

Points for clarification on new text.....Chapter III – Soil Contamination

General Comments

- Diffuse contamination not specifically referenced?
- Prevention part of contamination is within Article 4
- Scope – Art 1(2) authorised storages, spreading and discharges – historic versus ongoing? i.e. old permitted sites

Chapter 3 cannot be considered in isolation?

Article 10 & 12

- Soil contamination (title) versus soil contaminated sites (indents) – issue of site boundary (diffuse pollution etc.) – “ongoing soil contamination” would exclude prevention....
- Some concern over clarity on Art 12 on General Approach – what does it achieve – overlap with Art 10
- Art 10 – works like a table of contents so subsequent articles should follow in a logical sequence
- Possibly more elements should be added to table of contents, i.e. provision of funding mechanism, soil status report etc.

Delete Art 12 - review elements of Art 10 with subsequent elaboration and possibly use some of deleted article to enhance Art 10 where relevant?

- Methodology for determining whether a site is contaminated or not – harmonisation – move away from arbitrary decision making - basic principles – risk assessment endpoints – not prescriptive – respect and be consistent with individual MS approach – lowest common denominator – how to get more detailed without getting more detailed???

Definition of contaminated site does provide broad endpoints (human health and environment and groundwater) – is a new article necessary to reference these or just refer back to Art 2?

Art 16 - Soil status Report

- Inconsistency of two indents (third party or change of landuse – planning authorities) with overall aim of updating inventories. MS shall ensure, competent authorities shall use the info, MS shall decide the information.....etc. etc. Needs to be a link

- Certification process

Delete reference to buyer in second indent and “in charge of urban planning” and make link so that competent authorities can get the information required

Article 15 Priority Action Programmes

- “Programme” too dominant – need to lessen impact
- Link to Art 10
- Definition of “sensitive”
- Hazardous = ? – terminology needs to be consistent

Could simply title the article “Prioritisation” or “Prioritisation Actions”

Annex II?????