



## WP Environnement 19th Sept.: Soil Framework Directive



Ressources, territoires et habitats  
Énergie et climat  
Prévention des risques  
Développement durable  
Infrastructures, transports et mer

Présent  
pour  
l'avenir



Ministère  
de l'Écologie, de l'Énergie,  
du Développement durable  
et de l'Aménagement  
du territoire

Ministère de l'Écologie, de l'Énergie,  
du Développement durable et de l'Aménagement du territoire

# Introduction

- History of examination of SFD
- How to progress
- Objectives of French Presidency's proposal
- Comparison between French Presidency's proposal and December text.

# History of examination of SFD

- **Presentation under Finnish Presidency**
- **Two readings under German Presidency**
- **Many WP under Portuguese Presidency:**
  - July 2007: Call for amendments
  - Since September 2007: Discussion on a new proposal
- **December Council: Discussion but no qualified majority**



# December Council: Main discussions

- **Need for Legal Framework:**
  - Agreement of many MS on a EU level regulation for soil protection
  - Rejection or doubts for others MS
  - Will for more subsidiarity for many MS
  - More link with existing Community legislation and policies dealing with soil protection for many MS



# December Council: Main discussions

- **Chapter I: agreement on prevention**
- **Chapter II:**
  - Subsidiarity on priority areas?
  - Sealing?
- **Chapter III – Soil Contamination:**
  - Costs?
  - Timing?
  - Methodology?
  - Taking Member State experience into account?
  - Improvement of environment?



# Focus on Chapter III: Convergent points

- **Public access to information**
- **Idea of inventory, keeping track of history of a site**
- **Idea of soil status report**
- **Idea of remediation strategy**



# Focus on Chapter III: Contentious issues

- **Mainly about methodology :**
  - **Systematic approach**
  - **Costly**
  - **Static**
  - **Ineffective according to some experienced Member States**
- **Need for a more flexible, feasible and proactive methodology**



# How to progress?

- **Main objectives of December proposal respected**
- **But with a different methodology:**
  - more feasible and pro-active
  - respecting principle of subsidiarity
- **Need to produce formally a new text in order to discuss the approach together with the text itself**



# French presidency's Text objectives

- **Text presented:**
  - Elaborated with experts from Common Forum
  - Taking into account return on experience
  - Basis of discussion, trying to be a way of progress to a larger majority



# Main differences Dec. text on Chapter III

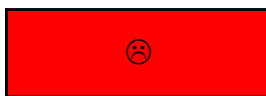
- **Definition of national strategy for managing soil contamination:**
  - *Identification of Potentially Contaminated Sites: Annex II*
  - *Public Information*
  - *Policy for investigating potentially contaminated sites*
  - *Remediation:*
    - *Immediate measures*
    - *Appropriate measures according risk assessment/land use*
  - *Priority Actions Programmes*
  - *Soil Status Report :*
    - *Sale*
    - *Land use change*
  - *Funding for Remediation*



# Basic principles: December Proposal vs French Presidency's Proposal

December text vs French Presidency's proposal		French Presidency Proposal: National strategy for managing polluted sites				
		Integration with other EU legal framework	Prevention	Identification of priority areas (chapter II)	Targets and actions programmes (chapter II)	National strategy for Contaminated sites (chapter III)
December text	Integration with Eu Directives	☹				
	Prevention		☺			
	Identification of priority areas (chapter II)			☺		
	Targets and actions programmes (chapter II)				☺	
	Identification and inventory of contaminated sites (chapter III)					☹ <b>Subsidiarity principle</b>
	Soil status report (chapter III)					☹
	Remediation (chapter III)					☹
	Awareness raising, reporting, exchange of information					

KEY:



# Convergent points on chapter III

December text vs French Presidency's proposal		French Presidency Proposal: National strategy for managing polluted sites				
		Method for identifying potentially polluted sites	Public access to information about potentially polluted sites	Method for investigation	Method for classifying as polluted	Method to determine the standard of remediation required
December text	Annex II	☺				
	Inventory of potentially polluted sites		☺			
	Taking into account existing data to classify a site as polluted			☺		
	Systematic concentration level measures			☺		
	Threshold to trigger risk study					
	Risk study if concentration levels exceed a threshold				☺	
	Inventory of polluted sites		☺		☺	
	Soil status report		☺			



# Contentious points on chapter III

December text vs French Presidency's proposal		French Presidency Proposal: National strategy for managing polluted sites				
		Method for identifying potentially polluted sites	Public access to information about potentially polluted sites	Method for investigation	Method for classifying	Method to determine the standard of remediation required
December text	Annex II	😊				
	Inventory of potentially polluted sites		😊			😞
	Taking into account existing data to classify a site as polluted			😊		
	Systematic concentration level measures	😞		😊	😞	😊
	Threshold to trigger risk study					
	Risk study if concentration levels exceed a threshold				😊	
	Inventory of polluted sites		😊	😊	😊	
	Soil status report		😊			



# Proposal

December text vs French Presidency's proposal		French Presidency Proposal: National strategy for managing polluted sites				
		Subsidiarity principle	Integration with other EU Directives	New definitions	Risk based sites management	Soil status report (chapter III)
December text	Integration with Eu Directives					
	Prevention					
	Identification of priority areas (chapter II)	+				
	Targets and actions programmes (chapter II)	+				
	Identification and inventory of contaminated sites (chapter III)	+	<b>IPPC, Water, Groundwater</b>	+	+	
	Soil status report (chapter III)				+	<b>For any sale or land use change</b>
	Remediation (chapter III)				+	
	Awareness raising, reporting, exchange of information					



KEY:



Priority



Priority and added in the French presidency's proposal

