



Special session day on Legal and economic aspects of management of contaminated land

During AquaConSoil 2019, a full day will be dedicated to topic 5a) Legal and economic aspects of management of contaminated land.

During this day, special sessions will be organised, in which economic and legal experts will be involved. Several subtopics with related questions are given underneath to inspire you to submit your abstract for this special day.

Economic aspects

Environmental Due Diligence:

- o What are the challenges in transactions of land and companies ?
- o How are environmental liabilities quantified?
- o How are the liabilities managed and risks mitigated?

Accounting and financial statements:

- o How is the environmental liability incorporated in the balance sheet?
- o How is the environmental liability financially managed?
- o How are the provisions defined?

Financing of soil remediation:

- o How is the total remediation cost defined?
- o Can soil pollution be insured?
- o What about VAT, taxes and registration in remediation and transaction?
- o What are the different financing options?

Remediation contracting:

- o What type of contracts exist to tackle a soil remediation through service providers (investigations, design and execution)?
- o How to manage the remediation program from identification to delivery of the remediation works?
- o How to secure against cost-overflow?

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Legal aspects

Comparison of soil legislation in different countries:

- o Evaluations, WIKI on soil policy instruments.
- o What is the link of national soil legislation with the European Environmental Liability Directive and the European Industrial Emissions Directive?
- o Soil law in various legal systems: Comparative law (Common Law versus Continental law)

Application of legislation:

- o Cases jurisprudence: previous court decisions in applying environmental legal principles

Environmental liability:

- o What are possible liabilities related to contaminants (of emerging concern)?
- o What is their impact?
- o Is the juridical framework appropriate to deal with old and new emerging contaminants?

Development of policy and legislation:

- o What are the different options for developing a policy for excavated soil, contaminated or not?
- o In the development of legislation for contaminated soils, how do we find a balance between 'the polluter pays' principle and the responsibilities of the current manager or owner of the contaminated land?
- o What is the boundary between contaminated soil and waste. Are there new developments?

Instruments:

- o What legal instruments are available to promote the development of brownfields?
- o We remediate "fit for use". How can we incorporate legal instruments that offer guarantees for investigation and remediation of the residual contamination at the moment that the land use changes?

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