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Policy Department Economic and Scientific Policy

**Overview of National Legislation
related to
Soil Protection in the EU Member States**

Briefing Note

This briefing note was written in preparation for discussions in the Committee on Environment, Public Health and Food Safety (ENVI) on the Thematic Strategy on Soil Protection and related directive.

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This is based on a full list of the national legislations related to soil protection in the 27 EU Member States (updated to the 1st January 2007).

The following pages report a complete list of legislations in all EU Members States (alphabetical order):

1. Austria

Soil protection and soil decontamination are the object of many different laws which have been adopted without coherent coordination. The Federal Constitutional Law on Comprehensive Environmental Protection binds legislators to enact efficient laws for soil protection (for 'keeping the soil clean'); though there are no measures for imposing sanctions. There is no comprehensive federal law on soil protection in Austria and the one in force is very fragmented. Soil conservation is the responsibility of provincial authorities, although it is mainly focused on restoring and maintaining agricultural land. Specific soil-protection laws (e.g. Soil Protection Acts, ordinances on Sewage Sludge Application on agricultural land) exist in some *Länder*.

The Act for the Clean-up of Contaminated Sites (Act N°299/1989) was primarily meant to be a means of funding clean-up measures and provides for the Federal Ministry to coordinate the investigation, assessment and remedial response to contaminated sites at a national level. More than 99% of Austria's drinking water is supplied by groundwater, leading to a very strong emphasis on prevention of groundwater pollution by the Water Act (Act N°215/1959, and its subsequent amendments). Contaminated sites with potential risks are identified through the use of drinking water standards.

Area covered by the legislation	Reference Number (and URL link)
General websites	Federal Ministry of Environment Austrian Federal Environment Agency (Umweltbundesamt)
On federal level	
Protocol implementing the Alpine Convention as regards soil conservation	Protocol of 16/10/1998 (only in French)
Federal Constitutional Law on Comprehensive Environmental Protection	BGBI 1984/491
Environment Promotion Act	BGBI 1993/17 pp. 2171-2182, last amended BGBI I 2002/47
<i>Prevention of soil pollution related to agriculture</i>	
Pesticides Act	BGBI I 1997/60
Chemical Act	BGBI I 1997/53
Fertilizer Act	BGBI I 1994/513 idF BGBI I 1998/117
Water law: prescriptions on use of manure	BGBI 215/1959
<i>Prevention of soil pollution related to forestry</i>	
Forestry Act	BGBI 1975/440 idF BGBI 1996/419
<i>Prevention of soil pollution related to industry and waste management</i>	
Trade regulations	BGBI 1994/19 idF BGBI 1998/116
Waste Management Act	BGBI 1990/325 idF BGBI I 1998/151
<i>Identification, registration and cleaning up of polluted land</i>	

Area covered by the legislation	Reference Number (and URL link)
Act for the clean-up of contaminated sites	BGBl 1989/299 idF BGBl I 2004/136
Inventory of contaminated sites	BGBl II 2006/73
Acts of the Länder	
<i>Soil Protection</i>	
<ul style="list-style-type: none"> - Burgenländisches Bodenschutzgesetz - Niederösterreichs Bodenschutzgesetz - Oberösterreichs Bodenschutzgesetz - Salzburger Bodenschutzgesetz - Steiermärkisches landwirtschaftliches Bodenschutzgesetz - Steiermärkische Bodenschutzprogrammverordnung 	<ul style="list-style-type: none"> - LGBL. 87/1990 idF LGBL. 32/2001 - LGBL. Nr. 6160 –2, 3. Novelle 207/01 - LGBL. 115/1991 idF LGBL. Nr. 84/2002 - LGBL. 80/2001 - LGBL. Nr. 58/2000 - LGBL. Nr. 11/1988
<i>Sludge, manure and waste</i>	
- Burgenländische Klärschlamm- und Müllkompostverordnung	- LGBL. Nr. 82/1991
- Kärntner Klärschlamm- und Kompostverordnung	- LGBL. Nr. 74/2000
- Niederösterreichische Klärschlammverordnung	- 3. Novelle 51/01LGBL. Nr. 6160/2-3.
- Niederösterreichische Müllkompostverordnung	- 1. Novelle 79/94 LGBL. Nr. 6160/1-1.
- Oberösterreichische Klärschlamm-, Müll- und Klärschlammkompostverordnung	- LGBL. Nr. 21/1993.
- Salzburger Klärschlamm-Bodenschutzverordnung	- LGBL. Nr. 85/2002
- Steiermärkische Klärschlammverordnung	- LGBL. Nr. 89/1987 idF LGBL. Nr. 51/2001
- Steiermärkische Gülleverordnung	
- Vorarlberger Klärschlammverordnung	- LGBL.Nr. 31/1987 idF LGBL. Nr. 27/2002
- Vorarlberger Klärschlammgesetz	<ul style="list-style-type: none"> - LGBL. 41/1985 idF LGBL. Nr. 58/2001 - LGBL. 41/1985 i.d.F. 27/2002
- Landwirtschaftliche Verwertung von Klärschlämmen – Empfehlung für die Betreiber von Abwasserreinigungsanlagen (1984)	- ÖWWV-Regelblatt 17
- Deponieverordnung (1997): Grenzwerte für Bodenaushubdeponien	
- Kompostverordnung	

2. Belgium

Most of the environmental competences are exercised by the Regions: specific and comprehensive clean-up legislation and policy are elaborated in the Flemish Region. Initially, in Flanders, the Waste Decree of 1981 dealt with waste management, including some general measures with regard to decontamination of polluted sites. However OVAM (Public Waste Agency of Flanders) had very limited powers to pursue an effective soil decontamination policy or to impose/carry out concrete soil clean-up measures. The Flemish Decree on Soil Decontamination of 1995 offers a framework for a coordinated approach to soil decontamination. Under this Decree, soil includes both the 'solid phase' and 'groundwater'. The procedure to follow is a preliminary soil investigation, followed when appropriate by a full (quantitative) soil investigation, a soil remediation plan and the remedial works themselves. The protection of the soil in the Brussels Capital Region is approached indirectly through various provisions of the environmental legislation covering i.e. classified installations, waste. The Walloon Region has adopted in 2004 a decree on polluted soil and its remediation and a plan for waste management and prevention.

Area covered by the legislation	Reference Number (and URL link)
General websites	Federal Portal Flanders region: soil legislation Walloon region: general legislation - environment Brussels Capital region: environment - soil
On federal level	
Soil remediation of service stations: cooperation between the Federal State, the Flemish, the Walloon and the Brussels Capital Region on execution and financing	MB 29/09/2003
Trade on fertilisers, soil improving substances and cultivation substrates	Royal order of 07/01/1998 (only French and Dutch)
On regional level	
<i>Soil decontamination/remediation/cleanup and soil protection</i>	
Flanders	Decree of 11/10/2006 (follow-up of Decree of 22/02/1995) - Regulation VLAREBO of 5/03/1996
Brussels Capital Region	Ordinance N° 97-1252 of 05/06/1997 on 'Environmental Permits' Ordinance 13/05/2004 on Management of Polluted Soils Decree of 21/01/1999 containing the operating conditions for service stations (Belgian O.J.1999.03.24)
Walloon Region	Decree of 01/04/2004
<i>Prevention and management of waste</i>	
Flanders	Waste Decree of 02/07/1981 - Regulation VLAREA of 05/12/2003
Brussels Capital Region	Waste Decree of 27/06/1996 Order on the exploitation of waste burning centres of 27/02/2003 Order of 15/07/1993 on the use of sewage sludge in agriculture
Walloon Region	Plan of 16/06/2004 for Waste Prevention and Waste Management 2003-2007 Decree of 12/01/2005 on the use of sewage sludge on or in the soil coming from septic tank sludge processing centres

3. Bulgaria

The Environmental Protection Act of 1991 is based on the "polluter pays" principle and on pollution prevention. Since the adoption of this Act, a lot of progress has been made. However, further efforts are required to establish a sufficient framework to control pollution.

Area covered by the legislation	Reference Number (and URL link)
General websites	Ministry of Environment and Water National Environmental Legislation
Main elements of EU environmental legislation embodied or becoming adopted in the national legal system	Summary
Environmental Protection Act	N° 91 of 25/09/2002
<i>Pollution and contamination of the soil</i>	
National Agri-Environment Programme (NAEP) for Bulgaria (2007 – 2013)	Soil and Water Protection Scheme (p36)
Code of good agricultural practice	Decree RD 09-431 of 22/08/2005
Protection of Agricultural Land	Act - Executive measures (only in Bulgarian)
Protection of waters from contamination with nitrates with agricultural origin	Ordinance N° 2 of 16/10/2000
Re-cultivation of land, soil enrichment, humus overlay treatment	
Harmful substances into the soil	Regulation (only in Bulgarian)
<i>Waste</i>	Regulation of 02/10/1996 (only in Bulgarian)
Waste Management Act	N° 86 of 30/09/2003
Reduction of municipal biodegradable waste going to landfill	Draft Strategy of 03/2006
UN Convention to Combat Desertification	Report of 2002 (English) - 2006 (Russian)

4. Cyprus

Area covered by the legislation	Reference Number (and URL link)
General websites	Ministry of Agriculture, Natural Resources and Environment
Soil Conservation Law	Law of 28/04/1952
<i>Pollution of the soil</i>	
The Water and Soil Pollution Control	Law No.106(I)/2002
Water Pollution Control	No.13 (I)/2004
Nitrates from Agriculture Sources	Regulations RAA 534/2002
Code of Good Agricultural Practice	Ordinance RAA 407/2002
Use of sludge in agriculture	Act RAA 517/2002
The Action Program	RAA 41/2004
<i>Waste</i>	
Waste from particularly pollutant activities	Regulation No.56(I)/2003
Solid and Hazardous Waste	Law No.215(I)/2002
Packaging and Packaging Waste	Law No.32(I)/2002
Ratification of the UN Convention on Desertification	Law No. 23(III)/1999 - Report of 2002

5. Czech Republic

Since 1990 there have been many amendments to environmental regulations in Czech Republic, adapting the legislation to the new political and social change, resulting primarily from the privatization process and the Czech Republic's move to affiliate with Western countries. Before 1990, legislation addressing environmental issues was neither comprehensive nor unified under one ministry, leaving some areas incomplete and others (e.g. waste management) ignored. The existing legislation mainly focused on economic aspects and enforcement was rare and ineffective. After 1990, most new legislation has been adopted quickly, often resulting in inconsistencies and oversights. In the past few years, the goal of the Czech government has been to harmonise all legislation, including environmental legislation, with the *acquis communautaire*.

In the Czech agricultural sector, a number of changes of an ownership, organizational, or structural nature have occurred over the past 15 years with a direct impact on the soil uses. Organic farming has been developed in the Czech Republic since 1990. The number of organic farms has grown significantly since that year, leading *inter alia* to a significant decrease in the consumption of pesticides and mineral fertilizers and a reduction in atmospheric deposition, which partially mitigated the risk of soil contamination by hazardous elements.

Area covered by the legislation	Reference Number (and URL link)
General websites	Czech Ministry of Agriculture Czech Ministry of Environment Czech environmental legislation and more in czech
State Environmental Policy	January 2001
Environmental Protection	Act 17/1992 of 05/12/1991
Environmental Impact Assessment	Law of 2001
<i>Waste & Pollution</i>	
Integrated Pollution Prevention and Control	Act 76/2002 Coll. 01/03/2002
Waste Management	Waste Management Plan of 11/03/2004 Act on Waste of 2004
Water Act	Act 254 of 28/06/2001
<i>Agriculture & Forestry</i>	
Protection of Agricultural Land and Soil	Act No. 334/1992 (only in Czech)
Coll. specifying some details of protection of agricultural land and soil	Decree No. 13/1994
Use of treated sludge on agricultural land	Decree 382 of 17/10/2001
Forests Act	Act No 289/1995 of 03/11/1995
Mining Law	Law N°44/1988 Coll. (Law N°541/1991 Coll., N°10/1993 Coll. and N°168/1993 Coll.)

6. Denmark

Danish environmental legislation is based on the 'polluter pays' principle. The purpose of the Contaminated Soil Act n° 370 of [1999](#) is to assist in the prevention, elimination, or reduction of soil contamination and the hindrance or prevention of the detrimental impact of soil contamination on groundwater, human health, and the environment. It does not apply to soil affected by agricultural spreading of sludge, fertiliser, and pesticides. Regional authorities (the 14 counties and the municipalities of Copenhagen and Frederiksberg) are responsible for registration, investigation and remediation of contaminated sites covered by the Act on Contaminated Soil. As a supplement to the Act on Contaminated Sites, a special clean-up system for home owners was introduced with the Act on Economic Blight to Family Housing on Contaminated Land (The Loss of Value Act) of 1993.

In September 1998 a new Guideline on Remediation of Contaminated Sites was issued, providing a detailed description of the management of contaminated sites. To assist in assessing risks for very sensitive land uses such as housing with gardens and children's playgrounds, topsoil quality criteria for approximately 50 substances have been elaborated based on human toxicity.

Area covered by the legislation	Reference Number (and URL link)
General websites	Danish Environmental Protection Agency Ministry of the Environment EUGRIS portal for soil and water management in Europe: Denmark: policy and regulatory overview
<i>Soil and Groundwater Protection</i>	
Contaminated Soil Act	Act N° 370 of 02/06/1999 , amended by Act 507 of 07/06/2006 (in Danish)
Economic Blight to Family Housing on Contaminated Land (The Loss of Value Act)	Act of 1993
Environmental Protection Act	Consolidated Act N° 753 of 25/08/2001 (Danish version) , last amended by Act no. 385 of 25/05/2005
Waste Deposit Act - on historical deposits	Act N° 420 of 13/06/1990
Planning Act	Consolidated Act N° 763 of 11/09/2002
Environmental Liability Act	Act N° 225 of 06/04/1994 (Danish version)

7. Estonia

The main environmental objectives and the basic environmental principles are incorporated in the Sustainable Development Act and in Protection of Nature Act. The 'polluter pays' principle is a basis for the system of economic control of pollution and is implemented in the form of a pollution charge system (Pollution Charge Act). The Pollution Prevention and Control Act and several regulations deal with soil contamination and discharge of hazardous substances into the soil. A system of permits and licenses for handling hazardous waste is regulated by the Waste Act.

Area covered by the legislation	Reference Number (and URL link)
General websites	Estonian Legal Language Centre Ministry of Agriculture - Environment Environmental Legislation
Earth's Crust Act	RT I 2004, 84, 572 of 23/11/2004 (in Estonian)
Mining Act	RT I 2003, 20, 118 of 29/01/2003 (in Estonian)
Land Improvement Act	RT I 2003, 15, 84 of 22/01/2003 (in Estonian)
Nature Conservation Act	RT I 2004, 38, 258 of 21/04/2004 (in Estonian)
Environmental Strategy 2010	Adopted by Parliament on 26.10.2005 (only in Estonian)
Environmental Monitoring Act	RT I 1999, 10, 154 of 20/01/1999
Sustainable development Act	Act of 1995
<i>Pollution and contamination of the soil</i>	
Pollution Prevention and Control Act	RT I 2001, 85, 512 of 17/10/2001
Pollution Charge Act	Forced 21/05/1999
Fertilisers Act	N° 1563 of 03/12/1993
Restrictions on the use of fertilisers as a requirement of environment protection	Regulation N° 23 of 04/07/1994
Discharge of waste water into water bodies and the ground	Regulation N° 464 of 15/12/1994 implemented by Regulation N° 201 of 25/04/1995
Discharge of pollutants into water bodies and into the soil	Rates for pollution charges as of 28 February 1994
Maximum Limits for Dangerous Substances in Soil and Groundwater	Regulation N°12 RTL 2004, 40, 662 of 02/04/2004 (in Estonian)
<i>Waste</i>	
Waste Act	Act RT I 1998, 57, 861 of 10/06/1998

8. Finland

The Environmental Protection Act includes the provisions as contained in the Waste Act and Water Act in a more integrated way. There is no separate legislation in Finland covering soil protection or remediation of contaminated sites. The Waste Act n° 1072 of 1993, being a non-retrospective act, includes prohibitions on contamination of the soil and decontamination responsibilities applicable to contamination occurring after entry into force (01/01/1994).

Area covered by the legislation	Reference Number (and URL link)
General websites	Legislation in general - on soil protection
Environmental Protection Act	Act N° 86/2000 of 04/02/2000 (in Finnish) Decree N° 169/2000 of 18/02/2000 (in Finnish)
<i>Pollution and contamination of soil & water</i>	
Waste Management and Soil Pollution	
Waste Act	Waste Act N° 1072/1993 (in Finnish) and Waste Decree 1390/1993 (in Finnish) (both with amendments up to 2001 included)
Pollution damages arising from activities carried out between 1979-1993	(Old) Waste Disposal Act N° 673/1994
Garbage dumping	Government Decision 861 of 01/10/1997 (only in Finnish)
Construction Waste	Government Decision N° 295 of 03/04/1997 (in Finnish)
Soil and Groundwater Pollution	Water Act N° 264/1961 (English version can be requested here)
Protection of ground water from substances damaging environment and health	Government Decision 364 of 01/06/1994 (in Finnish)
Use of sewage sludge in agriculture	Government Decision N°282 of 14/04/1994 (in Finnish)
Clean-up provisions	
Chemicals Law	Act N° 744/1989 (in Finnish, English version can be requested here)
Act to Combat Oil Pollution on Land	Act N° 378/1974 (in Finnish, English version can be requested here)
Oil Spill Fund Act	Act N° 379/1994 (Finnish version)
<i>Environmental Damage</i>	
Act on Compensation for Environmental Damage	Environmental Liability Act N° 737/1994 (in Finnish)
Environmental Damage Insurance Act	Act N° 81/1998 (in Finnish)
<i>Other areas covered</i>	
Land use and building	Act N° 132 of 05/02/1999 (in Finnish) Decree N° 895 of 10/09/1999 (in Finnish)
Mining Act	Act N° 503/1965 (only in Finnish)
Land extraction Act	Act N° 555/1981 (only in Finnish) Government Regulation N° 926/2005 (only in Finnish)
Nature conservation	Act N° 1096/1997 (in Finnish) Decree N° 160/1997 (in Finnish)
Forest Act	Act N° 1093/1996 (in Finnish) Decree N° 1200/1996 (in Finnish)

9. France

There is no specific legislation on (contaminated) soil. The French approach to soil pollution and decontamination is broadly organized around the notion of waste (Act on Waste Disposal and Salvage of 1975). A site is considered as a 'polluted site' only if pollution has been proved, while in other countries it may be only a 'potentially polluted site', because of certain activities. The management and rehabilitation of contaminated soils is based on the law of 1976 on classified installations and the polluter-pays-principle. In the context of this law, lots of circulars have been issued concerning industrial pollution. "Natural" pollution (due to geochemical processes) and pollution related to agricultural and urban activities are thus not concerned. Two key documents are the circulars from the Minister of the Environment of 3 December 1993 and 10 December 1999, defining major features of a national policy for contaminated sites. The remediation of orphan sites is funded by a tax on hazardous industrial wastes which was introduced in February 1995.

Area covered by the legislation	Reference Number (and URL link)
General websites	French legislation French approach to contaminated land management National Institute on industrial environment and risks - Legislation on polluted sites and soils (mainly <i>circulaires</i> and <i>couriers</i>) Portal on contaminated sites and soils - legislation EUGRIS portal for soil and water management in Europe: France: policy and regulatory overview
Environment Act to organise all environmental legislation (until 21/09/2000) into one single Environmental Code with 7 books	Ordinance N°914 of 18/09/2000 - Environment Code
<i>Polluted sites and soils</i>	National policy: principles (in French)
Classified Installations relevant to the Protection of the Environment	Act N°663 of 19/07/1976 , updated by Act N° 646 of 13/07/1992 on the elimination of waste and classified installations; Decree of 17/10/94 (in French) - annulled and replaced by the Environment Act of 21/09/2000 Decree of 22/08/02 on the creation and the composition of a working group (in French)
General policy concerning contaminated sites	Circular from the Minister of the Environment of 03/12/1993
Blueprint for defining remediation objectives	Circular from the Minister of the Environment of 10/12/1999
Prevention of technological and natural risks and damage recovery	Law N° 699 of 30/07/2003
Code on Environment	Legislative Part: Book I, Art. L131-3 ; Book II, Art. L215-15 ; Book V, Art. Art. L511-1 to L581-45 Regulatory Part: Book I, Art. R131-2
Code on Mining	Code (in French), Book I, Title IV, Chapter III, Section 1 & 2
Chemical products	Law N°771 of 12/07/1977 Decree N°35 of 15/01/1979
Protocol implementing the Alpine Convention as regards soil conservation	Protocol of 16/10/1998 (only in French)
<i>Waste</i>	
Waste Disposal and Salvage	Act N° 75-633 of 15/07/1975, updated by Act N° 646 of 13/07/1992 on the elimination of waste and classified installations
Use of sewage sludge in agriculture	Decree N°1133 of 08/12/1977

Area covered by the legislation	Reference Number (and URL link)
Use of industrial sludge	Order of 17/08/1998
Erosion prevention and modification of the rural code	Decree N°117 of 07/02/2005



10. Germany

Until recently, regulations on the rise of water, the removal of waste material and the control of emissions formed a rough legal framework for soil protection. Therefore, by lack of uniform federal regulations, several *Länder* had created special soil protection provisions.

The Federal Soil Protection Act n° 502 of 1998 and the corresponding ordinance, cover both preventive soil protection and post-contamination soil protection and, hence, also the treatment of contaminated sites. The water-soil legislation interface is particularly important for the cleanup of contaminated sites. Whilst German soil protection legislation regulates the question whether cleanup must be performed in such cases, water legislation is responsible for mandating how this must be done and what qualitative requirements must be met. The Federal Soil Protection Act assigns relevant regulatory powers to the *Länder*. Thus, the *Länder* may regulate areas not regulated by federal law. As there are 15 *Länder*, please find as an example the regulations for Baden-Württemberg; in the other *Länder* they are quite similar.

Area covered by the legislation	Reference Number (and URL link)
General websites	German federal ministry for the environment: soil conservation and contaminated sites German Federal Environment Agency: soil protection Working group on soil protection of the German federal government and the Lander (LABO)
On federal level	
Soil Protection Act (BBodSchG) Act pertaining to the protection of the soil	Act of 24/03/1998 , BGBl. 1998, 502 - amending the existing Federal soil protection regulations, the Recycling and Waste Act, the Federal Emissions Control Act and the Building Act
Soil protection and contaminated sites (BBodSchV)	Ordinance of 12/07/1999 , BGBl. I, 1999, 1554
Protocol implementing the Alpine Convention as regards soil conservation	Protocol of 16/10/1998 (only in French)
<i>Agriculture</i>	
Sewage sludge	Ordinance of 15/04/1992 , BGBl. I p. 912
Fertiliser Ordinance	Ordinance of 26/11/2003, BGBl. I p. 2373
<i>Waste Management</i>	
Waste Management Law	Law of 25 April 2002, BGBl. I p. 1488
Waste recovery and disposal	Ordinance of 01/05/2002
Waste Management Concepts and Waste Balance Sheets	Ordinance of 13/09/1996
Utilisation of Biowastes on Land used for Agricultural, Silvicultural and Horticultural Purposes	Ordinance on biowastes of 21/09/1998 , BGBl. I p. 2955
Landfills and Long-Term Storage Facilities	Ordinance of 24/07/2002
Other	Several acts and ordinances
Federal Water Act	Promulgation of 19/08/2002
Each Land has further specific regulations e.g. Bade-Württemberg	
Soil protection	Act of 24/06/1991, GBl 1991, 278
Legal soil protection responsibilities (BBodSchGZuVO)	Ordinance of 12/04/1999, GBl. 1999, 158
Implementation of the federal Act on Soil Protection	Decree of 07/04/1999, Az. 56-8810.30 –2/1 Regulation of 04/12/1991, GABl. 1991, S. 86

Area covered by the legislation	Reference Number (and URL link)
Creation of a soil protection Commission	
Other regulations/Decrees	
<i>Orientierungswerte</i>	16/09/1993 idF of 01/03/1998, GABl. 1998, S. 295
on soil sampling	24/08/1993, GABl. 1993, S. 1017
on anorganic dangerous substances in the soil	24/08/1998, GABl. 1993, S. 1029
on organic dangerous substances in the soil	10/12/1995, GABl. 1996, S. 87





11. Greece

There is currently no Soil Protection related legislation in place, due to absence of this legislation on EU level. The basic aims of Law 1650/1986 on the Protection of the Environment include prevention of pollution and degradation of the environment and protection of soil from the disposal of municipal and industrial wastes and from excessive use of fertilisers and pesticides. Despite the lack of specific legislation, there are several components in Greek law referring (in)directly to control soil and groundwater contamination.

Area covered by the legislation	Reference Number (and URL link)
General websites	Environmental legislation - general
Protection of the environment establishing a framework of sanctions and liabilities	Law N° 1650/1986 (in Greek), FEK 160 A/86 ; implemented by the Joint Ministerial Decisions JMD 69269/5387/90 (OJG 678B/1990) and JMD 73508/5512/90 (OJG 691B/1990) on project authorization procedures. Amended by Law N° 3010/2002 in order to fully harmonize national legislation with EU Directives 96/61/EC and 97/11/EC.
<i>Waste</i>	
National Waste Management Strategy (for both solid and hazardous wastes)	JMD 14312/1302/2000 (OJG 723B/2000)
Use of sludge in agriculture	JMD 80568/4225/1991 (OJG 641B/1991)
Sanitary disposal of solid waste	JMD 29407/3508/2002 (OJG 1572B/2002), transposing the landfill directive.
Ratification of the UN Convention on Desertification	Ratified on 06/03/1997; Establishment of a National Committee to Combat Desertification (NCCD); preparation of a National Plan to combat drought and desertification - Report of 2000 - Report of 2002

12. Hungary

General rules of environmental protection are set in the Law n° 53 of 1995. Law n° 55 of 1994 on agricultural lands regulates the utilisation of agricultural lands, and their qualitative and quantitative protection. Following a soil assessment/evaluation report, permits can be obtained on soil utilisation methods. This permit declares the rules of the use of waste water, sludge and other non-dangerous wastes in agricultural activities, the basics of liquid manure spreading, water regulation activities, irrigation, and other soil protection and soil condition improvement works.

Area covered by the legislation	Reference Number (and URL link)
General websites	EUGRIS portal for soil and water management in Europe: Hungary: policy and regulatory overview Contaminated land Hungary web page Ministry of Environment and Water: Legislation on water and soil protection (in Hungarian) - National Environmental Remediation Programme
General Rules of Environmental Protection	Act 53/1995 , Chapter II, Land conservation, Section 14-17
National Environmental Remediation Programme	Government Decision No. 2205/1996 (VII.24.) (in Hungarian)
<i>Pollution</i>	
Waste management	Act XLIII of 2000
Plant protection and soil conservation stations	Ministry Decree FVM 21/2001 (III. 9.) , implementing Act No. XXXV of 2000 on plant protection (in Hungarian)
<i>Agriculture & forestry</i>	
Arable Land	Act 55/1994 , amended by Act XXXVI of 2004 - Chapter VI, Soil Conservation, Objective of Soil Conservation,  <small>Arable_Land.doc</small> Section 58-78 (click on WORD-icon )
Protection of waters against agricultural nitrate pollution	Governmental Decree 49/2001 (IV. 3.) (in Hungarian)
Application and treatment of waste water and sludge in agricultural activities	Government Decree No. 50/2001 (IV.3.) (in Hungarian)
Rules and conditions of aerial work in agriculture and forestry	Joint Decree 44/2005 (V.6.) FVM-GKM-KvVM
<i>Groundwater protection</i>	
Limit values necessary to protect the quality of groundwater and the geologic medium	Joint Decree N°10/2000. (VI.2.)
Quality of Groundwater	Government Decree 219/2004 (VII.21.) (in Hungarian)
Mining	Act XLVIII of 1993
UN Convention to Combat Desertification	Report of 2002 - 2006

13. Ireland

There is no specific legislation governing soil protection or contaminated sites. The Waste Management Act deals with land contamination (i.e. environmental pollution) arising as a result of waste disposal and waste recovery activities. Although the Acts on Water Pollution of 1977 and 1990 deal specifically with water, contaminated soils which have the potential to pollute surface and/or groundwater can be controlled under these Acts and associated Regulations.

Area covered by the legislation	Reference Number (and URL link)
General websites	Environmental Protection Agency - Soils Workshop National Environmental Legislation
Protection of the Environment Act	Act of 2003 on granting of licences which could potentially harm the environment of a protected area, specifying requirements concerning protection of the soil and groundwater if necessary
Waste Management	Regulations 1998 , amending Act of 1996
Use of Sewage Sludge in Agriculture	Waste Management Regulations, S.I. N° 267/2001 , amending S.I. N° 148/1998
National Hazardous Waste Management Plan	First Plan of 2001 - current review
Water Pollution Act	Local Government Act of 18/07/1990 , amending the Act of 15/03/1977

14. Italy

A lot of national laws and decrees are implemented through regional acts and decrees. In some cases Regions are even directly involved in the implementation of the EU laws. This very often results EU infringement procedures for failure to correctly transpose or implement the legislation.

The Framework Act on Waste Management (Decree n° 22 of 1997), and its implementation decree, introduced a new and comprehensive discipline on soil pollution and decontamination. Within the legal framework of the Soil Protection Act n° 183 of 1989, Regional Acts on soil protection have been established. The Environmental Code of 2006 modifies and reformulates all Italian environmental law and establishes a framework law which combines together and repeal several regulations in the field of water, waste, air, EIA, SEA, IPPC, soil and environmental liability.

Area covered by the legislation	Reference Number (and URL link)
General websites	Ministry of the Environment Agency for Environment Protection and Technical Services
<i>Soil Protection Act</i> - Rules for the organisational and functional rearrangement of soil protection	Law N°183 of 18/05/1989 (in Italian) e.g. Regional Act N°13 of 25/05/1999 (Marche) (in Italian) e.g. Regional Act N°91 of 11/12/1998 (Toscane) (in Italian)
<i>Environmental Code</i>	Decree N° 152 of 03/04/2006 and annexes (in Italian) - "Norms on environmental matters" - Part III on soil and water protection; Part IV , Title V: "Remediation of contaminated sites"
<i>Polluted soil</i>	
Rehabilitation of Polluted Soil	e.g. Presidential Decree N°350 of 11/10/2005 (Friuli-Venezia Giulia) (in Italian)
Integrated pollution prevention and control	Decree N°59 of 18/02/2005 (in Italian) e.g. Regional Act N°21 of 11/10/2004 (Emilia-Romagna) (in Italian)
Environmental damage - Environmental liability	Law N°349 of 08/07/1986 (in Italian), providing a framework for environmental protection
<i>Waste</i>	
Waste Management Act	Decree N°22 of 22/02/1997 (in Italian), dealing with soil protection and decontamination of the soil, but failing to address the question of the liability for historical pollution
Landfills	Decree N°36 of 13/01/2003 implementing Directive 1999/31/EC Ministerial Decree of 13/03/2003 on acceptability criteria for the landfill of waste Decree of 03/08/2005 laying down criteria for the acceptance of waste on landfills (in Italian)
<i>Agriculture</i>	
Code of good agricultural practice	Ministerial Decree of 19/04/1999 , implementing Council Directive 91/676/EEC (protection of waters against pollution caused by nitrates from agricultural sources) (in Italian)
Fertilizers Act	Act N°748 of 19/10/1984, amended until 2005 and repealed by the Legislative Decree 217 of 29/04/2006
Use of sewage sludge in agriculture	Decree N°99 of 27/01/1992 and annexes (in Italian)
Provisions for the prevention of hydrogeological risks (flooding risk and risk for soil profile stability)	Decree N°180 of 11/06/1998 (Legge Sarro) (in Italian)

Area covered by the legislation	Reference Number (and URL link)
Soil conservation and afforestation	e.g. Regional Act N°36 of 16/08/1994 (Sicilia) (in Italian) e.g. Regional Act N°20 of 19/10/1992 (Calabria) (in Italian)
UN Convention to Combat Desertification	National action plan to combat drought and desertification (2000) - Report of 2000 (summary) - 2002 - 2006
Protocol implementing the Alpine Convention as regards soil conservation	Protocol of 16/10/1998 (only in French)



15. Latvia

Area covered by the legislation	Reference Number (and URL link)
General websites	Ministry of Environment - Dept. of Environmental Protection: Soil quality National Environmental Policy Plan of 23/04/1995, implemented by the Environmental Action Plan.
Law on Environmental Protection	Law last amended 15/05/2003
Subsoil	Law of 02/05/1996 on subsoil Regulation N°239 of 08/07/1997 on the use of subsoil
Circulation of fertilisers	Law of 01/11/2001
<i>Law on Pollution</i>	Law of 01/07/2001
Integrated pollution prevention and control	Concepts - Regulation N°294 of 9 July 2002
Inventory and registration of contaminated and potentially contaminated areas	Regulation N°483 of 20/11/2001 (only in Latvian)
Quality Standards for Soil and Ground	Regulation N°804 of 25/10/2005 (only in Latvian)
Protection of Water and Soil from Pollution with Nitrates Caused by Agricultural Activity	Regulation N°531 of 18/12/2001
<i>Waste</i>	
Waste Management Law	Law, last amended 22/04/2004
Utilisation, monitoring and control of sewage sludge and the compost thereof	Regulation N°365 of 20/08/2002
Anti-dumping Law	Law, last amended 01/03/2001
Establishment, Management and Closure of Municipal Waste Landfills	Regulation N°15 of 03/01/2002
UN Convention on Desertification	National Report on the Implementation of the UNCD (2006)

16. Lithuania

Area covered by the legislation	Reference Number (and URL link)
General websites	Ministry of Environment
Environmental protection	Law LR N° I-2223 of 24/03/2005 (in Lithuanian) (English version of 28/05/1996)
Protected areas	Law LR N° I-301 of 12/04/2001 (in Lithuanian)
<i>Pollution & Waste</i>	
Waste management	Law LR N° VIII-787 of 28/06/2005 (English version of 16/06/1998)
Pollution tax	Law N° I-1188 of 02/04/1991
Use of sewage sludge for fertilisation and recultivation	Order N° D1-575 of 28/11/2005
Pollution restriction and treatment of soil and groundwater, contaminated with oil products	Order N° 611 of 27/11/2002 , amended by Order N° D1-187 of 05/04/2005
Underground	Law LR N° I-1034 of 11/02/2004 (in Lithuanian) (English version of 05/07/1995)
Land	Law LR N° I-446 of 18/07/2006 (in Lithuanian) (English version of 26/04/1994)
Water	Law LR N° VIII-474 of 29/04/2004 (in Lithuanian) (English version of 21/10/1999)
Environmental monitoring	Law LR N° VIII-529 of 04/05/2006 (in Lithuanian) (English version of 20/11/1997)
Recultivation of devastated land and preservation of the productive soil layer	Order N° 1116 of 14/08/1995
UN Convention to Combat Desertification	Report of 2006

17. Luxembourg

According to the Ministry of Environment, there is no proper law on soil protection issued so far. Soil protection is currently covered by 6 laws and at least 10 regulations. The Ministry of Environment has elaborated a draft project for a soil protection law, but this was "frozen" following the proposal of the European Commission for a directive on environmental liability (COM (2002) 17) with regard to the prevention and the remediation of environmental damage (The joint text was published in the [Official Journal of 30 April 2004 \(L 143\)](#)). It was decided to put the draft project for a national law on soil protection on hold, in order to come up with an adequate execution of the existing provisions aiming at soil protection. The situation is now expected to change following the adoption of the Directive on environmental liability in 2004.

Area covered by the legislation	Reference Number (and URL link)
General websites	Legislation Portal Environment Portal
<i>Code for the Environment</i>	Code (in French)
Prevention and Management of Waste	Law modified on 17/06/1994 (Art. 1.2.b. and Art. 16), on the clean-up and remediation of landfills and contaminated sites and establishing the 'polluter-pays' principle
Classified Installations	Law modified on 10/06/1999 (Art. 2, Art. 7.7, Art. 13.3 and Art. 13.7)
Protection of Nature and Natural resources	Law modified on 19/01/2004 (Art. 7 and Art. 11)
Fund for the Protection of the Environment	Law modified on 31/05/1999 (Art. 4)
Disposal of Waste	Regulation of 24/02/2003
Protection of groundwater against pollution by certain dangerous substances	Regulation of 16/08/1982
Used oils	Regulation of 16/08/1982
<i>Agriculture</i>	
Use of Sewage Sludge	Regulation of 14/04/1990 (in French)
Use of organic fertilisers in agriculture	Regulation of 20/09/1994 (in French)

18. Malta

Area covered by the legislation	Reference Number (and URL link)
General websites	Ministry for Rural Affairs and the Environment
<i>Environment Protection Act</i>	Act XX of 18/09/2001
Use of sludge in agriculture	Regulations L.N. N°212 of 2001
Integrated Pollution Prevention and Control	Regulations L.N. N°234 of 2002 , amended by L.N. N°230 of 2004
Waste management	
Landfill	Regulations L.N. N°168 of 2002 , amended by L.N. N°289 of 2002
Waste oils	Regulations L.N. N°161 of 2002
<i>Agriculture</i>	
Fertile Soil Preservation Act	Act 236 of 01/08/1973
List of Places where Fertile Soil may be deposited Notice	Subsidiary legislation 236.01 of 23/01/1973
Preservation of Fertile Soil Regulations	Subsidiary legislation 236.02 of 06/11/1973
Pesticides Control Act	Act N°XI of 01/08/2001
UN Convention on Desertification	National Report on the Implementation of the UNCD (2002)

19. Netherlands

Quite a significant portion of Dutch soil is polluted and consequently it represents a serious social and environmental problem. Priority is given to preventing new forms of pollution. One of today's main problems is the decontamination of historical soil pollution. Sites with serious cases of soil pollution have to be cleaned up. Some clean-up operations in the Netherlands got already under way in the early eighties.

The Soil Protection Act of 1986 aims at preventing soil pollution and gives rules for the decontamination of (seriously) polluted soil. The Environmental Management Act contains chapters on planning, licensing, waste products and enforcement. A review of the soil clean-up policy was launched in 1997.

Area covered by the legislation	Reference Number (and URL link)
General websites	VROM (Netherlands Ministry on Housing, spatial planning and the environment) VROM - Soil policy (in Dutch)
Environmental Management Act	Act of 15/10/1992, last amended 01/05/2004
Interim Act on the Decontamination of the Soil	Act of 1983, later amended and integrated in the Soil Protection Act
Soil Protection Act	Act of 03/07/1986 (in Dutch), consolidated on 17/10/1996 Act N°517 of 18/10/2001 to amend the Environment Protection Act, the Act on Environmentally Hazardous Substances, and the Soil Protection Act
Quality of soil management	Decree N°308 of 14/06/2006 (in Dutch)
<i>Soil pollution and remediation</i>	
Sanitation of the soil	Act of 10/05/1994 modifying the soil protection act (in Dutch) Act of 30/01/1997 supplementing the soil protection act (in Dutch) Act of 15/12/2005 modifying soil protection act and some other acts (in Dutch)
Financial arrangements on soil sanitation	Act of 15/12/2005 and Regulation of 16/12/2005 (in Dutch)
Infiltration	Act of 14/11/1991 modifying groundwater act and soil protection act (in Dutch)
Infiltration of Surface Water into the Soil	Decree N°233 of 20/04/1993 (in Dutch)
Use on or in the Soil or Surface Waters of Construction Materials	Decree N°567 of 23/11/1995 (in Dutch)
Fertilizing Substances Act	Act N°100 of 26/03/1998 (in Dutch)
<i>Waste management</i>	
Waste disposal	Act of 06/11/1997 modifying the soil protection act and supplementing the environment protection act (in Dutch)
Discharge of water for purposes of soil protection	Decree N°39 of 27/01/1995
Discharge of liquid substances into the soil	Decree N°649 of 08/12/1997 (in Dutch)
Discharge Decree - made under the Soil Protection Act and amended on 14/09/2001	Publication of the text: Decree N°492 23/10/2001 (in Dutch)
Soil Removal Act	Act of 13/08/1996 (in Dutch)
Soil restructuring	Act N°680 of 15/12/2005 amending the Soil Protection Act and some other Acts (in Dutch)

20. Poland

The Environment Protection Act of 2001 (consolidated in 2005), which is composed of nine sections, lays down the general principles of environment protection, creates a framework for administration, planning and decision-making at the national level, and regulates various matters related to environment protection. These matters include amongst others the protection of environmental resources such as soil and pollution prevention.

Area covered by the legislation	Reference Number (and URL link)
General websites	Ministry of Environment
Protection of environment	Law of 27/04/2001, Journal of Laws N°62, issue 627 (Published text - Unified text , in Polish)
Standards of soil quality and earth quality	Regulation of 09/09/2002, Journal of Laws N°165, issue 1359 (Published text , in Polish)
Regulation of the types of installation which may cause substantial pollution of particular natural elements or the whole environment.	Regulation of 26/06/20027 (in Polish)
Management of natural resources (e.g. soil)	Regulation
Discharges of dangerous substances	Executive Order of 05/11/1991, Journal of Laws N°116, issue 503
Protection of agricultural and forester lands	Law of 03/02/1995, Journal of Laws N°16, issue 78 (Published text - Unified text , in Polish)
Introduction of law on the protection of environment, law on wastes and amending some other laws	Law of 27/07/2001, Journal of Laws N°100, issue 1085 (Published text - Unified text , in Polish)
Protection of agricultural and forest lands	Act of 03/02/1995, Journal of Laws N°16, issue 78 (in Polish)
Geological and Mining Act	Act of 04/02/1994, Journal of Laws N° 27, issue 96 (in Polish)
Un Convention to Combat Desertification	Report of 2006

21. Portugal

The Environmental Protection Act of 1987 defines the foundations of environmental policy with reference to the Portuguese constitution (Art. 1). It obliges the state and citizens to behave in an environmentally compatible way and threatens punishment for non-compliance. What is important in this context is that the 'polluter pays' principle is applied, not just with regard to a general liability but also with a commitment to restore the status quo ante. Based on this Environmental Framework Act, numerous other laws and regulations were adopted, dealing with waste, sewage, noise, agriculture, and also with specific cases of a regional or topic-related nature. In this context, the soil is often referred to as an endangered substrate that should be protected, however it is never a central issue.

The Soil Act of 1976 (amended in 1979, 1980, 1984) regulates soil use in terms of economic, agricultural and urban development aspects. Decree n° 446 of 1991 on the use of sewage sludge in agriculture is the only law that establishes a direct relationship between soil and contamination. The concerns about soil, soil pollution and decontamination are mostly related to the sources of pollution and not to its effects. No specific legislation could be found regarding cleaning up or sanctions according to the level of damages done to others, except in a preventative way. Soil protection is mainly a responsibility of the Ministry of Agriculture; the Act for agrarian development of 1995 deals with soil, soil use and the effective protection against erosion and chemical or organic pollution.

Area covered by the legislation	Reference Number (and URL link)
General websites	Ministry of the environment Ministry of Agriculture
Environmental Framework Act	Act N°11 of 07/04/1987 (in Portuguese), with Chapter II on Natural Resources
Soil Act	Decree-Law N°794 of 05/11/1976 , amended in 1979, 1980, 1984 (in Portuguese)
<i>Agriculture</i>	
Act for agrarian development	Act of 01/09/1995 (in Portuguese)
Use of sewage sludge in agriculture	Decree N°446 of 22/11/1991 (in Portuguese) Order N°176 of 03/10/1996 on metal concentration in sewage sludge (in Portuguese)
Uncultivated lands	Law N°68 of 04/09/1993 , amended in 1997 (in Portuguese)
Programme for drainage and soil conservation (e.g. protection from erosion), under the Programme for Agricultural Development (PEDAP)	Order N°111 of 22/02/1992 (in Portuguese)
<i>Pollution</i>	
Discharge limits into waters and soil, in order to eliminate polluting agents	Order N°895 of 03/10/1994 (in Portuguese)
Prevention and control of the pollution caused by certain activities	Decree-Law N°194 of 21/08/2000 , amended by Decree-Law No. 152 of 23/05/2002 on waste dumps (in Portuguese)
<i>Waste management</i> : framework measures for collection, transport, storage, treatment and elimination	Decree-Law N°187 of 19/09/2006 (in Portuguese) Order N°1023 of 20/09/2006 (in Portuguese)
Waste landfills etc	Decree-Law N°117 of 03/05/1994 (in Portuguese)
Collection, treatment and removal of wastes	Decree-Law N°239 of 09/09/1997 , repealed by Decree-

Area covered by the legislation	Reference Number (and URL link)
and bans on the burying of waste	Law N°178 of 05/09/2006 (in Portuguese)
Dangerous wastes	Decree-Law N°152 of 23/05/2002 (in Portuguese)
<i>Resources extraction and mining</i>	
Mineral exploitation	Decree-Law N°90 of 16/03/1990 Decree-Law N°89 of 1990
Supporting environmental recovery of degraded mine sites	Decree-Law N°198-A of 06/07/2001 (in Portuguese)
Clay and sand extraction: designation of preferential areas	Decree-Regulation N°31 of 22/11/1995 (in Portuguese)
National Policy to Combat Desertification (PANCD)	Resolution of the Council of Ministers N°69 of 17/06/199
UN Convention to Combat Desertification	Report of 2000 (summary) - Report of 2002

22. Romania





Law n° 137 of 1995 on Environmental Protection establishes the general obligation of soil, subsoil and terrestrial ecosystems protection for all categories of owners. Under the Government Emergency Ordinance (GEO n° 195 of 2005), pollution of the soil, atmosphere or water by evacuation of waste or dangerous substances is considered a criminal offence whenever such pollution poses a threat on human, vegetal or animal life. As regards the historic contamination of soil and groundwater, GEO n° 195 does not expressly provide for the extent of the parties' liability. Therefore, general principles of such Law should apply. If pollution occurs, according to the 'polluter pays' principle, the actual owner of the polluting asset or activity shall be held liable for damages. Actual owner may then turn against the seller for the purpose of recovering the compensation amount.

Area covered by the legislation	Reference Number (and URL link)
General websites	Ministry of Environment and Waters Management-Legislation National Agency on Environmental Protection - Soil and subsoil section (<i>Sol si subsol</i>)
Environmental Protection	Law N°137 of 29/12/1995, republished in the Official Gazette no. 70 of 17/02/2000 (in Romanian , English , French)
Approval of Government Emergency Ordinance on Environmental Protection	Law N°265 of 29/06/2006 approving Government Emergency Ordinance N° 195/2005 on Environmental Protection (in Romanian)
Measures for rehabilitation through reforestation of degraded lands	Law N°107 of 16/06/1999 approving Government Ordinance N°81/1998 (in Romanian)
Law on mines	Law N°85 of 18/03/2003 (in Romanian)
Law on Oil	Law N°238 of 07/06/2004 (in Romanian)
Law on land resources	Law of 20/02/1991 (in Romanian)
Land improvements	Law N°138 of 28/04/2004, amended and completed by Law N°290/2006 (in Romanian)
UN Convention on Desertification	National report on the implementation of UNCCD (2000 - 2002)

23. Slovak Republic

The constitution is the legal basis of the environmental policy. There also exists a general environmental Act n° 17 of 1992, but this contains only basic definitions and principles of environmental protection and has no significance for enforcement purposes. The most important environmental legislation is found in the sectorally based environmental acts (on water, air protection etc.) and their related regulations.

Initially, there was no special legislation on soil pollution prevention in Slovakia, so activities for clean up and remediation were based on The Water Act n° 138 of 1973 and on the Act on Protection of Agricultural Soil Fund n° 307 of 1992. In 1992, a recommendation on limit concentrations for soil and groundwater pollution was established. The limit concentrations are used as guidelines to help the local environmental authorities decide what type of measures should be applied at contaminated sites.

Area covered by the legislation	Reference Number (and URL link)
General websites	Ministry of agriculture Ministry of Environment
List of selected documents related to soil protection (acts, decrees etc)	 1.9.2006 list of environmental laws
Environment Act	Act 17/1992 Coll. (in Slovak), amended by Act 127/1994, Act 287/94. and Act 171/1998
Nature and Landscape Protection	 543/2002 Act 543/2002 Coll. (in Slovak)
Protection and Use of the Natural Resources	Act 44/1988
Water Act	Act 138/1973 (in Slovak) New Act 184/2002 Coll. (in Slovak)
<i>Pollution and hazardous substances</i>	
Integrated prevention and control of environmental pollution, changing and amending previous Acts	Act 245/2003 Coll. and related decrees (in Slovak), implemented through Decree N°391/2003 Coll.
Persistent organic substances	 127/2006 Act 127/2006 (in Slovak)
<i>Waste</i>	 409/2006 Act 409/2006 Coll. (in Slovak)
Disposal of waste in landfills	Governmental regulation N°606/1992
Charges on waste disposal	Act 17/2004 Coll.
<i>Agriculture</i>	
Protection of agricultural soil	Act 307/1992
Agricultural land protection and use	Act 220/2004 Coll. and related decrees (in Slovak)
Use of sewage sludge in agriculture	Act ???
Mining Act	Act 44/1988 (in Slovak)
UN Convention on Desertification	National Report on the Implementation of the UNCD (2006)

24. Slovenia

The National Environmental Action Plan (NEAP, adopted in 1999, resolution in 2006) sets out goals, guidelines and strategy for environmental protection and the use of natural resources. The main goals are to prevent further chemical and physical contamination and to perform remedial actions where necessary and feasible. The action plan includes: preparation of legislation concerning the soil immission monitoring on State level; adoption of the Codes of good agriculture practice according to the Nitrate directive; proceeding of the assessment of soil pollution (quality); establishing a soil information system on State level; and prevention measures including education and training. An overview of the situation can be found in a [presentation](#) from the JRC in Ispra (IT).

Area covered by the legislation	Reference Number (and URL link)
General websites	Environmental Agency of the Ministry of the Environment and Spatial Planning on soil Online Slovenian legislation
Environmental Protection Act	Act N°39/2006 (in Slovenian)
National Environmental Action Plan	Adoption of the Plan N°83/1999 (in Slovenian)
National Environmental Action Plan 2005-2012	Resolution N°2/2006
<i>Executive regulations on soil protection, based on the Environmental protection Act</i>	
Amount of tax per unit of burden on soil for 2006	Decision N°120/2005 (in Slovenian)
Limit, Warning and Critical Concentration Values of Dangerous Substances in Soil	Decree N°68/1996 (in Slovenian)
Limit input concentration values of dangerous substances and fertilisers in soil	Decree N°84/2005 (in Slovenian)
Rules on the operational monitoring of the input of dangerous substances and plant nutrients into the soil	Regulation N°55/1997 (in Slovenian)
Rules on Waste Management	N°84/1998 (in Slovenian)
Rules on the landfill of waste	Regulation N° 05/00, 43/04 (in Slovenian)
Rules on soil pollution caused by waste deposits	Regulations N°3/2003 and N°44/2003 (in Slovenian)
Agricultural land act	Act N°59/96, 31/98, 01/99 (in Slovenian)
Protocol implementing the Alpine Convention as regards soil conservation	Protocol of 16/10/1998 (only in French)
UN Convention to Combat Desertification	Report of 2006

25. Spain

Initially, except for Law n° 10 of 1998 on Waste, Spain had no legal rules that favour the protection of soil against contamination. Such regulation was incomplete and a more defined regime as well as the practice of legal disciplinary measures enforcing the compliance with soil contamination regulation and sanctioning its infringement were needed. Royal Decree n° 9 of 2005 establishes a list of potentially soil polluting activities and the criteria and standards to declare a soil as contaminated, providing the current legal regulations on contaminated soil with the necessary tools for their effective application. In some *Comunidades*, specific legislation for soil protection can be found, as it is up to the Autonomous Communities to identify and decontaminate polluted soil. Catalonia is considered to be the most advanced of the Autonomous Communities in waste management and the decontamination of polluted soil.

Area covered by the legislation	Reference Number (and URL link)
General websites	Agricultural Ministry - soil protection Ministry of environment Article on new contaminated soil in Spain
Law on Wastes	Law N°10 of 21/04/1998 (in Spanish), providing norms and standards for regulating waste and regulating the treatment of soil pollution National Plan on Urban Residues (in Spanish)
<i>Pollution and contamination</i>	
Integrated pollution prevention and control	Law N°16 of 01/07//2002 , amending Law N°10/1998 (in Spanish)
Potentially soil contaminating activities and relevant criteria and standards	Decree N°9 of 14/01//2005 (in Spanish)
Prevention and remediation of contaminated soil	Law N°1 of 04/02/2005 (in Spanish)
National Plan for the Recuperation of Contaminated Soils (1995-2000)	Resolution of 28/04/1995 (in Spanish)
Fertilizers	Regulation of 28/05/1998 , implementing Decree N°72/1988 (in Spanish)
Regime of the soil and urban arrangement	Decree N°1 of 26/06/1992 (in Spanish)
<i>Regional legislation</i>	
Soil conservation and protection of natural vegetation cover	Law N°2 of 31/05/1988 (Castilla - La Mancha) (in Spanish)
Protection of the environment	Law N°3 of 27/02/1998 (Pais Vasco) (in Spanish)
UN Convention to Combat Desertification	Report of 2000 - 2002 - 2006 (all in Spanish)

26. Sweden

Main environment laws in Sweden are collected in the Environmental Code. Already in 1969, the Swedish Environment Protection Act introduced the concept of environmentally harmful activity. A new Environmental Code came into force on 1 January 1999, bringing together 15 existing central environmental laws. Its aim is to promote sustainable development based on the understanding that nature is worthy of protection in its own right, and that man's right to exploit nature carries with it a responsibility. The Environmental Code is further elaborated and specified in the form of ordinances, regulations issued by public authorities and decisions taken in individual cases. The Code contains several general "rules of consideration", i.e. factors serving as a basis for decisions by regulatory and licensing authorities. These rules include the precautionary principle, the 'polluter pays' principle and the product choice principle (obliging to choose a less harmful substance if such an alternative is available).

The Environmental Code clarifies liability for remediation of contaminated sites, on land and in water areas. One important new provision in the Environmental Code is the option of introducing Environmental Quality Standards (EQS). The Government may issue EQSs on the quality of land, water, air or the environment as a whole, for specific geographical areas or for all of Sweden, on the grounds that these are required for long-term protection of human health or the environment, or to remedy adverse effects. The Swedish Environment Protection Agency has developed guideline values for 36 contaminants or contaminant groups in soil.

Area covered by the legislation	Reference Number (and URL link)
General websites	Ministry of Sustainable Development Ministry of Agriculture, Food and Fisheries Environment Protection Agency Information on Environmental Legislation
The Swedish Environmental Code (pollution prevention and clean-up)	Code adopted in 1998, entry into force 01/01/1997 (in Swedish) - Chapter 2 General rules of consideration - Chapter 10 Polluted areas
Environmentally hazardous activities and the protection of public health	Ordinance (1998:899) , latest revision in 2002
Environmental quality criteria for contaminated sites	Criteria
Forest Act	Act N°453 of 09/06/2004
Protection of agricultural land	Act of 1979, amended in 1995 (in Swedish)
Minerals	Act of 01/01/1999 (in Swedish) Ordinance of 24/01/1991 - reprinted in 1999 (in Swedish)
Management of natural resources	Act N°12 of 01/07/1987 as last amended by Act N°2 of 1996(in Swedish)

27. United Kingdom

In a [Better Quality of Life](#) (May 1999) the Government made a commitment to ensure that soil protection received equal priority to that of air and water in the future. The [First Soil Action Plan](#) for England was launched in 2004.

The first priority for the government's policy on land contamination is to prevent the creation of new contamination through efficient regulation of industrial and waste disposal activities. On 1 April 2000 a statutory regime came into force, providing an improved system for the identification and remediation of contaminated land ("[Part IIA](#)" of the Environment Protection Act of 1995). From 4 August 2006 the regime was extended to include radioactivity. Furthermore, planning and building control, along with urban regeneration initiatives and waste management controls also deal with land contamination.

Through the Single Payment Scheme (introduced by EC Council Regulation 1782/2003) farmers are asked to demonstrate that they are keeping their land in Good Agricultural and Environmental Condition (GAEC) and complying with a number of specified legal requirements relating to the environment, public and plant health and animal health and welfare. Meeting these requirements is described in the regulations as 'cross-compliance'. A Guidance for a "soil protection review" was set up by the [Department for Environment Food and Rural Affairs \(DEFRA\)](#).

Area covered by the legislation	Reference Number (and URL link)
General websites	Department for Environment, Food and Rural Affairs (DEFRA) - Soil Action Plan Environment Agency for England and Wales Policy of the Scottish Environment Protection Agency (SEPA) - Contaminated land National Soil Resources Institute
Environmental Protection Act	Act of 1990 , containing <i>inter alia</i> integrated pollution control and waste management
Environment Act	Act of 1995 (England and Scotland), including additions to the Environment Protection Act of 1990, in the form of Part IIA
The First Soil Action Plan for England (2004-2006)	Action Plan of 2004 - Annual reports
Soil Strategy	Draft soil Strategy of 2001
<i>Soil Pollution</i>	
Contaminated land	
England and Wales	Contaminated Land -Regulations 2006 (SI 2006/1380) DEFRA Circular 01/2006 Contaminated Land Part IIA of the Environmental Protection Act 1990 , identifying and tackling contaminated land (based on "polluter-pays" principle)
Scotland	Contaminated Land Regulations (Scotland) 178/2000 Scottish Circular 1/2000 - Statutory guidance
Northern Ireland	Policies are being developed, aiming at controlling and regulating contaminated land. There is a policy of encouraging remediation through the siting of waste management facilities on areas affected by contamination. Waste and Contaminated Land Order S.I. No. 2778, N.I. 9 of 26/11/1997 , amended by the pollution prevention and control regulations of 2003
Pollution Prevention and Control	Act of 1990 England and Wales - Regulations S.I. N°1873 of 21/07/2000 , amended by S.I. N°275 of 2002 Scotland - Order S.S.I. N°185 of 10/03/2003

Area covered by the legislation	Reference Number (and URL link)
	Northern Ireland - Regulations S.R. N°46 of 2003 , amending the Waste and Contaminated Land Order of 1997
Nitrate Sensitive Areas - Action Programme	Regulations S.I. N° 1729 of 1994 , last amended in 2002 England - Regulations S.I. N°2614 of 15/10/2002 Wales - Regulations S.I. No. 1852 (W. 202) of 16/07/2003 Scotland - Regulations S.I. N°51 of 28/01/2003 Northern Ireland - Regulations S.R. N°156 of 26/03/1999
Environmentally sensitive areas	Designation Order 2000 (England): S.I. N°3049 of 2000 - Stage I; Designation Order 2000 (S.I. N°3050 of 2000) - Stage II Regulations (Northern Ireland) S.R. N°269 of 2001
Monitoring Certification Scheme (MCERTS) of the Environment Agency for the chemical testing of soils	Environment Agency Policy 307_03. Chemical test data on contaminated soils - qualification requirements (MCERTS)
Remediation of historically contaminated sites	Voluntary Policy : Provision of advice and involvement with voluntary remediation
Landfill Tax (Site Restoration and Quarries)	Order N°2075 of 21/07/1999 Regulations S.I. N°1527 of 12/06/1996 , last amended N°769 of 2004
<i>Agriculture</i>	
The Common Agricultural Policy Single Payment and Support Schemes (Cross-compliance)	Regulations SI 2005 No. 3459 (An equivalent SI exists for Wales and for Scotland) Explanatory Memorandum
Standards for Sustainable Farming and Food - Single Payment Scheme	Single Payment Scheme: Cross Compliance Guidance for Soil Management (DEFRA) Guidance for the Soil Protection Review
Use of sludge in agriculture	Regulations N°880 of 1990

28. Sources

ENVIRONMENT LAW 2006, Country Chapters, http://www.iclg.co.uk/index.php?area=4&kh_publications_id=34

EUGRIS, Portal for Soil and Water management in Europe

http://www.eugris.info/FurtherDescription.asp?e=183&Ca=1&s=None&Cy=3&Co=2&Gy=297&T=France%20overview&DocID=B&DocTitle=Policy_and_regulatory

EUROPEAN ENVIRONMENT LAW, <http://www.eel.nl>

EUROPEAN PARLIAMENT, Library Service

FAO, Food and Agricultural Organisation, <http://faolex.fao.org/faolex/index.htm>

FERGUSON, C.C. (1999) [Assessing Risks from Contaminated Sites: Policy and Practice in 16 European Countries](#), Land Contamination & Reclamation, 7 (2), pp.33, 1999 EPP Publications

OECD, Environmental Country Reviews,

http://www.oecd.org/infobycountry/0,2646,en_2649_34307_1_1_1_1_1,00.html

REGIONAL ENVIRONMENTAL CENTER, <http://www.rec.org/REC/Publications/EUlaw/cover.html>

SEERDEN, R. & DE KETELAERE, K. (2000). Legal Aspects of Soil Pollution and Decontamination in the EU Member States and the United States. Antwerpen - Groningen. 447 p.

THE WORLD LAW GUIDE, <http://www.lexadin.nl/wlg/legis/nofr/legis.htm>