

**COMMON FORUM on
Contaminated Land in Europe
8 - 10 May, 2019
Lëtzebuerg / Luxembourg**

MEETING REPORT



The 2019 LUXEMBOURG meeting was attended by:

Alzola Echazarra	Ana Isabel	Spain
Andersen	Christian	Denmark
Bampa	Francesca	The Netherlands
Baritz	Rainer	Denmark
Bartoll	Joan	Spain
Bieber	Andreas	Germany
Bodle	Ralph	Germany
Buvé	Lucia	Belgium
Capus	Sophie	Luxembourg
Ceenaeme	Johan	Belgium
Coltoi	Octavian	Romania
Darmendrail	Dominique	France
De Cleen	Margot	The Netherlands
Frauenstein	Joerg	Germany
Goidts	Esther	Belgium
Guérin	Valérie	France
Janova	Vlasta	Slovakia
Kasamas	Harald	Austria
Krein	Andreas	Luxembourg
Márquez	Eduard	Spain
Meyer	Romain	Luxembourg
Molenaar	Co	The Netherlands
Montag	Irene	Austria
Müller-Grabherr	Dietmar	Austria
Nickels	Carmen	Luxemburg
Ohlsson	Yvonne	Sweden
Paluchová	Katarína	Slovakia
Peeters	Bavo	Belgium
Quercia	Francesca	Italy
Radiene	Rasa	Lithuania
Reinikainen	Jussi	Finland
Schamann	Martin	Austria
Tock	Pol	Luxembourg
Valley	Åsa	Sweden
Van Dyck	Eddy	Belgium
Van Gestel	Griet	Belgium
Van Looy	Kris	Belgium
Vecchio	Antonella	Italy
Vegter	Joop	The Netherlands
Vilão	Regina	Portugal
Villumsen	Bente	Denmark
Wepner-Banko	Martha	Austria
Wermeille	Christiane	Switzerland

Note: Handouts of presentations from this meeting are available for download at www.commonforum.eu

July 1, 2019

Dietmar Müller-Grabherr, Martha Wepner-Banko

Session 1 – WELCOME AND SETTING THE SCENE

The Common Forum Spring meeting 2019 was opened at Castle Bourglinster in the outskirts of Luxembourg City.

This spring 2019 meeting was attended by new representatives, partner organisations, guests, national experts and VIPs from:

- Denmark: Bente Villumsen
- Romania: Octavian Coltoi
- European Environment Agency (EEA): Rainer Baritz
- NICOLE: Lucia Buvé
- Germany: Ralph Bodle (Ecologic Institute)
- The Netherlands: Francesca Bampa (LANDMARK)
- Sweden: Yvonne Ohlsson (Swedish Geotechnical Institute)
- Delegates and experts from Luxembourg
- COMMON FORUM former members

Session 1A – Contaminated Soil Management – Legal and Organisational Framework in Luxembourg – Sophie CAPUS

Like in the EU, also in Luxembourg soil is not protected by a coherent piece of legislation. Though, several laws and frameworks tackle soil in one or the other way.

Since 1990, there is the obligation for a site pollution assessment upon cessation of activities (polluter pays principle with some exceptions). A lot of developments on «potentially» polluted sites have been made but: The remediation works need permitting under classified installation law, only excavation and in-situ treatment are foreseen, polluted soil in place is still covered by waste law. Nevertheless, some tools have already been in place like an extensive database (CASIPO), an active market for site assessment and remediation. Which concluded in 2.000 already assessed or remediated sites in Luxembourg (one site per 1,35/km²) and 130.000 mega tonnes of polluted soil exported yearly.

But lately a specific legislation on soil protection and management of polluted sites (Bill 7237) has been established which has been deposited to Parliament in January 2018 and is waiting to be discussed in parliament. The foreseen law includes preventive (soil protection: monitoring, national action plan) and remedial aspects (polluted sites management), juridical security and more transparency and flexibility. Principles for polluted sites management were defined: notion of historical pollution and “serious risk”, voluntary actions (liability transfer, decoupling cessation of activities and remediation), introduction of information obligations, CASIPO used as a starting point – re-evaluation of sites using new criteria, soil certificate (site and not cadastral based), decision tool for “serious threats” based on trigger values, decision tool for contaminated land management (DECLAM) with background concentrations and site specific risk assessment tools.

Session 2 – BACKGROUND CONCENTRATION / VALUES

Session 2A – Background Concentration in the Luxembourgish Context – Pol TOCK

In the above mentioned new LU tool (being developed) on contaminated site management one of 3 main tools refers to background concentrations. Background concentration (BC) is defined in a legal (soil law proposal) context with 3 major roles: liability, secondary trigger value and remediation goal.

The Public Authorities will have 2 obligations: assess soil conditions (public available BC maps), establish national soil protection plan.

The basis of the BC for Luxembourg is a data base “Bodenmonitoring” (2006) with 859 analysed samples. A next step is the establishment of homogenous regions (land-use/geology/sampling depth etc.) and the identification of special cases (metalliferous veins/concretions/colluvium etc.).

E.g. for Arsenic 3 homogenous regions have already been defined (north-east, south-west and Minette Plateaux). A simple, excel based assessment tool has been developed to judge results according to homogenous regions, special cases and geological classes. This assessment tool can be connected with soil BC but also with groundwater BC by using an adequate data base on groundwater BC.

Outlook: work on database e.g. to include wider list of pollutants and assess bioavailability in order to get a combination of BC and a risk based approach.

In some areas BC exceed trigger values -> compare to a map with “hot spots” of geological BC – if still highest BC are exceeded remediation has to be done.

Discussions within the Environment Agency are undergoing in LU whether to remediate backfills until lowest BC or stick to local BC like in the surroundings while still respecting the “risk based land management” principles.

Session 2B – ISO 19258 (2018) and Selected National Approaches – Dietmar MÜLLER-GRABHERR

The ISO EN 19258 “Soil quality – guidance on the determination of background values” deals with the principles and main methods for the determination of background values (BV) for inorganic and organic substances in soils at a local/regional scale (not at site scale). The document provides definitions, gives guidelines for sampling and data processing strategies and identifies methods for sampling and analysis. It does not apply to the determination of background values for groundwater and sediments.

The objectives addressed are to identify the current concentrations of substances in soils; to assess the degree of contamination by human activities; to derive reference values for soil protection; to define soil values for reuse of soil materials and waste; to calculate critical levels and tolerable additional critical loads; to identify areas/sites with atypically enhanced levels of chemical substance concentrations.

Selected national approaches were presented from

- Italy (establishing new guidelines for BV derivation in soil and groundwater considering 4 different compounds: natural background, anthropic diffuse, point anthropic on-site and point anthropic off-site),
- Germany (LABO – Background Value Report: BV for inorganic and organic substances in soil),
- Austria (Austrian Standard ÖNORM L 1075: principles for the evaluation of the content of selected elements in soils).

As a conclusion 2 key objectives in making use of BV can be recognised:

- Characterisation of soil qualities (the natural system)
- Preparing informed decisions for stakeholders (the social system)

Important for taking into account when using BV are the importance of terms and definitions, to clearly specify objectives and use as well as being transparent on data quality and uncertainties.

Session 2C – UK Contaminated Land Management: The role of Normal Background Concentrations (NBC) of contaminants – Paul NATHANAIL

In 2012 a project report on 'Normal Background Concentrations (NBCs) of contaminants in English soils' was published by Defra (The UK Ministry of Environment). NBCs were calculated for a specific legal context. NBCs were derived to reflect the upper confidence levels of typical concentrations in specific domains (e.g. urban, mineralised) as well as the principal domain covering most of the country.

The aim of this project was to give guidance on what are normal levels of contaminants in English soils in support of the then newly amended of the Environmental Protection Act 1990: Part 2A Contaminated Land Statutory Guidance which introduced the concept of the "normal" presence of contaminants as part of the risk assessment process. NBCs are an expression of normal contaminant levels and should not be considered to cause land to qualify as contaminated land, unless there is a particular reason to consider otherwise

Within the project, several contaminants in topsoils from England were investigated (arsenic, benzo[a]pyrene (BaP), lead, cadmium, copper, mercury, nickel). The project consisted of 3 phases: data gathering, data exploration and statistical method for determining NBCs. The NBCs were calculated as the upper limit estimate of the 95 Percentile according to the attributed domain (ironstone, mineralisation, principal, urban). Values exceeding this are assumed to be from point source pollution.

The final outcomes were technical guidance sheets for each parameter as well as an interpolated map viewer (geochemical maps for regional and urban topsoils, soil data sets metadata). The exercise was then carried out for Wales. Among others, the UK found that bio-accessibility in geological materials is often lower than in anthropologic materials, however, this was outside the scope of the NBC project.

Session 2D – Background concentration and diffuse pollution – Esther GOIDTS, Christiane WERMEILLE

In 2018 a survey on the topic of diffuse soil pollution was sent out with the aim to learn and get an overview on how diffuse soil pollution is managed in practice in different countries/regions. The questionnaire consists of 12 questions on terminology and management including 2 questions on background values (BV):

- What does soil BV of contaminants mean in your country?
- Distinction between diffuse soil contamination and soil BV of contaminants?

Later on the survey was extended with questions on different case studies (tar pollution, smelting industry, Hg pollution, city centre).

Several thoughts were raised:

- methods to separate natural background from anthropogenic background would be helpful
- analysis of the coherence between data/maps at country borders would be interesting
- more detailed exchanges between countries/regions interested in that topic would be needed to better understand answers given through questionnaire and case studies (e.g. meeting in Paris 2019)
- dynamic repository of various information given by CF members would be helpful (CF website – member area: e.g. sharepoint, working space)

In February 2019 a quadrilateral meeting (F, LU, BE/Wall, CH) on background values was held with the goal to compare the methods of determination of background concentrations/values. During the

discussions several important points came up (a.o. BV are useful for (urban) spatial planning decisions and the reuse of excavated soils (+ gardens issue) and can lead to distinction between public and private responsibility in taking actions, terminology matters,...).

As future actions the further results of the questionnaire on diffuse pollution will be evaluated as well as the work done at the JRC level (e.g. LUCAS soil survey - European mapping of background concentrations) will be followed.

Session 3 – TOWARDS STRENGTHENING EUROPEAN SOIL POLICY

“The need for soil protection legislation at EU level” - Position paper of the German Environment Agency and Is the Soil Thematic Strategy still addressing all relevant political and technical aspects of 2019 with regard to soil and land – Jörg FRAUENSTEIN, Ralph BODLE

In the session “Towards strengthening European soil policy”, Jörg Frauenstein (UBA Germany) and Ralph Bodle (Ecologic Institute) presented a draft concept for an international workshop in spring or summer 2020 as part of a UBA research project. The idea is to create a space, under Chatham House rules, to explore areas for which there is interest in EU approaches to soil protection. The research project would facilitate and guide preparations for the workshop from an early stage (e.g. through discussion papers and small working groups).

Common Forum participants raised several questions and concerns, including:

- To what extent does this idea reflect a German agenda?
- Who would be invited and what would be the role of discussion papers
- Would this mean bypassing the Common Forum, what would be the added value to discussion in the Common Forum, and how could the workshop feed back into to the more “official” Common Forum?

Some participants noted that if the concerns were addressed, they could see added value in a having a space to test open discussion.

Jörg Frauenstein and Ralph Bodle explained that the idea is deliberately open with regard to content, in order to avoid concerns about an underlying agenda. In order to get into discussing issues, a neutral starting point could be the Soil Thematic Strategy, because it is the one commonly agreed soil policy document at EU level. A thought starter could be to consider what has become relevant today but it is not adequately addressed by the Strategy. Both speakers perceived an interest of the audience provided that there was more clarity and comfort about the concept and potential outcome of an international workshop. An important signal was not to begin with too many soil threats in parallel. It was recommended to focus first on discussion topics which likely could be developed towards consensus as well as at least one cross-border aspect of soil protection.

Session 4 – WHAT’S ON - COUNTRIES, NETWORKS & INITIATIVES

Session 4A – Recent Developments at EU level – Bavo PEETERS

The provisional agreement (except for the budget) on the upcoming **Horizon Europe 2021 – 2027**, the next EU research and innovation program, contains a Mission on “Soil Health and Food”. The missions are a new concept and an implementation of the so-called moonshot approach: a lot of funding is focused on a limited amount of societal challenges. The European Commission launched a

call for experts to join '[Mission Boards](#)', which will advise the Commission on the definition and implementation of the missions in Horizon Europe. The call for interest was open until 11 June 2019.

Recommendations by the **European Court of Auditors** from the audit on desertification in the EU:

- Need to better understand land degradation and desertification in the EU (methodology and indicators)
- Assessing the need to enhance the EU legal framework for soil
- More guidance and support needed to achieve land degradation neutrality in the EU by 2030

The **8th Soil Expert Group Meeting** took place on April 4, 2019, with a subsequent Brownfield conference on April 5, 2019. The **9th** expert group meeting will be held on November 26, 2019.

Other events:

Biodiversity conference: 23-24/05/2019

European elections: 26/05/2019

GSP Plenary Assembly: 5-7/06/2019

New Commission in office: 01/11/2019

SDG and LDN conference: 25/11/2019

The **Urban Partnership on Sustainable Use of Land and Nature-Based Solutions** is one of 12 Urban Partnerships established in the context of the EU Urban Agenda. The Partnership is coordinated by Bologna and the Polish Ministry of Investment. The relevant actions are to include land take and soil properties in environmental impact assessments, developing a funding and financing guide for brownfield redevelopment and the identification and managing of underused land in GIS. The Commission attended the coordinator to potential interest of the COMMON FORUM. More information about the Partnership and its action plan:

<https://ec.europa.eu/futurium/en/sustainable-land-use>

Session 4B: Cooperation NRC Soil (ETC/ULS) & COMMON FORUM – Rainer BARITZ

The European Environment Agency (EEA) follows the role of soil contamination in European policies. It is supported by the Eionet National Reference Centres Soil (NRC Soil) and European Topic Centre Urban, Land and Soil Systems (ETC/ULS).

Within the NRC Soil, two sub working groups have been established: the Task Force Soil Monitoring and the WG Soil Contamination. This WG has been recently working together with JRC to collect information about the Eionet indicator: LSI003 – progress in the management of contaminated sites. The work has been based on a series of questionnaires (2001-2006, 2011, 2016). Despite this work, statistics are still largely estimated, and only partially based on national registers. Information about polluting activities and substance is patchy. Regarding diffuse contamination, EEA is building on work by the ETC/ULS and JRC, using data from the LUCAS Soil survey, but is lacking approaches to evaluate the degree of soil pollution.

Mr. Baritz informed about activities of the ETC/ULS to compile national thresholds such as screening values, background values etc., and to develop a WIKI for the extended cooperation with national experts.

Building on the current EEA State and Outlook of the Environment Report (SOER2020), and the key messages for the condition of European soils, EEA, in cooperation with DG ENV and JRC, is currently preparing a European Soil Condition Assessment 2020/21.

In all the mentioned activities related to soil contamination, EEA is interested to more closely involve the Common Forum. CF will be invited to join meetings, provide feedback about the structure of the

WIKI and cooperate to bring it to live, as well as to join the European assessment, i.e. contribute to the compilation of evidence about the state of soil contamination.

Session 4C – OVAM: White paper on emerging contaminants – Multi Stakeholder Network EmConSoil – Johan CEENAEME

EmConSoil is an international cooperation between stakeholders from different sectors (industry, science, policy, civil society) to work out balanced approaches for the challenges and urgency regarding emerging contaminants (standardisation, protocols for monitoring and measures, approaches of risk assessment and management).

The start of the network was set at the first ENSOr (Emerging policy challenges on New Soil contaminants) meeting in Brussels, November 2018, defining the aims of the network:

- exchange and dissemination of knowledge, data, technical and juridical expertise
- Development of strategies, policies, regulations through co-creation to remediate and manage the legacy of emerging contaminants (soil and groundwater), to reduce risks for human health and ecosystems
- Awareness raising and communication to strengthen support for proposed actions and policies
- Enabling inter-sectorial and international collaboration towards holistic and sustainable solutions

EmConSoil wants to be an open network (without commitment or charge) working in collaboration with other initiatives. With sharing information through a website and activities like conferences and workshops the network engages in the formulated goals.

The network can be reached on the web page <https://www.ovamenglish.be/emconsoil>

On that page you will also find the white paper 'CHALLENGES FOR EMERGING SOIL CONTAMINANT GOVERNANCE & POLICY'.

Session 4D – Operational Programme Quality Environment and contaminated sites in Slovakia – Katharina PALUCHOVÁ

The Slovakian information system of contaminated sites includes momentarily

- Register A – potentially contaminated sites - 931
- Register B – contaminated sites - 313
- Register C – remediated localities - 784

2 strategical documents have been released so far: State Remediation Program of Contaminated Sites (2010 – 2015) with 137 mil. € and the State Remediation Program of Contaminated Sites (2016 – 2021) with 210 mil. €. The documents contain of a list of the most important contaminated sites to be remediated.

Financial support for contaminated sites is provided through 5 sources: Operational Program Environment (2007 – 2014), Operational Program Quality of Environment (2014 – 2020), Environmental Fond, State budget and through private source.

Announcement: Contaminated Sites International Conference, June 17-19, 2020, High Tatras, Slovak Republic.

Session 4E – SOILVER – Soil and Land Research Funding Platform for Europe – Yvonne OHLSSON

NOTE: Information on this research funding platform have been presented and discussed at the meeting. The initiative is just under development therefore the responsible partners within the platform did not want to publish the presentation via COMMON FORUM yet.

Session 4F – Minamata convention – drafting a CLM-guidance on Hg-contaminated sites – Valérie GUERIN

Following discussions starting at the Oslo-meeting (October, 2016) CF decided to follow preparatory work in implementing International Conventions by "mirror groups".

Composition of the CF Mirror Group:

Esther Goidts (SPW - BE); Johan Ceenaeme (OVAM - BE); Valérie Guérin (BRGM -FR); Gernot Döberl (EAA -A). Others contributors: Karel Bicoovsky - CZ; Pablo Leon Higuera Higuera - ES

Observers: Bavo Peters (EU); Christiane Wermeille (CH); Regina Vilao (P); Joan Bartoll Navas (ES, Catalonia)

In April 2018 an initial draft proposal of the Contaminated Land Management (CLM) Guidance document with regard to the "Minamata Convention" was sent out for review. The Guidance is a non-binding document but there are duties within the Minamata Convention on reporting how mercury contamination is managed in the countries. The Guidance serves as a baseline for reporting. CF provided comments to this first draft in May 2018.

The 2nd meeting of the Conference of the Parties COP-2 took place in November 2018 where the revised version of the draft guidance was submitted.

Experts were invited to comment a new version (post-COP) and to contribute to case studies by mid-February 2019.

The CF key messages on this draft can be summarized as follows:

- The new draft version has not really improved: there is still a need to improve the structure, some concepts are too vague to be of use, need of clarification of key terms and concepts (ex site contamination).
- Content: level of details is heterogeneous in the document, introduce the "source-pathway-receptor"-paradigm, methodologies for inventory step need to be clearer, figures and illustrations must be added, references: links to useful documents have been provided.
- A drafted proposition for decision trees was proposed by CF.

At the moment the draft is under review and circulated for comments and intersessional work is undergoing for the COP—3 (November 25-29, 2019).

Session 4G – CF Diffuse Soil Pollution initiative – Esther GOIDTS, Christiane WERMEILLE

NOTE: Information on the diffuse soil pollution and case studies questionnaires as well as new ideas for discussion and perspectives have been presented and discussed at the meeting. The report on results is just under preparation and review therefore it was decided not to publish the presentation via COMMON FORUM yet.

Session 4H – Diffuse soil pollution - Policy development study in Flanders – Griet VAN GESTEL

Until recently, the Flemish soil policy has been focussed on soil contamination related to well localized and known risk activities. The Flemish Soil Decree was less suited to deal with diffuse soil contamination which often cannot be directly linked to a known source. However, diffuse soil pollution poses a risk in the short and long term for human health, further spreading and for soil ecosystems. Also legal uncertainties are faced e.g. when diffuse soil contamination interferes with contamination from known sources. Therefore a policy on diffuse soil pollution is needed.

A Flemish inventory study is undertaken from November 2018 till December 2019 to find out if an incorporation of data on diffuse soil contamination in the OVAM database is possible and appropriate. The further aims are to inventory all available data on diffuse soil contamination in Flanders, to estimate the impact and extent of the problem (global risk evaluation for Flanders) and to make a proposal for a policy approach for diffuse soil contamination including a prioritization.

In course of this study a questionnaire combined with interviews on policies in Europe might be elaborated and circulated. Results of previous CF questionnaires will be taken into account.

Session 5 – Actual and Future Network Activities

Session 5A – COMMON FORUM Secretariat Information – Dietmar MÜLLER-GRABHERR

Regarding the European data protection regulation (GDPR into force since May 25, 2018) compliance is asked for. All meeting material from the 5th secretariat period onwards has been checked regarding copy right issues and is online available. Meeting material and further selected information from the former periods were moved into the member area which requires a password.

Since 2017 the COMMON FORUM as well as since 2018 the ICCL homepages are hosted by Environment Agency Austria (EAA). The challenges faced are the out-dated IT-standards which brings up the questions if a relaunch might be needed and how to raise necessary financial resources (e.g. 6th secretariat period).

The call for applications for the 6th COMMON FORUM secretariat period (01/09/2019 – 31/08/2023) is open. The deadline for applications is October 13, 2019. The target is to prepare a decision to agree on at the CF springtime meeting 2020.

Upcoming events:

- NICOLE Workshop “Smart Land Management Solutions (case studies)” – 12/14 June 2019, Lyon, France
- Wageningen Soil Conference 2019 - Understanding soil functions – 27/30 August, 2019, Wageningen, Netherlands
- REMTECH Europe 2019 – 18/20 September, 2019, Ferrara, Italy

Next CF meetings:

2019

- Autumn 2019 – 22 October 2019, back to back with the [14th ICCL Meeting](#), 23/25 October, 2019 – Lima, Perú hosted by the Peruvian Ministry of Environment in its capacity as Presidency to ReLASC
- Spring 2020 – candidates: Brussels Environment Administration; (contact intended also for EU-Presidency: Croatia)

Tasks List

Action	Responsible	Deadline
Synthetic report “managing diffuse soil contamination” including case studies	Esther, Christiane, Dietmar	CF autumn meeting 2019
Evaluation if a CF intern workspace / share point is possible – test version diffuse soil contamination	CF secretariat	Summer 2019