



Intersoil 2024



Flanders
State of
the Art

Revision of soil legislation in Flanders

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WE MAKE
TOMORROW
BEAUTIFUL

OVAM

Soil (care) through remediation ... with results

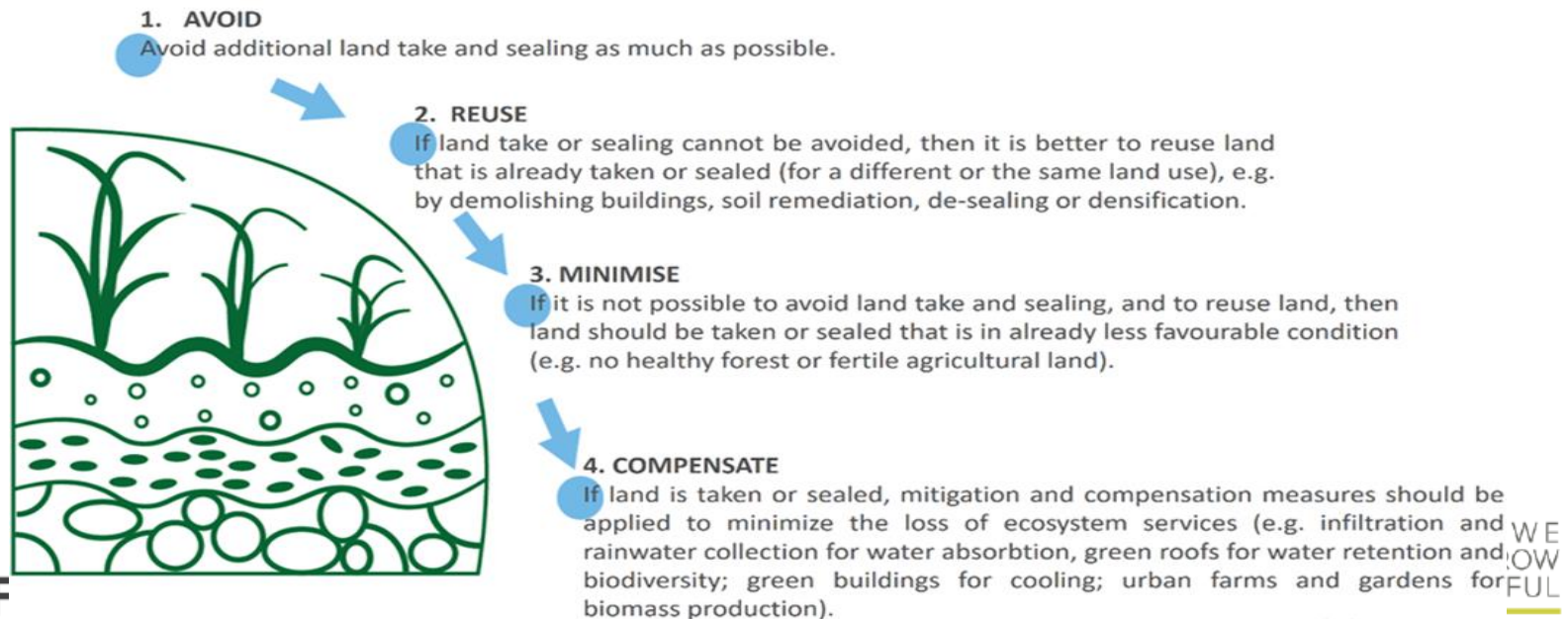
- Report to the Flemish Parliament on the implementation of the Soil Decree 2023
 - 300,000 plots in the Soil Information Register
 - > 4,500,000 soil certificates issued
 - > 54,000 exploratory soil investigations
 - > 14,000 descriptive soil investigations
 - > 6,000 soil remediation projects
 - > 5,500 soil remediation works started and 4,600 remediations completed

...but we must raise our ambitions

- => **New challenges**
 - Emerging substances
 - Diffuse pollution
 - Residual pollution
 - Circular approach
 - Ecosystem services
 - Stewardship
 - Soil awareness
 - Knowledge and information
 - Biodiversity
 - ...

Revision of soil legislation

- Time window for reconsideration based on recent developments in various areas:
 - Approval of EU Soil Strategy, upcoming Soil Monitoring Law
 - Recommendations of Parliamentary Inquiry Committee - emerging contaminants
 - Climate targets and SDGs, ...



Revision Soil Decree - planning

- Q1 2023: start-up of external expert panel
- Q2 2023: first results of soil care theme – presentation at stakeholder meeting on 4/07/2023
- Q3 and 4 2023: substantive evaluation (basic principles Soil Decree, simplification of procedures, excavated soil materials, soil remediation experts, etc.)
- Q1 and Q2 2024: completion of evaluation of Soil Decree
- 1 July 2024: presentation to stakeholders
- Q3 2024: input new Flemish government
- Q4 2024 and Q1 2025: draft for amendments decree
- 2025: proposals for Soil Decree 3.0

Expert panel and support group

- Composition expert panel
 - remediation contractors, soil remediation experts, universities, lawyers, soil experts, representation of fellow governments, international
- Composition support group
 - supporting group: stakeholders - representation of business community - environmental associations – notary - real estate world - construction contractors - other parties involved in the process of soil remediation and excavation and use of soil materials

21 recommendations in 300p report

- 1. Qualify soil care as an urgent task for Flanders, where there is particularly high environmental pressure. Soil care ensures preventive protection of soil health, sustainable use and management of the soil and the restoration of soil health where necessary
- 2. **Define soil** in a functionally holistic manner
- 3. **Define soil health** as the “physical, chemical and biological condition of the soil that determines its ability to function as a vital living system and to provide ecosystem services.”
- 4. Facilitate **integrated soil management** and circular land use using an area-based approach so that, among other things, diffuse contamination and excavated soil can be managed and tackled

21 recommendations in 300p report

- 5. **Coordinate and align** as much as possible, based on a pursuit of a holistic approach, with supra-regional, national, European and international policy. Build on the pioneering role that the Flemish Region has been fulfilling for decades
- 6. Establish a **multidisciplinary Soil Council for Integrated Soil Policy** that must develop and support an integrated **Soil Care Plan** for Flanders. Expand this Soil Council broadly across society
- 7. **Increase** the importance and weight of and **attention to soil in the assessment** of, among other things, environmental permit applications, advice, environmental impact assessment, spatial planning, ...

21 recommendations in 300p report

- 8. Involve the soil management organisations in a planned and **area-oriented manner** in the integrated policy on soil health
- 9. Maintain and support the earthmoving regulation as an executive instrument, including by proactively and carefully investigating the **effects** of any significant **soil contamination** in the (permit-law) **preliminary phase**
- 10. Investigate and regulate the handling of pollution by **diffuse soil contamination**
- 11. Make a (central) (intersection) **database** available to the maximum extent possible

21 recommendations in 300p report

- 12. Determine suitable **spatial indicators** in the Soil Decree
- 13. Make a **Soil Dashboard** available as an instrument for spatial indicators
- 14. **Renew the risk analysis**, broader than just chemical, while maintaining the background exposure so that maximum transparency and consistency of (the accumulation of) safety factors is ensured
- 15. With regard to the risk analysis, **re-evaluate generically the use types** as a basis for the soil remediation standards, both in terms of impact and in terms of scenarios on an area scale and actual and potential use

21 recommendations in 300p report

- 16. When developing standards, include the following elements: the **added risk concept**, the use of prevailing standards on intermediate links in the exposure routes, the **systematic approach to the risks of “emerging contaminants”** and of mixtures of contaminants
- 17. Emphasize the need for greater attention to **soil as a receptor in product policy**
- 18. Complete **the lists of substances of concern**. Increase the consistency of the available specific lists in the implementation of various decrees

21 recommendations in 300p report

- 19. Investigate and, if necessary, regulate in the Soil Decree:
 - i. the introduction and/or extension of a **“zero measurement/zero situation”**;
 - ii. **the continuous obligation** (including in the case of residual contamination);
 - iii. **the inclusion of the polluters** in the cascade of those liable (as reinforcement of the “polluter pays” principle);
 - iv. and the **legal** effect, scope and concept of a **final declaration**.

21 recommendations in 300p report

- 20. With regard to **liability**, maintain the distinction between new and historical soil contamination
- 21. Set up a **platform/forum** between OVAM, soil remediation experts and contractors with the task of monitoring and improving the **quality** of work and service provision

Revision Soil Decree - planning

- Next steps
- Q3 2024: input new Flemish government >> OK included in the new Flemish government agreement
- Q4 2024 and Q1 2025: draft for amendments decree
- Working groups initiated by OVAM
- 2025: proposals for Soil Decree 3.0
- Considering the entire process for approving changes - development of new decree - entry into force in autumn 2027 at the earliest

Thank you for your attention!

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*“Judge a man by his questions
rather than by his answers”*
Voltaire

