

EU legislation on the remediation of contaminated land

- The Environmental Liability Directive
- Proposal for a directive establishing a framework for the protection of soil

Environmental Liability Directive

- Enforcement of "preventive" environmental EU-legislation
- With the purpose of obtaining better – more efficient environmental protection and fair competition

Environmental Liability Directive

- Only applicable to certain damages and imminent threats hereof

The environmental damages to

- protected habitats and species (significant negative impact on status)
- waters (significant negative impact on status)
- and - land (contamination – significant risk to human health)

Environmental Liability Directive

- Only occupational activities
- Strict liability for all environmental damages
- Strict Liability – the Annex III activities: GMO'es, Water abstraction and impoundment, polluting activities.
- (and liability for fault and negligence for environmental damage to protected habitats and species)

Environmental Liability Directive

- The polluters obligation to remediate environmental damage to protected habitats and species and water
- Primary, complementary and compensatory measures
- Habitat equivalence
(Resource-to-resource- service-to-service methodology)

Environmental Liability Directive

- The polluters obligation to remediate environmental damage to land
- Removal, control, containment or diminishing the contaminants to ensure no further risk to human health

Environmental Liability Directive

- The REMEDE project

Proposal for a Framework Directive on Soil Protection

- The protection of soil – not water (and not protected species and habitats)

Proposal for a Framework Directive on Soil Protection

- Measures against soil degradation caused by contamination
- Measures against degradation caused in other ways - by erosion, landslides, loss of organic matter, salinisation, acidification, compaction and sealing

Proposal for a Framework Directive on Soil Protection

- The Commission's proposal
September 2006
- Negotiations 2006 – 2007
- Proposal by the French Presidency
September 2008