding on remediation measures. If safeguards are to be applied or natural pollution-reducing processes considered, the evolution of the risk to human health or the environment shall be monitored.*

Or. de

Justification

It must be made clear that remediation is not needed on all sites. In addition to the specific dangers, proportionality and the uses permitted by planning law must be considered. Specific remediation measures may be postponed (assuming this is ecologically responsible) if they can be combined with other activities such as construction projects as part of regional development and thereby implemented in a more cost-effective way. (Weisgerber/Ulmer)

Protective and restrictive measures and natural pollution-reducing processes must be listed as remediation measures. (Jeggle)

In addition to the various options for remediation stated in the proposal, other possibilities for action must be considered. In this context, the second sentence of Article 14 (1) has been editorially revised and the reworded version systematically classified under Article 13. With regard to the wording of the remediation objective, the purview of the directive on environmental liability (Directive 2004/35/EC) has been transposed to the soil framework directive by means of a word-for-word borrowing from the former. (Sommer/Liese)

Amendment by Jutta Haug

Amendment 460
Article 13, paragraph 2

2. Remediation *shall consist of actions on the soil aimed at the removal, control, containment or reduction of contaminants* so that the contaminated site, taking account of its current use and approved future use, no longer poses any *significant* risk to human health or the environment.

2. Remediation *measures shall be taken to ensure* that the contaminated site, taking account of its current use and approved future use, no longer poses any risk to human health or the environment. *If such measures are not possible or are unreasonable, other protective and restrictive measures must be implemented. Natural pollution-reducing processes must be considered when deciding on remediation measures. If safeguards are to be applied or natural pollution-reducing processes considered, the development of any risk for human health or the environment shall be monitored.*

Or. de

Justification

The Directive must make it clear that remediation is not necessary at all sites. In cases where it is absolutely necessary, there must be the opportunity for considering all remediation options.

Amendment by Karsten Friedrich Hoppenstedt

Amendment 461
Article 13, paragraph 2

2. Remediation shall consist of actions on the soil aimed at the removal, control, containment or reduction of contaminants so that the contaminated *site*, taking account of *its* current use and approved future use, no longer *poses* any significant risk to human health or the environment.

2. Remediation shall consist of actions on the soil aimed at the removal and control *of natural depletion and the securing, encapsulation*, containment or reduction of contaminants so that the contaminated *areas*, taking account of *their* current use *or* approved future use, no longer *pose* any significant risk to human health or the environment.

Or. de

Justification

In addition to the various possibilities for remediation stated in the proposal, such as decontamination and protection, other options, such as suitable protective and restrictive measures, must be considered.

Amendment by Hiltrud Breyer, Roberto Musacchio and Umberto Guidoni

Amendment 462
Article 13, paragraph 2

2. Remediation shall consist of actions on the soil aimed at the removal, control, containment **or reduction** of contaminants so that the contaminated site, **taking account of its current use and approved future use**, no longer poses any significant risk to human health or the environment.

2. Remediation shall consist of actions on the soil aimed at the removal, control **or** containment of contaminants, **or their reduction to near to zero or natural background concentrations**, so that the contaminated site no longer poses any significant risk to human health or the environment.

Or. en

Justification

Best available technologies should be used to minimised possible negative impacts from remediation actions.

Amendment by Vittorio Prodi

Amendment 463
Article 13, paragraph 2

2. Remediation shall consist of actions on the soil aimed at the removal, control, containment or reduction of contaminants so that the contaminated site, taking account of its current use and approved future use, no longer poses any significant risk to human health or the environment.

2. Remediation shall consist of actions on the soil aimed at the removal, control, containment or reduction of contaminants, **control of the pathway for movement of the contaminants or management of the receptor**, so that the contaminated site, taking account of its current use and approved future use, no longer poses any significant risk to human health or the environment.

Or. en

Justification

Need to stress the source, pathways and receptor link in order to ease the risk assessment.

Amendment by Karsten Friedrich Hoppenstedt

Amendment 464

Article 13, paragraph 2, subparagraph 1 a (new)

If encapsulation (confinement) of contamination or natural recovery is to be used or considered, the evolution of the risk to human health or the environment shall be monitored regularly.

Or. de

Justification

See justification to Hoppenstedt amendment, Article 13, paragraph 2.

Amendment by Hiltrud Breyer, Roberto Musacchio and Umberto Guidoni

Amendment 465

Article 13, paragraph 2, subparagraph 1 a (new)

Member States shall ensure the use of best available techniques for remedial action.

Or. en

Justification

See justification to Breyer a.o. amendment, Article 13, paragraph 2.

Amendment by Hiltrud Breyer, Roberto Musacchio and Umberto Guidoni

Amendment 466

Article 13, paragraph 2 a (new)

2a. Where according to national or Community legislation the polluter can be found or held liable for the contamination and is required to carry out the remediation of the contaminated site, the liable party shall identify the potential remedial measures and submit them to the competent authority for its approval.

The competent authority shall decide which remedial measures shall be implemented taking into account the elements in Annex III, and with the cooperation of the relevant operator, as required.

Or. en

Justification

These provisions already exist in the Environmental Liability Directive for soil contamination occurring after 2007, it is necessary to ensure that for sites which have been contaminated before this date and where the liable person can be found, the obligations are the same.

Amendment by Anja Weisgerber and Thomas Ulmer + Jutta Haug + Elisabeth Jeggle + Renate Sommer and Peter Liese

Amendment 467
Article 13, paragraph 3

3. Member States shall set up appropriate mechanisms to fund the remediation of the contaminated sites for which, subject to the polluter pays principle, the person responsible for the pollution cannot be identified or cannot be held liable under Community or national legislation or may not be made to bear the costs of remediation. Deleted

Or. de

Justification

It must be made clear that remediation is not needed on all sites. In addition to the specific dangers, proportionality and the uses permitted by planning law must be considered. Specific remediation measures may be postponed (assuming this is ecologically responsible) if they

can be combined with other activities such as construction projects as part of regional development and thereby implemented in a more cost-effective way. (Weisgerber/Ulmer)

The Directive must make it clear that remediation is not necessary at all sites. In cases where it is absolutely necessary, there must be the opportunity for considering all remediation options. (Haug)

The demand for national financing models for the remediation of sites contaminated in the past can have a negative effect on well-established, specific regional financing models. (Jeggle)

The demand for national financing models for the remediation of sites contaminated in the past can have a negative effect on well-established, specific regional financing models. This paragraph should be deleted in order to avoid obstructions arising from EU provisions or national transposition. (Sommer/Liese)

Amendment by Vittorio Prodi and Alfonso Andria

Amendment 468

Article 13, paragraph 3

3. Member States shall set up appropriate mechanisms to fund the remediation of the contaminated sites for which, subject to the polluter pays principle, the person responsible for the pollution cannot be identified or cannot be held liable under Community or national legislation or may not be made to bear the costs of remediation.

3. Member States shall set up appropriate mechanisms ***at national level (including for instance funds, investment aids, tax exemptions or reductions, tax refunds, direct price support schemes)*** to fund the remediation of the contaminated sites for which, subject to the polluter pays principle, the person responsible for the pollution cannot be identified or cannot be held liable under Community or national legislation or may not be made to bear the costs of remediation. ***With a view to fostering remediation, Member States shall guarantee the proper functioning of these mechanisms in order to maintain investor confidence and achieve the aims of this Directive.***

Or. en

Justification

Given the fact that in most of the cases the polluter is not identifiable, funding mechanisms are very important for achieving the aims of this Directive. Given the high importance of this paragraph, the Directive should propose a non exhaustive list of funding mechanisms and stress the importance of creating investors' confidence. Lacking of investors' confidence will

be counterproductive to getting contaminated sites remediated by subjects different from those who are to be regarded as being the polluters.

Amendment by Glenis Willmott + Vittorio Prodi

Amendment 469
Article 13, paragraph 3

3. Member States shall set up appropriate mechanisms to fund the remediation of the contaminated sites for which, subject to the polluter pays principle, the person responsible for the pollution cannot be identified or cannot be held liable under Community or national legislation or may not be made to bear the costs of remediation.

3. Member States shall set up appropriate mechanisms to fund the remediation of the contaminated sites for which, subject to the polluter pays principle, the person responsible for the pollution cannot be identified or cannot be held liable under Community or national legislation or may not be made to bear the costs of remediation.
Member States shall establish processes for managing cases where liability for funding remediation (or a portion of the remediation) should be transferred from one potentially responsible person to another.

Or. en

Justification

Whilst the concept of the “polluter pays” principle is supported, clarification is warranted with regard to obligations and liability of owners, operators and polluters, if these are different. For example, who would be considered to be the polluter in a case where the original owner of the land sold it with full information to a purchaser, and at a discount to allow the purchaser to deal with the pollution, who then exposed humans to the chemicals of concern by redevelopment of the site? It would seem inequitable for the responsibility to remain with the original owner. (Willmott)

While supporting the principle of the “polluter pays”, more clarification is needed with regard to obligations and liability of owners, operators and polluters, if these are different. (Prodi)

Amendment by Horst Schnellhardt

Amendment 470
Article 13, paragraph 3

3. Member States shall set up appropriate mechanisms to fund the remediation of the

3. Member States shall set up appropriate mechanisms ***at national level*** to fund the

contaminated sites for which, subject to the polluter pays principle, the person responsible for the pollution cannot be identified or cannot be held liable under Community or national legislation or may not be made to bear the costs of remediation.

remediation of the contaminated sites for which, subject to the polluter pays principle, the person responsible for the pollution cannot be identified or cannot be held liable under Community or national legislation or may not be made to bear the costs of remediation. ***Existing financing mechanisms in Member States should be maintained if they have proved effective.***

Or. de

Justification

The mechanisms set up by Member States must be maintained for the remediation of sites contaminated by unknown persons or organisations.

Amendment by Karsten Friedrich Hoppenstedt

Amendment 471
Article 13, paragraph 3

3. Member States shall set up appropriate mechanisms to fund the remediation of the contaminated **sites** for which, subject to the polluter pays principle, the person responsible for the pollution cannot be identified or cannot be held liable under Community or national legislation or may not be made to bear the costs of remediation.

3. Member States shall set up appropriate **national** mechanisms to fund the remediation of the contaminated **areas**, for which, subject to the polluter pays principle, the person responsible for the pollution cannot be identified or cannot be held liable under Community or national legislation or may not be made to bear the costs of remediation.

Or. de

Justification

See justification to Hoppenstedt amendment to Article 13, para 2.

Amendment by Vittorio Prodi and Alfonso Andria

Amendment 472
Article 13, paragraph 3 a (new)

3a. For this purpose Member States shall take measures to encourage the development of financial security instruments and markets, including financial mechanisms in case of insolvency of the person responsible for the pollution or closedown of the relevant activity.

Or. en

Justification

One of the reasons which, until today, has hindered not only the execution of remediation activities, but also the development of a remediation industry, is the missing involvement of the banking and assurance sector in the remediation financing sector. As already foreseen in Directive 2004/35/CE on environmental liability, Member States should foster the development of appropriate financial mechanisms securing the carrying out of remediation activities.

Amendment by Vittorio Prodi and Alfonso Andria

Amendment 473
Article 13, paragraph 3 b (new)

3b. Member States shall set up an appropriate legislative and regulatory framework with regard to authorisation procedures for remediation, with a view to streamlining and expediting procedures at administrative level, specifically involving:

- coordination between the different administrative bodies as regards deadlines for reception and treatment of applications for remediation authorisations,***
- drawing up possible technical guidelines for remediation, and the feasibility of a fast-track planning procedure for remediation.***

Or. en

Justification

One of the reasons which, until today, has hindered not only the execution of remediation activities, but also the development of a remediation industry, is the missing involvement of the banking and assurance sector in the remediation financing sector. As already foreseen in Directive 2004/35/CE on environmental liability, Member States should foster the development of appropriate financial mechanisms securing the carrying out of remediation activities.

Amendment by Anja Weisgerber and Thomas Ulmer + Richard Seeber + Karsten Friedrich Hoppenstedt + Elisabeth Jeggle

Amendment 474
Article 14

Article 14

deleted

National Remediation Strategy

1. Member States shall, on the basis of the inventory and within seven years from [transposition date], draw up a National Remediation Strategy, including at least remediation targets, a prioritisation, starting with those sites which pose a significant risk to human health, a timetable for implementation, and the funds allocated by the authorities responsible for budgetary decisions in the Member States in accordance with their national procedures.

Where containment or natural recovery are applied, the evolution of the risk to human health or the environment shall be monitored.

2. The National Remediation Strategy shall be in application and be made public no later than eight years after [transposition date]. It shall be reviewed at least every five years.

Or. de

Justification

Article 14 should be deleted in its entirety, as provisions for a national remediation strategy are dispensable. Existing national regulations in this context which ensure remediation in a

formalised way are considered sufficient. (Jeggle)

Provisions for a national remediation strategy are dispensable. Owing to the individual nature of the procedures involved, deadlines for remediation targets should not be specified in most cases. (Weisgerber/Ulmer)

In accordance with the principle of subsidiarity, the Directive should include a remediation obligation, whilst leaving all further decisions up to the Member States. These already have their own effective systems specifically for the remediation of soil pollution which took place in the past, and these are tailored to their national circumstances.

Were there detailed rules in the Directive, they could never take this into account. (Seeber)

Amendment by Frieda Brepoels + Renate Sommer and Peter Liese + Jutta Haug

Amendment 475

Article 14, title

National Remediation Strategy

Remediation Strategy

Or. en

Justification

In several Member States the competence to legislate on soil lies with the regional authorities rather than the national one. (Brepoels)

Provisions for a national remediation strategy are dispensable. Existing national regulations in this context which ensure remediation in a formalised way are considered sufficient. The Member States should provide information on their experience and outline their approach to setting priorities. (Sommer/Liese)

Provisions for a national remediation strategy are dispensable. Existing national regulations in this context which ensure remediation in a formalised way are considered sufficient. (Haug)

Amendment by Renate Sommer and Peter Liese + Jutta Haug

Amendment 476

Article 14, paragraph 1, subparagraph 1

1. Member States shall, ***on the basis of the inventory and within seven years from [transposition date], draw up a National Remediation Strategy, including at least remediation targets, a prioritisation,*** starting with those sites which pose a significant risk

1. Member States shall, ***in a procedure in accordance with Article 17, provide information on remediation targets and national or regional procedures for prioritising processing,*** starting with those sites which pose a significant risk to human

to human health, *a* timetable for implementation, *and the funds allocated by the authorities responsible for budgetary decisions in the Member States in accordance with their national procedures.*

health, *and their* timetable for implementation.

Or. de

Justification

See justification to Sommer/Liese + Haug amendment, Article 14, title.

Amendment by Dorette Corbey

Amendment 477

Article 14, paragraph 1, subparagraph 1

1. Member States shall, on the basis of the inventory and within seven years from [transposition date], draw up a National Remediation Strategy, including at least remediation targets, a prioritisation, starting with those sites which pose a significant risk to human health, a timetable for implementation, and the funds allocated by the authorities responsible for budgetary decisions in the Member States in accordance with their national procedures.

1. Member States shall, on the basis of the inventory and within seven years from [transposition date], draw up a National Remediation Strategy, including at least remediation targets, a prioritisation *taking account of administrative and political traditions* starting with *soil contamination with cross-border effects and with* those sites which pose a significant risk to human health, a timetable for implementation, and the funds allocated by the authorities responsible for budgetary decisions in the Member States in accordance with their national procedures.

Or. nl

Justification

Makes clear that priority must be given to cross-border problems.

Amendment by Frieda Brepoels

Amendment 478

Article 14, paragraph 1, subparagraph 1

1. Member States shall, *on the basis of the inventory and* within seven years from [transposition date], draw up a *National* Remediation Strategy, including at least remediation targets, a prioritisation, *starting with those sites which pose a significant risk to human health*, a timetable for implementation, and the funds allocated by the authorities responsible for budgetary decisions in the Member States in accordance with their national procedures.

1. Member States shall, within seven years from [transposition date], draw up a Remediation Strategy, including at least remediation targets, a prioritisation, a timetable for implementation, and the funds allocated by the authorities responsible for budgetary decisions in the Member States in accordance with their national procedures.

Or. en

Justification

"On the basis of the inventory" can be deleted: cf. amendment Ms. Brepoels on article 10, paragraph 2. Moreover, in several Member States the competence to legislate lies with the regional authorities rather than the national one. Finally, the article should be constructed more broadly: though human health is recognised as a priority, it is not the only one.

Amendment by Horst Schnellhardt

Amendment 479

Article 14, paragraph 1, subparagraph 1

1. Member States shall, on the basis of the inventory and within *seven* years from [transposition date], draw up a National Remediation Strategy, including at least remediation targets, a prioritisation, starting with those sites which pose a significant risk to human health, a timetable for implementation, and the funds allocated by the authorities responsible for budgetary decisions in the Member States in accordance with their national procedures.

1. Member States shall, on the basis of the inventory and within *nine* years from [transposition date], draw up a National Remediation Strategy, including at least remediation targets, a prioritisation, starting with those sites which pose a significant risk to human health, a timetable for implementation, and the funds allocated by the authorities responsible for budgetary decisions in the Member States in accordance with their national procedures.

Or. de

Justification

A seven-year deadline is too short for a risk assessment and remediation strategy to be drawn up. A period of nine years is, however, sufficient.

Amendment by Jutta Haug

Amendment 480
Article 14, paragraph 1, subparagraph 2

Where containment or natural recovery are applied, the evolution of the risk to human health or the environment shall be monitored. Deleted

Or. de

Justification

See justification to Haug amendment, Article 14, title.

Amendment by Renate Sommer and Peter Liese + Jutta Haug

Amendment 481
Article 14, paragraph 2

2. The National Remediation Strategy shall be in application and be made public no later than eight years after [transposition date]. It shall be reviewed at least every five years. Deleted

Or. de

Justification

See justification to Sommer/Liese + Haug amendment, Article 14, title.

Amendment by Horst Schnellhardt

Amendment 482
Article 14, paragraph 2

2. The National Remediation Strategy shall be in application and be made public no later than **eight** years after [transposition date]. It shall be reviewed at least every **five** years.

2. The National Remediation Strategy shall be in application and be made public no later than **10** years after [transposition date]. It shall be reviewed at least every **10** years.

Justification

A period of ten years is appropriate in order to enable a proper transposition of the remediation strategy to take place. The review of its implementation can, depending on the application, take place every 10 years.

Amendment by Anja Weisgerber and Thomas Ulmer + Elisabeth Jeggle + Jutta Haug +
Karsten Friedrich Hoppenstedt

Amendment 483
Article 15, paragraph 2

2. Article 2(1), (2), (3) and (5) of Directive 2003/35/EC shall apply to the preparation, modification and review of the programmes of measures on risk areas referred to in Article 8 and the National Remediation Strategies referred to in Article 14. Deleted

Justification

The efforts of the Commission to further raise public awareness, in line with Article 15(1) of the proposal, should be supported. Any further participation on the part of the public should be restricted to the situations covered in Directive 2003/35/EC on information concerning the environment. Paragraph 2 should, therefore, be deleted.

Amendment by Richard Seeber

Amendment 484
Article 15, paragraph 2

2. Article 2(1), (2), (3) and (5) of Directive 2003/35/EC shall apply to the preparation, modification and **review** of the programmes of measures **on risk areas** referred to in Article 8 and the National Remediation Strategies referred to in Article 14.

2. Article 2(1), (2), (3) and (5) of Directive 2003/35/EC shall apply to the preparation, modification and **updating** of the programmes of measures referred to in Article 8 and the National Remediation Strategies referred to in Article 14.

Or. de

Amendment by Anders Wijkman + Hiltrud Breyer, Roberto Musacchio and Umberto Guidoni

Amendment 485
Article 15 a (new)

Article 15a

Cooperation between Member States

Where a Member State is aware that any of its risk areas or contaminated sites are likely to have significant negative effects on human health or the environment in another Member State, or where a Member State likely to be significantly affected so requests, the Member State in whose territory the risk areas or the contaminated sites are located shall inform the other Member State and consult it on the measures to be taken to prevent or reduce such negative effects.

Or. en

Justification

Cooperation between Member States is needed to address transboundary soil degradation.

Amendment by Anja Weisgerber and Thomas Ulmer + Elisabeth Jeggle + Jutta Haug

Amendment 486
Article 16, paragraph 1, introductory part

1. Member States shall ***make the following information available to the Commission within eight years from [transposition date], and every five years thereafter:***

1. Member States shall, ***by means of a procedure in accordance with Article 17, enable the Commission to have access to data which contains information in accordance with Articles 5, 6, 10, 11, 11a and 14, and a summary of the awareness-raising initiatives taken on the basis of***

Article 15.

Or. de

Justification

In order to avoid unnecessary bureaucracy and extra administrative load, any increase in documentation, mapping and reporting obligations must be avoided at all costs, as this would subject Member States' administrations to considerable extra personnel and material costs, on both a one-off and a permanent basis.

Member States should be able to set up their own reporting systems and use these to make information available to the European Commission. (Weisgerber/Ulmer + Jeggle)

The Commission must be given the opportunity to compare information and analyses gleaned from Member States using a unified data format. (Haug)

Amendment by Renate Sommer and Peter Liese

Amendment 487

Article 16, paragraph 1, introductory part

Member States shall ***make the following information available to the Commission within eight years from [transposition date], and every five years thereafter:***

1. Member States shall, ***by means of a procedure in accordance with Article 17, enable the Commission to have access to data which contains the following information in accordance with Articles 5, 6, 10, 11, 11a and 14, and a summary of the awareness-raising initiatives taken on the basis of Article 15.***

Or. de

Justification

In order to avoid unnecessary bureaucracy and extra administrative load, any increase in documentation, mapping and reporting obligations must be avoided at all costs, as this would subject Member States' administrations to considerable extra personnel and material costs, on both a one-off and a permanent basis.

Member States should be able to set up their own reporting systems and use these to make information available to the European Commission.

Amendment by Horst Schnellhardt

Amendment 488

Article 16, paragraph 1, introductory part

Member States shall make the following information available to the Commission within *eight* years from [transposition date], and every *five* years thereafter:

1. Member States shall make the following information available to the Commission within *ten* years from [transposition date], and every *ten* years thereafter:

Or. de

Justification

A period of 10 years would be advisable for a more effective implementation of the remediation strategy, particularly with regard to reports.

Amendment by Richard Seeber

Amendment 489

Article 16, paragraph 1, introductory part

Member States shall make the following information available to the Commission within *eight* years from [transposition date], and every five years thereafter:

1. Member States shall make the following information available to the Commission within *ten* years from [transposition date], and every five years thereafter:

Or. de

Justification

The deletions stem from the amendments.

Amendment by Karsten Friedrich Hoppenstedt

Amendment 490

Article 16, paragraph 1, introductory part

Member States shall make the following information available to the Commission within eight years from [transposition date], and every five years thereafter:

(Does not affect English language version.)

Or. de

Justification

In order to avoid unnecessary bureaucracy and extra administrative load, any disproportionate increase in documentation, mapping and reporting obligations must be avoided at all costs, as this would subject Member States' administrations to considerable extra personnel and material costs, on both a one-off and a permanent basis. The principal function of personnel and funds should be to prevent soil degradation.

Amendment by Anja Weisgerber and Thomas Ulmer + Elisabeth Jeggle + Jutta Haug + Renate Sommer and Peter Liese

Amendment 491
Article 16, paragraph 1, point (a)

a) a summary of the initiatives taken pursuant to Article 5;

Deleted

Or. de

Justification

See justification amendment Weisgerber/Ulmer, Jeggle, Haug, Sommer/Liese, Article 16 (1), introductory part.

Amendment by Anja Weisgerber and Thomas Ulmer + Elisabeth Jeggle + Jutta Haug + Lambert van Nistelrooij, Esther De Lange and Neil Parish + Richard Seeber + Renate Sommer and Peter Liese

Amendment 492
Article 16, paragraph 1, point (b)

(b) the risk areas established pursuant to Article 6(1);

Deleted

Justification

See justification amendment Weisgerber/Ulmer, Jeggle, Haug and Sommer/Liese, Article 16 (1), introductory part.

The soil risk areas approach described in Articles 6-8 and Annex 1 should be replaced by an obligation to introduce comprehensive rules for good professional practice for soil use.

The administrative load caused by the risk areas approach is not proportionate when seen against the background of the vested interest of land owners in protecting their land; in fact, it runs counter to the decision of the European Council to reduce the administrative load by 25% by 2010. (van Nistelrooij and others)

The soil risk areas approach described in Articles 6-8 and Annex 1 is replaced by an obligation to introduce comprehensive rules for good professional practice for soil use. (Seeber)

Amendment by Roberto Musacchio, Dimitrios Papadimoulis and Umberto Guidoni

Amendment 493

Article 16, paragraph 1, point (b)

(b) the risk areas established pursuant to Article 6(1);

(b) the risk areas established pursuant to Article 6(1), ***in a format compatible with INSPIRE Directive 2007/2/EC***;

Justification

As when the EC tabled the captioned proposal of directive the INSPIRE directive was not yet adopted, it is useful now to make direct reference to it in order to support compatibility of data format.

Amendment by Richard Seeber

Amendment 494

Article 16, paragraph 1, point (b)

(b) the ***risk areas*** established pursuant to Article 6(1);

b) the ***soil protection priorities*** established pursuant to Article 6(1);

Justification

In their reporting, Member States should describe the soil protection priorities at regional level. There should be a common standard for information exchange and for learning loops which will ensure an improvement in soil protection in Europe.

Learning loops: best practices are included in Annex III. These should be seen as examples which, when applied by Member States, may be improved in the light of their experience and included in their new form in Annex III. This will lead to an iterative harmonisation of soil protection within the EU on a voluntary basis.

Amendment by Karsten Friedrich Hoppenstedt

Amendment 495
Article 16, paragraph 1, point (b)

(b) the **risk** areas established pursuant to Article 6(1);

b) the areas established pursuant to Article 6(1);

Justification

See justification amendment Hoppenstedt, Article 16, para 1, introductory part.

Amendment by Anja Weisgerber and Thomas Ulmer + Elisabeth Jeggle + Jutta Haug + Lambert van Nistelrooij, Esther De Lange and Neil Parish + Renate Sommer, Peter Liese + Richard Seeber

Amendment 496
Article 16, paragraph 1, point (c)

(c) the methodology used for risk identification pursuant to Article 7;

Deleted

Justification

See justification amendment Weisgerber/Ulmer + Jeggle +Haug + Sommer/Liese, Article 16, para 1, introductory part.

See justification amendment Van Nistelrooij and others, Article 16, para 1, point (b).

See justification amendment Seeber, Article 16, para 1, point (b).

Amendment by Richard Seeber

Amendment 497

Article 16, paragraph 1, point (c)

(c) the methodology used for risk identification pursuant to Article 7;

(c) best practice models from the programme of measures adopted by the Member States pursuant to Article 8;

Or. de

Justification

See justification amendment Seeber, Article 16, para 1, point (b)

Amendment by Anja Weisgerber and Thomas Ulmer + Elisabeth Jeggle + Jutta Haug + Lambert van Nistelrooij, Esther De Lange and Neil Parish + Renate Sommer and Peter Liese + Richard Seeber

Amendment 498

Article 16, paragraph 1, point (d)

d) the programmes of measures adopted pursuant to Article 8 as well as an assessment of the efficiency of the measures to reduce the risk and occurrence of soil degradation processes;

Deleted

Or. de

Justification

See justification amendment Weisgerber/Ulmer + Jeggle + Haug + Sommer/Liese, Article 16, para 1, introductory part.

See justification amendment Van Nistelrooij and others, Article 16, para 1, point (b).

See justification amendment Seeber, Article 16, para 1, point (b).

Amendment by Karsten Friedrich Hoppenstedt

Amendment 499

Article 16, paragraph 1, point (d)

d) the ***programmes of*** measures adopted pursuant to Article 8 as well as an assessment of the efficiency of the measures to reduce the risk and occurrence of soil degradation processes;

d) the measures adopted pursuant to Article 8 as well as an assessment of the efficiency of the measures to reduce the risk and occurrence of soil degradation processes;

Or. de

Justification

See justification amendment Hoppenstedt, Article 16, para 1, introductory part.

Amendment by Anja Weisgerber and Thomas Ulmer + Elisabeth Jeggle + Jutta Haug + Richard Seeber + Hartmut Nassauer + Renate Sommer and Peter Liese

Amendment 500

Article 16, paragraph 1, point (e)

e) the outcome of the identification pursuant to Article 11(2) and (3) and the inventory of contaminated sites established pursuant to Article 10(2);

Deleted

Or. de

Justification

See justification amendment Weisgerber/Ulmer + Jeggle + Haug + Sommer/Liese, Article 16, para 1, introductory part.

The reporting obligations pursuant to the amendments to Articles 10, 11 and 14 should be deleted. (Seeber)

Follows from the deletion of Chapter 3 (Articles 9-14) (Nassauer)

Amendment by Frieda Brepoels

Amendment 501

Article 16, paragraph 1, point (e)

(e) the ***outcome of the identification pursuant to Article 11(2) and (3) and the inventory of contaminated sites established pursuant to Article 10(2);***

(e) the ***strategy for*** identification of contaminated sites;

Or. en

Justification

The changes refer to the amendments of Ms. Brepoels to articles 10 and 11.

Amendment by Karsten Friedrich Hoppenstedt

Amendment 502

Article 16, paragraph 1, point (e)

e) the ***outcome of the identification pursuant to Article 11(2) and (3) and the inventory of contaminated sites established*** pursuant to Article 10(2);

e) the ***system for identifying*** contaminated ***areas set up*** pursuant to Article 10(2);

Or. de

Justification

See justification amendment Hoppenstedt, Article 16, para 1, introductory part.

Amendment by Vittorio Prodi and Alfonso Andria

Amendment 503

Article 16, paragraph 1, point (e a) new

(ea) a summary of the initiatives taken pursuant to Article 13(3a).

Or. en

Justification

The Community should monitor the actions Member States put in place in order to develop financial instruments fostering the remediation of sites in case the person responsible for the pollution can not be held liable or may not bear the costs for carrying out remediation.

Amendment by Vittorio Prodi and Alfonso Andria

Amendment 504

Article 16, paragraph 1, point (e b) new

(eb) a report on conditions of insurance and other types of financial security for remediation.

Or. en

Justification

The Community should monitor the actions Member States put in place in order to develop financial instruments fostering the remediation of sites in case the person responsible for the pollution can not be held liable or may not bear the costs for carrying out remediation.

Amendment by Vittorio Prodi and Alfonso Andria

Amendment 505

Article 16, paragraph 1, point (e c) new

(ec) a report on the shortcomings existing at national level in relation to remediation of contaminated sites.

Or. en

Justification

It is necessary to identify, at a national level, any obstacles for achieving the remediation of contaminated sites.

g) a summary of the initiatives taken pursuant to Article 15 as regards awareness raising.

Deleted

Or. de

Justification

See justification amendment Weisgerber/Ulmer + Jeggle + Haug + Sommer/Liese, Article 16, para 1, introductory part.

See justification amendment Hoppenstedt, Article 16, para 1, introductory part.

Amendment by Richard Seeber

Amendment 509

Article 16, paragraph 1, point (g)

g) a summary of the initiatives taken pursuant to Article 15 as regards awareness raising.

*g) a summary of the initiatives taken pursuant to Article 15 as regards awareness raising. **Any maps needed for points b), c) and e) shall be produced to a scale of 1:500 000.***

Or. de

Justification

See justification amendment Seeber, Article 16, para 1, point (b).

Amendment by Dorette Corbey and Glenis Willmott

Amendment 510

Article 16, paragraph 1, subparagraph 1 a (new)

Member States may limit the information they make available to the cross-border impact of soil pollution, erosion, loss of organic substance, compaction, salinisation or landslides. Moreover, Member States may concentrate their reports on the possible added value their information can

have for other Member States.

Or. en

Justification

This will prevent superfluous reports.

Amendment by Renate Sommer and Peter Liese + Richard Seeber

Amendment 511
Article 16, paragraph 2

2. The information referred to in paragraph 1(b) shall be accompanied by metadata and shall be made available as documented digital georeferenced data in a format that can be read by a geographic information system (GIS).

Deleted

Or. de

Justification

The soil risk areas approach described in Articles 6-8 and Annex 1 should be replaced by an obligation to introduce comprehensive rules for good professional practice for soil use. (Sommer/Liese)

The deletions are a result of the amendments. (Seeber)

Amendment by Lambert van Nistelrooij, Esther De Lange and Neil Parish

Amendment 512
Article 16, paragraph 2

2. The information referred to in paragraph 1(b) shall be accompanied by metadata and shall be made available as documented digital georeferenced data in a format that can be read by a geographic information system (GIS).

2. The Member States shall make the details of their rules for good professional practice for land use available to the Commission within five years from [transposition date]. The Commission shall draw up a report on these rules two years after receipt of the information from the Member States. It shall send the report to the European Parliament and the Council.

Justification

The soil risk areas approach described in Articles 6-8 and Annex 1 should be replaced by an obligation to introduce comprehensive rules for good professional practice for soil use.

The administrative load caused by the risk areas approach is not proportionate when seen against the background of the vested interest of land owners in protecting their land; in fact, it runs counter to the decision of the European Council to reduce the administrative load by 25% by 2010.

Amendment by Karsten Friedrich Hoppenstedt + Thomas Ulmer and Anja Weisgerber + Elisabeth Jeggle

Amendment 513
Article 16, paragraph 2

2. The information referred to in paragraph 1(b) shall be accompanied by metadata and shall be made available as documented digital georeferenced data in a format that can be read by a geographic information system (GIS).

2. The Member States may also use their own systems for gathering information, in accordance with paragraph 1.

Justification

See justification amendment Hoppenstedt, Weisgerber / Ulmer, Jeggle, Article 16, para 1, introductory part.

Amendment by Richard Seeber

Amendment 514
Article 16, paragraph 2

2. The information referred to in paragraph 1(b) shall be accompanied by metadata and shall be made available as documented digital georeferenced data in a format that can be read by a geographic information

2. The Member States shall make the details of their rules for good professional practice for land use available to the Commission within five years from [transposition date]. The Commission shall

system (GIS)

draw up a report on these rules two years after receipt of the reports from the Member States. It shall send the report to the European Parliament and the Council.

Or. de

Justification

See justification amendment Seeber, Article 16, para 1, point (b).

Amendment by María Sornosa Martínez

Amendment 515
Article 16, paragraph 2

2. The information referred to in paragraph 1(b) shall be accompanied by metadata and shall be made available as documented digital georeferenced data in a format that can be read by a geographic information system (GIS).

2. The information referred to in paragraph 1(b) shall be accompanied by metadata and shall be made available as documented digital georeferenced data in a format that can be read by a geographic information system (GIS), *in accordance with INSPIRE Directive 2007/2/EC.*

Or. en

Amendment by Richard Seeber

Amendment 516
Article 16, paragraph 2 a (new)

2a. With regard to Article 16, measures and programmes of measures should be evaluated and made available. If successful, they may be included in Annex III as 'best practice models'.

Or. de

Justification

See justification amendment Seeber, Article 16, para 1, point (b).

Amendment by Richard Seeber

Amendment 517

Article 17

Article 17
Exchange of information

Deleted

Within one year from [entry into force], the Commission shall set up a platform for the exchange of information between Member States and stakeholders on the risk area identification pursuant to Article 6 and on risk assessment methodologies for contaminated sites currently in use or under development.

Or. de

Justification

The soil risk areas approach described in Articles 6-8 and Annex 1 is replaced by an obligation to introduce comprehensive rules for good professional practice for soil use.

Amendment by Cristina Gutiérrez-Cortines

Amendment 518

Article 17

Within one year from [entry into force], the Commission shall set up a platform for the exchange of information between Member States and stakeholders on the **risk** area identification pursuant to Article 6 **and on** risk assessment methodologies for **contaminated** sites currently in use or under development.

Within one year from [entry into force], the Commission shall set up a platform for the exchange of information **and coordination** between Member States and stakeholders on:

(a) best practices in preserving and improving the soil's function to act as a

carbon pool, pursuant to Article 3;

(b) the identification of valuable soils and best practices to protect, preserve and improve their characteristics and functions pursuant to Article 4(1a);

(c) codes of good practice pursuant to Article 4(1b), including best practices for preventing and combating erosion, organic matter decline, compaction, salinisation, landslides, adverse effects from climate change, desertification, and biodiversity decline resulting from soil degradation processes;

(d) the codes of good practice for sealing pursuant to Article 5;

*(e) the **priority** area identification pursuant to Article 6;*

*(f) risk assessment methodologies for **polluted** sites currently in use or under development;*

*(g) scientific information on soil protection from *inter alia* the Seventh Framework Programme and subsequent programmes.*

Or. en

Justification

The platform for the exchange of information should get a broader and more central role than in the Commission proposal. This amendment replaces amendment 82 in the draft report, but has added the words "and coordination" in the first subparagraph, to clarify that this platform should also have a coordination role.

Amendment by Anja Weisgerber and Thomas Ulmer + Elisabeth Jeggle + Jutta Haug +
Renate Sommer and Peter Liese

Amendment 519 Article 17

Within one year from [entry into force], the Commission shall set up a platform for the exchange of information between Member States and stakeholders on **the risk area identification** pursuant to Article 6 and on

I. Within one year from [entry into force], the Commission shall set up a platform for the exchange of information between Member States and stakeholders on **information pursuant to Article 16**, on

risk assessment methodologies for contaminated sites currently in use or under development.

methodologies currently in use or under development, **and on the experience of preventing soil degradation and dealing with soil contamination.**

Or. de

Justification

If a platform for the exchange of information is set up, broader access to the platform and the active participation of all groups concerned should be made possible. In doing so, however, a pragmatic approach bearing in mind the existing systems in the Member States and compatibility with national information systems must be taken, particularly as not all national systems are subject to the rules of Directive 2007/2/EC (INSPIRE). (Weisgerber/Ulmer)

Setting up a platform for the exchange of information is a key recommendation in order to improve soil quality in the Community. It can encourage the exchange of knowledge and promote synergies. (Jeggle)

The exchange of knowledge within the European Community is a fundamental concern of this Directive. Wide-scale access to this platform enables this exchange to be promoted across a broad front, thereby upholding the principle of best practice. (Haug)

Setting up a platform for the exchange of information is a key recommendation in order to improve of soil quality in the Community. It can encourage the exchange of knowledge and promote synergies. Wide-scale access to this platform and the active participation of all groups concerned which have extensive experience, specialist knowledge of and exemplary approaches to appropriate soil protection should be made possible. (Sommer/Liese)

Amendment by Vittorio Prodi and Alfonso Andria

Amendment 520 Article 17

Within one year from [entry into force], the Commission shall set up a platform for the exchange of information between Member States and stakeholders on the risk area identification pursuant to Article 6 and on risk assessment methodologies for contaminated sites currently in use or under development.

Within one year from [entry into force], the Commission shall set up a platform for the exchange of information between Member States and stakeholders on the risk area identification pursuant to Article 6 and on risk assessment methodologies for contaminated sites currently in use or under development. ***The Commission shall develop, in accordance with the regulatory procedure with scrutiny referred to in***

Article 19(3), guidelines on risk assessment methodologies for contaminated sites.

Or. en

Justification

In many Member States guidelines on risk assessment methodologies for contaminated sites vary from region to region (and even from municipality to municipality). This, besides creating uncertainty for investors in remediation activities, often causes long legal disputes and – consequently – delays in remediation activities. Delays in remediation activities put at risk human health and the environment. Therefore, also in a view of creating an EU level playing field for the identification and remediation of contaminated sites, it is important to develop – at an EU level – as soon as possible guidelines on risk assessment methodologies for contaminated sites.

Amendment by Vittorio Prodi

Amendment 521
Article 17

Within one year from [entry into force], the Commission shall set up a platform for the exchange of information between Member States and stakeholders on the risk area identification pursuant to Article 6 and on risk assessment methodologies for contaminated sites currently in use or under development.

Within one year from (entry into force), the Commission shall set up a platform for the exchange of information between Member States, **regional and local authorities** and stakeholders on the risk area identification pursuant to Article 6, **in accordance with the principles of Directive 2007/2/EC establishing an infrastructure for spatial information in the Community (INSPIRE)**, and on risk assessment methodologies for contaminated sites currently in use or under development.

Or. en

Justification

It is necessary to integrate the existing tools promoted by the EU for spatial information.

Amendment by Hiltrud Breyer, Roberto Musacchio and Umberto Guidoni

Amendment 522
Article 17

Within one year from [entry into force], the Commission shall set up a platform for the exchange of information between Member States and stakeholders on the risk area identification pursuant to Article 6 and on **risk assessment methodologies** for contaminated sites currently in use or under development.

Within one year from [entry into force], the Commission shall set up a platform for the exchange of information between Member States and stakeholders on the risk area identification pursuant to Article 6 and on **the methodologies for deriving the reference values and the methodologies for risk assessment** for contaminated sites currently in use or under development.

Or. en

Justification

This platform must also be used to discuss the suitability and the potential to harmonise the methodologies for deriving reference values.

Amendment by Roberto Musacchio, Dimitrios Papadimoulis and Umberto Guidoni

Amendment 523
Article 17

Within one year from [entry into force], the Commission shall set up a platform for the exchange of information between Member States and stakeholders on the risk area identification pursuant to Article 6 and on risk assessment methodologies for contaminated sites currently in use or under development.

Within one year from [entry into force], the Commission shall set up a platform for the exchange of information between Member States and stakeholders on the risk area identification pursuant to Article 6, **on the mechanisms referred to in Article 13(3) for funding the remediation of contaminated sites** and on risk assessment methodologies for contaminated sites currently in use or under development.

Or. en

Justification

As it will be critical and difficult to implement provision of the Directive, it will be very useful to establish an exchange of information on it.

Amendment by Frieda Brepoels

Amendment 524
Article 17

Within one year from [entry into force], the Commission shall set up a platform for the exchange of information between Member States and stakeholders on the risk area identification pursuant to Article 6 and on risk assessment methodologies for contaminated sites currently in use or under development.

Within one year from [entry into force], the Commission shall set up a platform for the exchange of information between Member States and stakeholders on the risk area identification pursuant to Article 6, ***on experiences with identifying activities that have a high potential for causing or having caused soil contamination, on best practices for soil investigation and soil remediation*** and on risk assessment methodologies for contaminated sites currently in use or under development.

Or. en

Justification

The exchange of knowledge should encompass all instruments.

Amendment by Karsten Friedrich Hoppenstedt

Amendment 525
Article 17

Within one year from [entry into force], the Commission shall set up a platform for the exchange of information between Member States and stakeholders on the ***risk area*** identification pursuant to Article 6 and on risk assessment methodologies for contaminated sites currently in use or under development.

Within one year from [entry into force], the Commission shall set up a platform for the exchange of information between Member States and stakeholders on the identification ***of areas*** pursuant to Article 6 and on risk assessment methodologies for contaminated ***areas*** currently in use or under development.

Or. de

Justification

Setting up a platform for the exchange of information is a key recommendation in order to improve of soil quality in the Community. It can encourage the exchange of knowledge and promote synergies. Wide-scale access to this platform and the active participation of all groups concerned which have extensive experience, specialist knowledge of and exemplary approaches to appropriate soil protection should be made possible.

Amendment by Anja Weisgerber and Thomas Ulmer + Elisabeth Jeggle + Renate Sommer and Peter Liese

Amendment 526
Article 17, paragraph 1 a (new)

1a. In setting up the platform, the Commission shall take into consideration the existing systems in Member States and compatibility with national information systems. The rules of Directive 2007/2/EC shall remain unchanged. Member States shall support the Commission with regard to the quality of data and metadata and to the use of data from the past.

Or. de

Justification

See justification amendment Weisgerber/Ulmer, Article 17.

When setting up this kind of platform, a pragmatic approach bearing in mind the existing systems in the Member States must be taken. (Jeggle)

See justification amendment Sommer/Liese, Article 17.

Amendment by Anja Weisgerber and Thomas Ulmer + Elisabeth Jeggle + Renate Sommer and Peter Liese

Amendment 527
Article 17, paragraph 1 b (new)

1b. If it becomes clear, on the basis of the exchange of the information referred to in paragraph 1, that the methods used for assessing the threat of soil contamination in accordance with Article 11a must be harmonised or that the Directive needs to be adapted in line with technical and scientific advances, the Commission shall, pursuant to Article 251 of the EC Treaty, propose common criteria for assessing the risk of soil contamination or implementing the requisite adjustments.

Justification

See justification amendment Weisgerber/Ulmer, Article 17.

Systematically, it would be better to include the approach described in Article 18 in Article 17. (Jeggle)

See justification amendment Sommer / Liese, Article 17.

Amendment by Lambert van Nistelrooij, Esther De Lange and Neil Parish

Amendment 528
Article 17 a (new)

Article 17a

Financing of measures

The Community shall not finance or shall co-finance the measures which Member States must take according to this Directive.

Justification

As soil is in either public or private ownership and is largely immovable, the polluter pays principle should not be undermined by the provision of funds from the EU budget. The amendment also avoids the situation whereby Member States which have made a considerable financial and administrative effort in the past in order to maintain or restore the soil functions listed in Article 1 or have already made substantial progress in the remediation of contaminated land, are penalised.

Amendment by Dorette Corbey, María Sornosa Martínez, Edite Estrela

Amendment 529
Article 17 a (new)

Article 17a

Solidarity in response to problems related to climate change
The causes of soil problems such as erosion, forest fires, desertification,

drought and salinisation may be related at least partly to climate change. To solve soil problems related to climate change, solidarity is necessary. The Commission shall therefore, before 1 July 2008, explore the practicalities of a solidarity mechanism. This will include a budget and a specification of conditions under which Member States can call on this mechanism.

Or. en

Justification

It is clear that global warming is a global problem. Climate change may not affect all Member States to the same extent. Soil may be affected by climate change. Adaptation to these changes can be costly. Therefore solidarity is needed.

Amendment by Renate Sommer, Peter Liese + Anja Weisgerber, Thomas Ulmer + Hartmut Nassauer + Elisabeth Jeggle

Amendment 530 Article 18

1. The Commission may, in accordance with the regulatory procedure with scrutiny referred to in Article 19(3), adapt Annex I to technical and scientific progress.

Deleted

2. Where, on the basis of the exchange of information referred to in Article 17, a need to harmonise the risk assessment methodologies for soil contamination is identified, the Commission shall adopt common criteria for soil contamination risk assessment in accordance with the regulatory procedure with scrutiny referred to in Article 19(3).

3. Within four years after [date of entry into force], the Commission shall adopt, in accordance with the regulatory procedure referred to in Article 19(2), the necessary provisions on data and metadata quality, utilisation of historical data, methods, access, and data-exchange formats for the implementation of the

provisions of Article 16.

Or. de

Justification

The procedure selected for the implementation of the requirements of the EU Directive, with particular regard to stipulating the criteria for risk assessment in the case of soil contamination, should be one which takes into account the needs of all the stakeholders and ensures sufficient participation. The Commission's authorisation to adopt implementing provisions concerning the content and exchange of data, described in Paragraph 3, is superfluous. (Sommer/Liese)

The rules should, in view of their content, be included in Article 17 (cf proposed amendment to Article 17).

There should not be recourse to a committee, pursuant to Decision 1999/468/EC (Comitology), for the implementation of the requirements of the EU Directive, and particularly for stipulating the criteria for risk assessment in the case of soil contamination.

The authorisation described in Paragraph 3 is included in Article 17. (Weisgerber/Ulmer + Jeggle)

Amendments to Annex I do not only have technical implications but are of considerable political and economic significance for the competent authorities and therefore require the full involvement of the European Parliament. Restricting Parliament's input to the right of veto in line with the comitology decision 1999/468/EC would, therefore, be inadequate. (Nassauer)

Amendment by Richard Seeber + Karsten Friedrich Hoppenstedt

Amendment 531
Article 18, paragraph 1

1. The Commission may, in accordance with the regulatory procedure with scrutiny referred to in Article 19(3), adapt Annex I to technical and scientific progress. Deleted

Or. de

Justification

Important changes to the Directive should be arrived at under the codecision procedure and

not through comitology. (Seeber)

The comitology procedure is not appropriate. The procedure described in Article 251 TEC should be applied. (Hoppenstedt)

Amendment by Jutta Haug

Amendment 532
Article 18, paragraph 1

1. *The Commission may, in accordance with the regulatory procedure with scrutiny referred to in Article 19(3), adapt Annex I to technical and scientific progress.*

1. *In setting up the information platform, the Commission shall take into consideration the existing systems in Member States and compatibility with national information systems. The rules of Directive 2007/2/EC shall remain unchanged. Member States shall support the Commission with regard to the quality of data and metadata and to the use of data from the past.*

Or. de

Justification

A pragmatic approach must be taken when implementing the information platform.

Amendment by Richard Seeber

Amendment 533
Article 18, paragraph 1

1. The Commission may, in accordance with the regulatory procedure with scrutiny referred to in Article 19(3), adapt *Annex I* to technical and scientific progress.

1. The Commission may, in accordance with the regulatory procedure with scrutiny referred to in Article 19(3), adapt *Annex III* to technical and scientific progress.

Or. de

Justification

Adapting Annex I might conceivably lead to a change in the content of the Directive, which in

turn could give rise to a further concentration on recording, mapping and analyses and thus cause a temporary hiatus in soil protection. Adapting best practice models to scientific and technical developments will promote progress in soil protection.

Amendment by Richard Seeber

Amendment 534
Article 18, paragraph 2

2. Where, on the basis of the exchange of information referred to in Article 17, a need to harmonise the risk assessment methodologies for soil contamination is identified, the Commission shall adopt common criteria for soil contamination risk assessment in accordance with the regulatory procedure with scrutiny referred to in Article 19(3).

Deleted

Or. de

Justification

See justification to Seeber amendment to Article 18, para 1.

Amendment by Jutta Haug

Amendment 535
Article 18, paragraph 2

2. Where, on the basis of the exchange of information referred to in **Article 17**, a need to harmonise the risk assessment methodologies for soil contamination is identified, the Commission shall **adopt** common criteria for soil contamination risk assessment in accordance with **the regulatory procedure with scrutiny referred to in Article 19(3)**.

2. Where, on the basis of the exchange of information referred to in **paragraph 1**, a need to harmonise the risk assessment methodologies for soil contamination **set out in Article 11a, or to adapt the directive to technical and scientific progress**, is identified, the Commission shall **propose** common criteria for soil contamination risk assessment, **or the necessary adaptations**, in accordance with **Article 251 of the EC Treaty**.

Or. de

Justification

See justification to Haug amendment to Article 18, para 1.

Amendment by Hiltrud Breyer, Roberto Musacchio, Umberto Guidoni

Amendment 536
Article 18, paragraph 2

2. **Where**, on the basis of the exchange of information referred to in Article 17, **a need to harmonise the risk assessment methodologies for soil contamination is identified**, the Commission shall adopt common criteria for soil contamination risk assessment in accordance with the regulatory procedure with scrutiny referred to in Article 19(3).

2. **Not later than [five years after the entry into force of the Directive]**, on the basis of the exchange of information referred to in Article 17, the Commission shall adopt **a common methodology for the identification of risk areas** and common criteria for soil contamination risk assessment **and for deriving reference values** in accordance with the regulatory procedure with scrutiny referred to in Article 19(3).

Or. en

Justification

A transparent, democratic and effective procedure must take place with the participation of all stakeholders.

Amendment by Karsten Friedrich Hoppenstedt

Amendment 537
Article 18, paragraph 2

2. Where, on the basis of the exchange of information referred to in Article 17, a need to harmonise the risk assessment methodologies for soil contamination is identified, the Commission shall **adopt** common criteria for soil contamination risk assessment in accordance with **the regulatory procedure with scrutiny referred to in Article 19(3)**.

2. Where, on the basis of the exchange of information referred to in Article 17, a need to harmonise the risk assessment methodologies for soil contamination is identified, the Commission shall **propose** common criteria for soil contamination risk assessment in accordance with **Article 251 of the EC Treaty**.

Or. de

Justification

The adoption of common risk assessment methodologies for soil contamination will have a major impact on the scope of European soil legislation. That being so, the comitology procedure is inappropriate here, and the Article 251 procedure should be used instead.

Amendment by Richard Seeber + Jutta Haug + Karsten Friedrich Hoppenstedt

Amendment 538
Article 18, paragraph 3

3. Within four years after [date of entry into force], the Commission shall adopt, in accordance with the regulatory procedure referred to in Article 19(2), the necessary provisions on data and metadata quality, utilisation of historical data, methods, access, and data-exchange formats for the implementation of the provisions of Article 16. ***Deleted***

Or. de

Justification

See justification to Seeber amendment to Article 18, para 1.

See justification to Haug amendment to Article 18, para 1.

To obtain information pursuant to paragraph 3, Member States must also have the option of using their own systems. (Hoppenstedt)

Amendment by Anja Weisgerber and Thomas Ulmer

Amendment 539
Article 18 a (new)

Transitional rules

The provisions of this directive shall not apply to areas

a) on which remediation measures have been carried out and completed in agreement with the competent authorities before [date of entry into force of the

directive] ;

b) in respect of which decisions on remediation have been taken by the competent authorities before [date of entry into force of the directive].

Or. de

Justification

Anyone who has already carried out remediation measures has a justified interest in not being asked to do so again. In order to guarantee those affected legal certainty in respect of measures already completed, and to meet their justified expectations, the directive should contain rules specifying its temporal scope.

Amendment by Jutta Haug + Hartmut Nassauer + Karsten Friedrich Hoppenstedt

Amendment 540

Article 19

1. The Commission shall be assisted by a committee, hereinafter 'the Committee'. Deleted

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. Where reference is made to this paragraph, Article 5a, paragraphs 1 to 4 and Article 7 of Decision 1999/468/EC shall apply.

4. The Committee shall adopt its rules of procedure.

Or. de

Justification

Amendments to Annex I do not only have technical implications but are of considerable political and economic significance for the competent authorities and therefore require the full involvement of the European Parliament. Restricting Parliament's input to the right of

veto in line with the comitology decision 1999/468/EC would, therefore, be inadequate.

Follows on from amendment to Article 18. (Hoppenstedt)

Amendment by Horst Schnellhardt

Amendment 541
Article 19, paragraph 4

4. The Committee shall adopt its rules of procedure.

4. The Committee shall adopt its rules of procedure. ***These rules shall allow stakeholders' representatives to participate in the committee's deliberations.***

Or. de

Justification

It is important that a transparent, democratic and workable procedure takes place involving all stakeholders.

Amendment by Horst Schnellhardt

Amendment 542
Article 19, paragraph 4 a (new)

4a. The committee shall consult the affected economic stakeholders and environmental associations before taking its decisions.

Or. de

Justification

It is important that a transparent, democratic and workable procedure takes place involving all stakeholders.

Amendment by Elisabeth Jeggle + Anja Weisgerber, Thomas Ulmer + Renate Sommer, Peter Liese

Amendment 543
Article 20, paragraph 1, subparagraph 1

1. The Commission shall publish a first evaluation report on the implementation of this Directive within *two* years of ***receiving the programmes of measures and National Remediation Strategies***.

1. The Commission shall publish a first evaluation report on the implementation of this Directive within *three* years of ***the establishment of the information platform pursuant to Article 17***.

Or. de

Justification

Adjustment in line with previous amendments.

A first report after three years seems sufficient. (Jeggle + Sommer/Liese)

Adjustment in line with amendments to Article 17.

A first report after three years seems sufficient. (Weisgerber/Ulmer)

Amendment by Jutta Haug

Amendment 544

Article 20, paragraph 1, subparagraph 1

1. The Commission shall publish a first evaluation report on the implementation of this Directive within two years of ***receiving the programmes of measures and National Remediation Strategies***.

1. The Commission shall publish a first evaluation report on the implementation of this Directive within two years of ***the establishment of the information platform pursuant to Article 17***.

Or. de

Justification

Adjustment in line with amendments to Articles 16, 17 and 18.

Amendment by Elisabeth Jeggle + Anja Weisgerber, Thomas Ulmer + Renate Sommer, Peter Liese + Jutta Haug

Amendment 545

Article 20, paragraph 2

2. The reports provided for in paragraph 1 shall include a review of progress in the implementation of this Directive based on

Deleted

an assessments made by the Commission pursuant to Article 16.

Or. de

Justification

Adjustment in line with previous amendments.

A first report after three years seems sufficient. (Jeggle + Sommer/Liese)

Adjustment in line with amendments to Article 17.

A first report after three years seems sufficient. (Weisgerber/Ulmer)

Adjustment in line with amendments to Articles 16, 17 and 18. (Haug)

Amendment by Anja Weisgerber and Thomas Ulmer

Amendment 546
Article 20 a (new)

Article 20a

Measures which Member States are required to take under this directive shall not be funded or co-funded by the EU.

Or. de

Justification

Since soil is in either private or public ownership, the ‘polluter pays’ principle should not be weakened by the provision of funding from the EU budget. This article still leaves open the possibility of subsidising voluntary measures or measures at the discretion of the Member States, e.g. by appropriations from the structural funds.

Amendment by Hiltrud Breyer, Roberto Musacchio, Umberto Guidoni

Amendment 547
Article 21

Review

Biowaste proposal and review

Not later than [one year after entry into force of this Directive], the Commission

shall come forward with a proposal for a biowaste directive in order to set quality standards for the use of biowaste as a soil improver.

The Commission shall review this Directive at the latest [15 years after the date of entry into force] and shall, where appropriate, propose any necessary amendments.

The Commission shall review this Directive at the latest [15 years after the date of entry into force] and shall, where appropriate, propose any necessary amendments.

Or. en

Justification

A biowaste directive is needed to divert biowaste from landfilling and incineration towards the most effective use of biowaste which is as soil improver to increase the soil organic matter content.

Amendment by Lambert van Nistelrooij, Esther De Lange, and Neil Parish

Amendment 548
Article 22

The Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. The Member States shall notify those provisions to the Commission by the date specified in Article 24 at the latest and shall notify it without delay of any subsequent amendment affecting them.

The Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to **Chapters I and III of** this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. The Member States shall notify those provisions to the Commission by the date specified in Article 24 at the latest and shall notify it without delay of any subsequent amendment affecting them.

Or. de

Justification

No special penalties are needed for failure to comply with the provisions of Chapter II by landowners and land users. The penalties for contravening the provisions of Chapters I and III, and in particular those in Articles 4 and 9, are sufficient to deal with land use having an adverse effect on the environment. An adequate system of checks and penalties is provided for the agriculture industry in the context of the reform of the CAP.

Amendment by Richard Seeber

Amendment 549

Article 23

Article 23

Deleted

Amendment to Directive 2004/35/EC

In Article 6 of Directive 2004/35/EC, paragraph 3 is replaced by the following:

'The competent authority shall require the remedial measures to be taken by the operator. Subject to Article 13(1) of Directive xx/xx/xx, if the operator fails to comply with the obligations laid down in paragraph 1 or 2(b), (c) or (d) of this Article, or cannot be identified or is not required to bear the costs under this Directive, those measures may be taken by the competent authority itself.'

Or. de

Justification

This provision does not make it possible to estimate what financial burden on public funds would be involved. It should be left to the discretion of the Member States to decide to what extent they wish, or are able, to remediate such environmental damage.

Amendment by Péter Olajos

Amendment 550

ARTICLE 23

Article 6, paragraph 3 (Directive 2004/35/EC)

3. The competent authority shall require the remedial measures to be taken by the operator. Subject to Article 13(1) of Directive xx/xx/xx, if the operator fails to comply with the obligations laid down in paragraph 1 or 2(b), (c) or (d) of this Article, or cannot be identified or is not required to bear the costs under this Directive, those measures may be taken by the competent authority itself.

3. The competent authority shall require the remedial measures to be taken by the operator. Subject to Article 13(1) of Directive xx/xx/xx, if the operator fails to comply with the obligations laid down in paragraph 1 or 2(b), (c) or (d) of this Article, or cannot be identified or is not required to bear the costs under this Directive, those measures may be taken by the competent authority itself, *as a means of last resort*.

Amendment by Anja Weisgerber, Thomas Ulmer + Elisabeth Jeggle + Jutta Haug + Renate Sommer, Peter Liese

Amendment 551
Article 24, paragraph 1, subparagraph 2 a (new)

Where existing national provisions remain in force unamended, a notice of compliance shall suffice.

Or. de

Justification

The Commission considers that some existing legislation in the Member States does not need adapting to the Directive, since it provides the same or a higher level of protection and is complies with the provisions of the directive. That being so, there is no need to issue a formal re-notification of this legislation with reference to the Directive, and the official notice of compliance is sufficient. (Weisgerber/Ulmer + Jeggle + Sommer/Liese)

The Commission considers that some existing legislation in the Member States does not need adapting to the Directive, since it provides the same or a higher level of protection and complies with the provisions of the Directive. (Haug)

Amendment by Richard Seeber + Thomas Ulmer + Lambert van Nistelrooij, Esther De Lange, Neil Parish + Renate Sommer, Peter Liese + Elisabeth Jeggle

Amendment 552
Annex I

Annex I

Deleted

Or. de

Justification

The soil risk areas approach provided for in Articles 6-8 and Annex I is replaced by the requirement to introduce comprehensive rules on good professional practice regarding soil use. (Seeber)

The criteria described do not all exist in all Member States and regions. However, as the criteria and scale for the designation of areas provided for in the original proposal for a Directive are entirely unsuitable, the provisions should be rejected in their entirety. (Ulmer + Jeggler)

The soil risk areas approach provided for in Articles 6-8 and Annex I is replaced by the requirement to introduce comprehensive rules on good professional practice regarding soil use.

Bearing in mind the interest which land-owners themselves have in preserving their soils, the amount of administrative work generated by the risk area approach is disproportionate. Moreover, it is contrary to the European Council decision that bureaucracy should be reduced by 25% by 2012. (Van Nistelrooij and others)

The provisions relating to Chapter II do not take account of existing achievements at national level and will lead to duplication with a disproportionate administrative burden.

The potential dangers referred to in Chapter II vary widely from region to region, so that it would be necessary to perform local assessments. In most cases, blanket stigmatisation as a 'risk area' will lead to a disproportionate burden on landowners. (Sommer/Liese)

Amendment by Anja Weisgerber and Thomas Ulmer

Amendment 553
Annex I, Section 1

Annex I, Section 1

Deleted

Or. de

Justification

Chapter II in conjunction with Annex I does not take account of existing achievements by the Member States. This leads to duplication of rules and will cause a disproportionate administrative burden. The potential dangers vary widely from region to region, so that it would be necessary to perform local assessments. Blanket stigmatisation as a 'risk area' will not do justice to the actual state of affairs. The criteria set out in Annex I are too all-embracing and do not take account of the differing baseline situations.

Amendment by Horst Schnellhardt

Amendment 554
Annex I, Section 1, Row 3 a (new)

Organic matter content

Justification

Areas at risk from erosion are also characterised by a low organic matter/humus content in the soil. By measuring this parameter it will be possible, in conjunction with the other parameters, to draw up need assessments and take counter-measures accordingly. An adequate humus content in soil significantly improves its water retention capacity, thus permitting the avoidance of erosion.

Amendment by Vittorio Prodi

Amendment 555
Annex I, Section 1, Rows 8, 9 and 9 a (new)

Hydrological conditions

Hydrological **and hydrogeological** conditions

Agro-ecological zone

Agro-ecological zone

Anthropogenic factors (e.g. hydraulic works, etc.)

Justification

To identify areas at risk of erosion man made works should be included among the elements, as well as hydrogeology which is a crucial element influencing surface waters, directly responsible for erosion.

Amendment by John Bowis + Eija-Riitta Korhola

Amendment 556
Annex I, Section 1, Row 9 a (new)

pH

Justification

Only soils in an appropriate pH condition ensure a stable soil structure and decreases the danger of erosion. This is achieved by pore stabilisation of clay minerals. The soil aggregates card house structure is stabilised.

Amendment by Anja Weisgerber and Thomas Ulmer

Amendment 557
Annex I, Section 2

Annex, Section 2

Deleted

Or. de

Justification

Chapter II in conjunction with Annex I does not take account of existing achievements by the Member States. This leads to duplication of rules and will cause a disproportionate administrative burden. The potential dangers vary widely from region to region, so that it would be necessary to perform local assessments. Blanket stigmatisation as a 'risk area' will not do justice to the actual state of affairs. The criteria set out in Annex I are too all-embracing and do not take account of the differing baseline situations.

Amendment by Vittorio Prodi

Amendment 558
Annex I, Section 2, Row 8

Land use (including land management,
farming systems and forestry)

Land use (including land management,
farming systems, **mining** and forestry)

Or. en

Justification

Mining activities result in soil denudation. Restoration shall be carried out at the end of mining activities and therefore should be taken into account as element which is even more important when exploitation activities are illegal.

Amendment by John Bowis + Eija-Riitta Korhola

Amendment 559
Annex I, Section 2, Row 8 a (new)

pH

Or. en

Justification

Acidification endangers through pH the carbon/nitrogen relation which is important for plant growth, nutrient storage and soil organisms.

Amendment by Anja Weisgerber and Thomas Ulmer

Amendment 560
Annex I, Section 3

Annex I, Section 3

Deleted

Or. de

Justification

See justification of Weisgerber/Ulmer amendment to Annex I, Section 2.

Amendment by Gyula Hegyi

Amendment 561
Annex I, Section 3, Row 7

Land use (including land management,
farming systems *and* forestry)

Land use (including land management,
farming systems, forestry *and urban and
industrial land use*)

Or. en

Justification

Urban and industrial land use is an important cause of compaction.

Amendment by Eija-Riitta Korhola + John Bowis

Amendment 562
Annex I, Section 3, Row 8 a (new)

pH

Or. en

Justification

Optimum pH favours soil stability and therefore decreases the danger of erosion as well as compaction by consolidation of clay minerals contact points.

Amendment by Anja Weisgerber and Thomas Ulmer

Amendment 563
Annex I, Section 4

Annex I, Section 4

Deleted

Or. de

Justification

See justification of Weisgerber/Ulmer amendment to Annex I, Section 2.

Amendment by Hiltrud Breyer, Roberto Musacchio, Umberto Guidoni

Amendment 564
Annex I, Section 4, Row 4 a (new)

Proximity to roads

Or. en

Justification

In winter time, in many countries salt is still used to defrost frozen roads leading to salinisation through run off. Given the density of the road network in many parts of Europe this source of salinisation is significant and needs to be considered.

Amendment by Vittorio Prodi

Amendment 565
Annex I, Section 4, Rows 6 a and 6 b (new)

Subsidence in pericoastal zones
Groundwater withdrawal in transition
zones (brackish water)

Justification

In areas presenting coastal aquifer, degradation of topography caused by subsidence can give rise to soil imbibition and soil salinisation. Extreme withdrawal from coastal aquifer cause the rising of fresh-salt water interface and can give therefore rise to soil salinisation.

Amendment by Anja Weisgerber and Thomas Ulmer

Amendment 566
Annex I, Section 5

Annex I, Section 5

Deleted

Justification

See justification of Weisgerber/Ulmer amendment to Annex I, Section 2.

Amendment by Vittorio Prodi

Amendment 567
Annex I, Section 5, Rows 6, 6 a and 6 b (new)

Climate

Climate and climate change (e.g. changes in permafrost thickness and distribution determining instability processes of soil in periglacial zones)

Hydrogeological conditions (depth profile of water permeability)

Anthropogenic factors

Justification

Change in rainfall quantity and intensity significantly contribute to modify soil stress when affected by erosion and landslides phenomena. Temperature increases cause melting of permafrost ice content, determining instability processes of soil in periglacial zones.

Amendment by Cristina Gutiérrez-Cortines + John Bowis + Eija-Riitta Korhola

Amendment 568
Annex I, Section 5 a (new)

***COMMON ELEMENTS FOR THE
IDENTIFICATION OF AREAS AT RISK
OF ACIDIFICATION***

pH

Soil typological unit (STU) (soil type)

Soil texture

Climate

Land use

Soil organic matter

CEC

Or. en

Justification

Acidification is linked to all listed elements which are important for plant growth and ecological characteristics, including Cation Exchange Capacity (CEC).

Amendment by Gyula Hegyi

Amendment 569
Annex I, Section 5 a (new)

***COMMON ELEMENTS FOR THE
IDENTIFICATION OF AREAS AT RISK
OF ACIDIFICATION***

Soil typological unit (STU) (soil type)

Soil texture (STU level)

Soil hydraulic properties

Groundwater information including acidity

Climate

Or. en

Justification

Elements for the identification of areas at risk of acidification should be defined.

Amendment by Alexandru-Ioan Morțun

Amendment 570
Annex I, Section 5 a (new)

***COMMON ELEMENTS FOR THE
IDENTIFICATION OF AREAS AT RISK
OF ACIDIFICATION***

Soil typological unit (STU) (soil type)

Soil texture (STU level)

Soil hydraulic properties

***Properties of the soil which characterise
the acidification process***

Climate

Or. en

Justification

The chemical properties which define the soil acidity (pH, SB, Ah, TSH or Ah, VSH or Ah, aluminium) allow the identification of the acid soils and of the risk areas to acidification, the applying of the ameliorative measures and the quantification of the technical and financial efforts for the remediation and conservation of the soil functions, natural landscapes, equilibrium for a good functioning of the ecosystems.

Amendment by Vittorio Prodi

Amendment 571
Annex I, Section 5 a (new)

***COMMON ELEMENTS FOR THE
IDENTIFICATION OF AREAS AT RISK
OF BIODIVERSITY LOSS***

Soil typological unit (STU) (soil type)

***Common soil parameters (pH, texture,
CEC, ...)***

Topography, including slope gradient and

slope length

Land cover

Land use (including land management, farming systems and forestry)

Change in land use

Climate (including rainfall distribution and wind characteristics)

Pedoclimate

Hydrological conditions

Hydrogeological conditions

Agro-ecological zone

Anthropogenic factors

Ecotones

Soil organic carbon (total and humus concentration)

Soil organic carbon (stock)

Protected Areas (Sci, SPZs)

Biochemical parameters related to metabolic functions of soil (such as soil respiration rate, microbic carbon content, etc ...)

Endemic taxa

Abundance of selected taxa of soil biota

Richness of selected soil biological communities

Evenness of selected guilds of soil biota

Edaphic adaptation of selected guilds of soil biota

Or. en

Justification

The above indicators are those more frequently used in soil science analyses to assess the conditions influencing soil biota. The Soil Typological Unit provides basic information on within-soil processes soil biota suffers from; such processes also represent peculiar habitat conditions for living organisms, affecting their composition and abundance. All human activities that can effect a total loss of soil, or of its ecological properties, should be considered in this analysis.

Amendment by Miroslav Ouzký

Amendment 572

Annex II

Annex II

Deletion

Or. en

Justification

Each Member State should draw up its own national list of contaminated sites. This has the advantage of taking into account specific national differences and improving knowledge of earlier activities which caused past contamination. Certain installations, which already comply with soil protection requirements under EU law (e.g. IPPC), should not be classified as potentially soil-polluting.

Amendment by Richard Seeber + Karsten Friedrich Hoppenstedt + Elisabeth Jeggle + Anja Weisgerber, Thomas Ulmer + Hartmut Nassauer + Renate Sommer, Peter Liese

Amendment 573

Annex II

Annex II

Deleted

Or. de

Justification

In the light of general formulations and requirements set out in the other amendments to Articles 9-14, this Annex II is no longer necessary. (Seeber)

As already noted in the amendment to Art. 11(2), the procedure for identifying contaminated areas must be linked to the precondition of a suspected risk in order to bring about a more proportionate solution more closely matched to the problem. (Hoppenstedt)

The activities / sites listed seem inappropriate for the assessment of specific contamination situations. Annex II of the proposal for a directive should be deleted and only specific activities manifesting a risk potential should be targeted. (Jeggle)

The activities / sites listed seem inappropriate for the assessment of specific contamination situations. On no account should IPPC installations (as referred to in the Directive concerning Integrated Pollution Prevention and Control) be placed under the blanket designation of potentially contaminated sites and publicly described as such. Annex II should

therefore be deleted and only specific activities manifesting a risk potential should be targeted (Weisgerber/Ulmer).

Follows on from deletion of Chapter III (Article 9-14) (Nassauer)

On no account should installations for integrated pollution prevention and control (IPPC installations) be placed under the blanket designation of potentially contaminated locations. The identification of potential soil-contaminating activities should also be confined to potentially contaminated sub-areas and polluting activities. Annex II should therefore be deleted and only specific activities manifesting a risk potential should be targeted. (Sommer/Liese)

Amendment by Evangelia Tzampazi

Amendment 574
Annex II, title

Common elements for the identification of
areas at risk of erosion

List of activities ***requiring further
investigation in terms of soil quality***

List of ***potentially soil polluting*** activities

Or. el

Justification

As with the amendment to Article 11(2), the term 'potentially soil polluting activities' may have adverse implications for locations which are not necessarily polluted, thereby depressing their market value. For this reason, a more neutral wording is proposed.

Amendment by Hiltrud Breyer, Roberto Musacchio, Umberto Guidoni

Amendment 575
Annex II, point 1

1. Establishments where dangerous substances are or were present in quantities ***equal to or in excess of the amounts indicated in Parts 1 and 2, column 2*** of Annex I to Council Directive 96/82/EC (Seveso).

1. Establishments where dangerous substances are or were present in quantities ***which, in accordance with point 4 of the introduction*** of Annex I to Council Directive 96/82/EC (Seveso), ***are equal to or in excess of 2% of the amounts indicated in Parts 1 and 2, column 2 of that Annex.***

Or. en

Justification

The existing reference to the Seveso Directive (96/82/EC) with correspondingly high quantity thresholds is not sufficient. According to this, only those companies are included that, for example, are able to store five tons of highly toxic substances, 50 tons of toxic substances or 2.500 tons of oil based products. Furthermore, the sector list must be extended to comprise all relevant activities with a risk for the soil functions and the general public as well as to consider cumulative effects.

Amendment by Frieda Brepoels

Amendment 576
Annex II, points 3, 4, 5, 6, 7

3. **Airports.** *deleted*
4. **Ports.**
5. **Former military sites.**
6. **Petrol and filling stations.**
7. **Dry cleaners.**

Or. en

Justification

In order to give Member States the freedom to develop their own priorities, the scope of Annex II should be limited to "high risk activities". Airports and ports can never be considered as high risk activities in general. The same goes for former military sites of which significant parts are nature areas. Generalisation does not work either for points 6, 7, 10 and 11. Especially the last one seems difficult to put into practice: in most cases the land owner does not have the power to decide on the use of the pipeline.

Amendment by Hiltrud Breyer, Roberto Musacchio, Umberto Guidoni

Amendment 577
Annex II, points 4 and 5

4. Ports *4. Ports **and areas for the disposal of dredging sludges.***
5. **Former** military sites. *5. Military sites*

Or. en

Justification

See justification to Breyer/Musacchio/Guidoni amendment to Annex II, point 1.

Amendment by Evangelia Tzampazi

Amendment 578
Annex II, point 7

- *Dry cleaners* (deleted)

Or. el

Justification

The reference to dry cleaner is somewhat excessive. These are usually small undertakings in residential areas and have a minimal effect on soil quality, particularly since there are rarely any exposed areas of soil in the vicinity.

Amendment by Horst Schnellhardt

Amendment 579
Annex II, points 9 and 10

9. Landfills of waste as defined in Council Directive 1999/31/EC Deleted

10. Waste water treatment installations.

Or. de

Justification

Landfill is already required to take place in such a way that potentially harmful effects on the environment and risks to human health are avoided or restricted. Waste water treatment installations are built to treat polluted water and thus to prevent the pollution of surface water, groundwater and soil. Nowhere in a waste water treatment installation is untreated water intentionally allowed to trickle into the soil. In other words the installation principally prevents or minimises negative effects on the environment and is not a potential source of soil

pollution.

Amendment by Frieda Brepoels

Amendment 580
Annex II, points 10 and 11

10. Waste water treatment installations **deleted**

11. Pipelines for the transport of dangerous substances.

Or. en

Justification

See justification to Brepoels amendment to Annex II, points 3, 4, 5, 6, 7.

Amendment by Johannes Blokland + Robert Sturdy

Amendment 581
Annex II, point 10

10. Waste water treatment installations. **deleted**

Or. en

Justification

The risk of wastewater assets causing soil pollution is already regulated by the Urban Wastewater Directive, the IPPC Directive, the Sludge Directive and others. For instance, the Urban Wastewater Directive requires prevention of leaks when constructing and maintaining collecting systems as well as treatment plants. The Sludge Directive requires that the quality of the soil is not impaired. Including wastewater treatment installations under this directive would not be in line with the objectives of the Better Regulation Agenda.

Amendment by Evangelia Tzampazi

Amendment 582
Annex II, point 10

- Waste water treatment installations.

- Waste water treatment installations
corresponding to a population equivalent of

over 1000

Or. el

Justification

Given that very small waste water treatment installations may be used by hotels or small communities, it is necessary to establish a minimum criterion.

Amendment by Hiltrud Breyer, Roberto Musacchio, Umberto Guidoni

Amendment 583

Annex II, points 11 a, b and c (new)

11a. Livestock plants which are not listed under Annex I of Directive 96/61/EC.

11b. Activities which are addressed in Directives 91/676/EEC and 91/414/EEC.

11c. Transport depots and service areas.

Or. en

Justification

See justification to Breyer/Musacchio/Guidoni amendment to Annex II, point 1.

Amendment by María Sornosa Martínez

Amendment 584

Annex II, points 11 a and b (new)

11a. Installations for the repair and maintenance of vehicles.

11b. Waste incinerators.

Or. en

Justification

Such installations store and handle amounts of dangerous substances such as fuels, lubricants, paints, which can leak and be spilled on the soil over a long period of time.

Amendment 585
Annex II a (new)

Annex IIa

Evaluation of remedial options

The remedial options shall be evaluated, using best available technologies, based on the following criteria:

- the effect of each option on public health and safety,*
- the cost of implementing the option,*
- the likelihood of success of each option,*
- the extent to which each option will prevent future damage, and avoid collateral damage as a result of implementing the option,*
- the extent to which each option benefits each component of the natural resource and/or service,*
- the extent to which each option takes account of relevant social, economic and cultural concerns and other relevant factors specific to the locality,*
- the length of time it will take for the remediation to be effective,*
- the extent to which each option achieves the remediation of the site in terms of reduction of the risk to human health or the environment.*

Or. en

Justification

These provisions are needed to align the requirements on the remediation actions with those established in the Environmental Liability Directive, so that contaminated sites where a liable person can be found either through national legislation or EU legislation (after 1 May 2007) are bound by the same obligations.

Annex IIIa

Soil protection through examples of best practice

Examples of best practice for incentives and promotion programmes with a geographically comprehensive effect on the priorities for soil protection:

Erosion

Agricultural land terracing

Soil cover (e.g. wine-growing, fruit-growing, catch crops, undersowing, etc.)

Promotion of landscaping features (e.g. copses and spinneys, rows of trees, hedges and field margins)

Conversion of steeply sloping fields into grassland

Loss of organic matter

Humus management

Soil cover

Green manures

Extensification of soil cultivation

Compaction

Environmentally friendly (extensive) grassland management

Soil treatment measures

Salinification

Irrigation

Landslides

Soil cover (no set-aside)

Agricultural land terracing

Promotion of landscaping features (e.g. copses and spinneys, rows of trees, hedges and field margins)

Forestation

Justification

Article 8 as amended refers to Annex III listing non-mandatory examples of best practice for incentives and programmes of measures with geographically comprehensive effects which address the priorities of soil protection. Unlike short-term measures, environmentally balanced land use ('green agriculture') guarantees comprehensive soil protection sustainable in the long term.