

**COMMON FORUM on Contaminated land in the European
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Chapter III.

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Chapter III
„French structure“

Art. 10. General contaminated soil strategy

Art. 11. Identification of Sites linked to potentially soil contaminating activities

Art. 12.

Art. 13. Policy for managing sites identified in Article 11

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Chapter III
„Czech structure“

Art. 10. Identification and inventory of contaminated sites

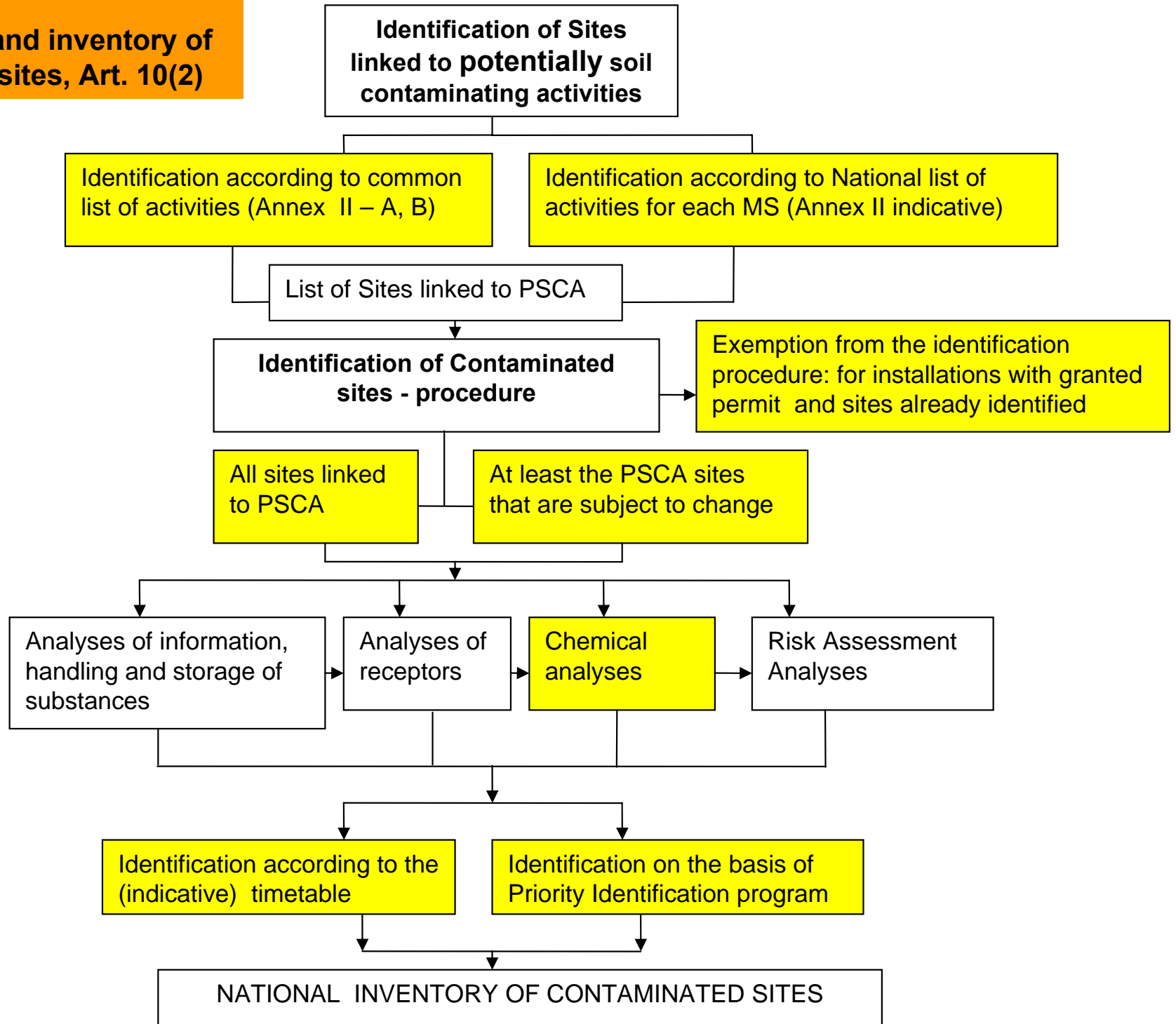
Art. 11.

Art. 12. Soil status report

Art. 13. Remediation

Art. 14. Remediation strategy

**Chapter III
Identification and inventory of
contaminated sites, Art. 10(2)**



Art. 10. Identification and inventory of contaminated sites

1. In order to ensure that soil contamination is addressed systematically, it is necessary for Member States to define and apply a general policy for contaminated sites, which shall rely on the obligations for:

- identification of sites linked to potentially soil-contaminating activities,
- identification of contaminated sites,
- **establishment of soil status reports,**
- remediation of contaminated sites.

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Art. 10. Identification and inventory of contaminated sites

The specific procedure to determine whether the site is a contaminated site is applied.

- (i) an analysis of the existing information
- (ii) an analysis of the presence of human or environmental receptors
- (iii) if the analysis carried out under points (i) or (ii) indicate a significant possibility of a site being a contaminated site, Member States shall apply one of the following alternatives:

either

- ensure that the concentration levels of relevant hazardous substances linked to the activities carried out on the site are measured, and for that purpose, Member States shall establish the methodology necessary for determining those concentration levels. For those sites where the concentration levels of relevant hazardous substances are such that there are sufficient reasons to believe that they may pose a significant risk to human health or the environment, Member States shall ensure that a site-specific risk assessment is carried out, which also takes into account the risk to groundwater;

or

- ensure that a site-specific risk assessment is carried out which also takes into account the risk to groundwater, and for that purpose, Member States shall establish the risk assessment methodology.

Art. 10. Identification and inventory of contaminated sites

5. In order to have proactive and prevention actions and to maximise efficiency of the identification and remediation of contaminated sites, the identification procedure provided for in paragraph 2 shall be performed, if not already performed, **on the basis of prioritisation** to be established by the Member State

Art. 12. Soil status report

1. On a site on which an activity included in the **national list established pursuant to Article 10(2)(a)** is taking place, or for which the official records, such as registers, show that it has taken place, Member States shall ensure that a soil status report is made available to the competent authorities as referred to in Article 10(6):
 - by the owner of that site or the prospective buyer when the site is sold, making it also available to the other party in the transaction,
and
 - by the owner of that site or a relevant third party, when there are land use changes, including development which the Member State considers relevant.

Exception for small private houses

The content of SSR

Art. 12. Soil status report

3. Member States shall decide on the information that must be included in the soil status report

It shall contain information, including, if available, historical data, on the present and past activities on the site, the handling, the use and storage of relevant hazardous substances over time, any evidence of accidents involving the emission of relevant hazardous substances as well as the presence of human and environmental receptors that could suffer from any contamination.

Art. 13. Remediation

Proposal for definition of remediation

Soil remediation means measures aimed at the removal, control, containment or reduction of contaminants, addressing the source – receptor pathways linkages in order to reduce the risk to human health and the environment to acceptable levels..

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 or approved future use, no longer poses any significant risk to human health or the environment.

Art. 13. Remediation

1...The contaminated sites listed in their inventories of contaminated sites, pursuant to Article 10(4), are remediated ...prioritization

Art. 13. Remediation

2. Remediation action may consist of natural recovery. When deciding on the appropriate remediation actions, Member States shall give due consideration to social, economic and environmental impacts, cost-effectiveness and technical feasibility of the actions envisaged.

3. If the means required for remediation are not technically available or only available at a disproportionate cost with respect to expected environmental benefits, sites may be conditioned in such a way that they do not pose any significant risk to human health or the environment, including by restricting access to and use of them. ...

Art. 13. Remediation

If not already established, and having regard to paragraph 2, Member States shall set up appropriate economic mechanisms to provide for the investigation and remediation of the contaminated sites for which, subject to the polluter pays principle, the natural or legal person responsible for the contamination cannot be identified or cannot be held liable under Community or national legislation or may not be made to bear the costs of the investigation and remediation.

Art. 14. Remediation strategy

1. Member States shall, on the basis of the inventory of contaminated sites draw up a remediation strategy or strategies covering the whole of their national territory, including at least remediation targets, a prioritisation, taking particular account of significant risks to human health or the environment, a timetable and financial resources for implementation years after entry into force.

Need for EU legislation in soil protection

- Protection of soil as non renewable natural source in European context
- Protection of soil protection legislation in individual MS

A photograph of a soil profile showing distinct layers. The top layer is dark brown topsoil with visible roots. Below it is a thick, light tan layer of subsoil. At the bottom is a reddish-brown layer. The text "Thank you for your attention" is overlaid in blue with a black outline, slanted across the middle of the image.

Thank you for your attention