

Annex 2 – Question/answers from the chat during SOILveR webinar on Soil Certificates and Soil Passports

November 2022

Show case on ‘How Certificates and Passports work in Wallonia’

Questions

- Can buyers get the soil studies with the soil certificates? Or do they only get the certificate?
- In France, healthy soil is "dedicated" to soil without pesticides. Did you translate or will you translate the EU definition into concentration in soils?

Response

At first they get the soil extract from the Soil Status Database (BDES) as required by the Soil Decree when transferring land, if they want to get more detailed information all administrative references are listed in the soil extract; in the case of soil investigation already done on the parcel, then a soil control certificate provided after investigations is downloadable from the BDES, and also contains references and main conclusions from the soil studies; they can then ask to access the soil studies as such according to the Aarhus Convention.

Pesticides are studied by soil expert if they identify on the parcel the presence of some risk activity potentially polluting soil and groundwater with pesticides; pesticides are part of the "non-standardized" pollutants having a specific procedure to allow for risk assessment. This is used only in the context of local pollution (not diffuse pollution)

Additional comments

In the Brussels-Capital Region, each time there is a sale of land, the notary must request a soil certificate and if the land is potentially polluted, the seller must have a soil study carried out before signing the deed of sale. And if the soil is polluted, he has to remediate it up before selling or selling directly but on condition that he deposits a financial guarantee.

Tour de Table based on the “Map of Soil Certificates and Passports in Europe”

Presentations for Flanders and Denmark

Questions

- Do the participants have experience in certifying destroyed (or disturbed) soils? What can be the approaches in this case, if the soil has suffered significant impacts as a result of military operations, as is currently happening in Ukraine?
- What are the use restrictions when the total volume is below 250 m³?
- Do you have in parallel a waste management regulation for contaminated soils? E.g., in Germany we need to trace this transport already by Waste regulations to 100%. Important to consider this in a European Soil regulation - not du create double/additional efforts in MS's.

- Does the Danish register also contain information on sites that have been remediated and sites that have been investigated and appeared to be non-contaminated?
- Is the status “removal” in the Danish register only used for the register, or is the information also kept on the publicly available map?

Response

If the volume of excavated soil is below 250 m³, then it's free use, unless there is some suspicion of contamination (in that latter case, soil quality investigation has to be done).

In Flanders, there is a distinction between excavated soil legislation and waste legislation (separate legislations).

The Danish register contains information on sites that have been physically investigated or remediated and are removed from the (potentially) contaminated site category but stay visible in the map under a distinct category. Of course, sometimes after you remediate you still have some contaminants remaining, then the site stays on the map as a red colour.

Additional comments

In Wallonia, excavated soils are handled through a double legal basis: Soil and waste decree; we use Tools of the soil decree (soil thresholds, certified bodies, soil database, ...) and existing waste legislation (as excavated soils are waste according to Waste directive, except if they stay within the site of origin

Presentations for United Kingdom, France, and Austria

Questions

- @Nicholas, do you use something like an "electronical signature" as an accountable signature for the data input into your system?
- @Nicholas, what are the benefits of different tracking systems (instead of one central system, so to speak)?
- @Samuel, all soils above 500 m³, even if clean soils? Or only for contaminated soils?
- @Martha: is it explicitly stated in your law that your soil registers are to be consulted during transfer of land or is it just an interpretation of the civil law?

Response

UK: Yes, so the qualified persons are all trained and registered by us. They are usually consultants in the industry, with a unique identifier.

UK: It is a question of resources and expertise. CLAIRE is about encouraging the remediation industry to best practice. If they can bring the knowledge and ensure the requirements are built in, we are comfortable with that.

FR: It does not concern transporters of soil. The system concerns all types of soils (contaminated and “clean”) and is also available for hazardous waste. Its access is restricted to declarants and authorities and the RNDTS by the end of 2022 will be connected to a free electronic platform (TERRASS) to support reuse of excavated soil by linking producers to users.

AT: It is common practice to look at registers with the transfer of land in Austria even if not compulsory.