

Common Forum Bilbao

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State Aid

The results of the questionnaire for
searching the similarity of regulations
between the Member States

The questions

- Specific legislation
- Liability
- Paying for remediation

Specific legislation

- 66% have specific legislation, including subsoil and groundwater
- In Spain groundwater is regulated in an other law
- 33% soil contamination is part of the waste law
- The polluter and/or the owner have to pay for the remediation

Specific legislation (2)

- 33% have a legal distinction between historical and recent contamination
- 3 countries have general rules for liability in the Civil Law
- Flanders has rules especially for historical cases in Civil Law

Liability

- 90% have a remediation enforcement on
 - a. The polluter
 - b. His successor, or
 - c. The owner of the site
- 5 countries have jurisprudence about liability

Paying for remediation

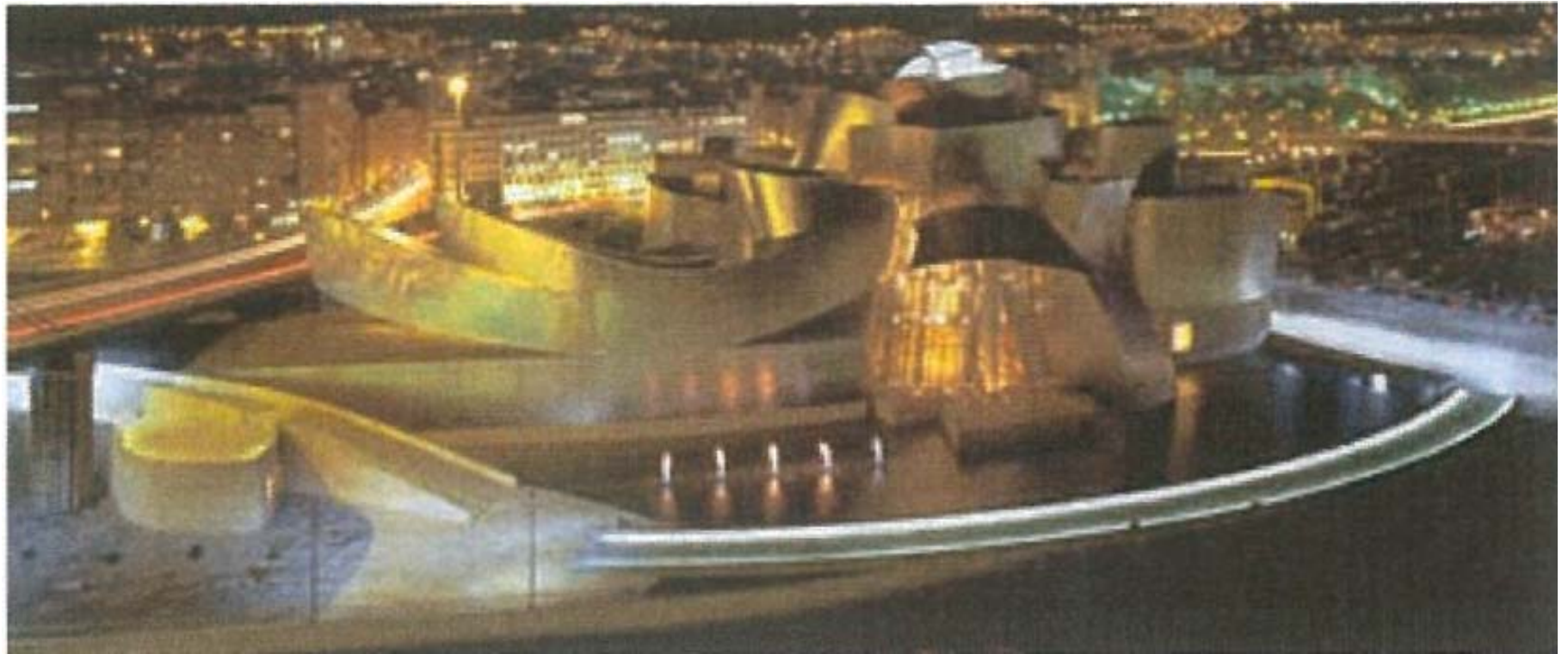
- The one who is obliged tot remediate has to pay in most of the countries
- If there is no obligation, no polluter or no responsible person the state pays in 50%
- Possibility for co financing (cooperation between government and liable persons) in 33%

Paying for remediation 2

- 100% if necessary the government remediates and recharges the cost to the owner
- 90% the first one who is addressed for the cost is the polluter, the second one is the owner
- In Germany the competent authority is free to decide whether to address the polluter or the landowner

Paying for remediation 3

- Only in Flanders the owner is allowed to prove that he is innocent
- 4 countries have shared the cost of remediation between companies and government, for instance



Paying for remediation 4

- Most of the countries do not have experience with State Aid
- Spanish Regional Authorities are competent for entering notifications for soil remediation
- U.K. and Wallone thought there were notifications
- Finland said that aid is given only on basis state of environment

Conclusion

- Case by case reproach in most of the countries
- Polluter or owner can be addressed for the cost
- 4 countries have a form of co financing

Questions

- How do the Member States handle with branches:
 - 1. Chemical laundries?
 - 2. Former state owned power companies?
 - 3. Refineries?
 - 4. ???