

Management of waste from extractive industries. Mining Waste Directive

2003/0107(COD) - 28/09/2005 - Commission opinion on Parliament's position at 2nd reading

Out of the 36 amendments adopted by Parliament, the Commission can accept 8 amendments in full,

1 amendment in part and a further 4 amendments in principle. 23 of the adopted amendments are not acceptable to the Commission.

Amendments accepted by the Commission: certain amendments clarify the content of waste management plans, whilst others clarify applicable obligations relating to water protection and establish direct references to the EU water legislation. The Commission considers that these amendments are in line with and improve the current text and will facilitate the implementation of the Directive. The

Commission can thus accept them. The Commission also accepts the periodical adjustment of the financial guarantee in accordance with rehabilitation work to be carried out. However the second part of this amendment, specifying that such adjustment refers to rehabilitation work on land within the site as well as land directly affected by the waste facility, is not considered to be practicable, and is rejected.

Certain amendments are accepted in principle. These include a clarification that waste prevention is included among the objectives of waste management plans, and a recital promoting the integration of environmental considerations into other policies. The Commission also accepted that an application for a permit shall also include information on the minerals extracted and waste rock removed. These elements improve the specification of the waste characterisation required for the permit as part of the waste management plan.

Amendments rejected by the Commission: these include the following:

-Parliament highlighted the responsibility of the Community and Member States to rehabilitate seriously polluting abandoned waste sites and by encouraging the use of Community funds for such purposes. The Commission considers that the current text more accurately motivates the relevant article), while the reference to EU funds is redundant;

-the definition of 'treatment of mineral resources' was modified to also cover the burning of limestone. The Commission cannot accept these as this is not a mineral treatment operation but an industrial manufacturing operation falling outside the scope of this Directive.

-According to one amendment, the waste management plan included in an application for a permit will have to be approved in advance; however, this is not needed since such approval can also be done in the context of the permitting process.

-Regarding water protection, Parliament requires compliance of treated contaminated water and leachate with the EU Water Directives. However this reference is not deemed necessary since Community obligations apply anyhow. Nor is it necessary to require treating 'any other effluent', as also suggested by the same amendment, since the term 'leachate' is defined sufficiently broadly. One amendment introduces measures for mined out voids that are left to flood. It cannot be supported because this environmentally important issue falls outside the scope of this Directive and is adequately addressed by the Water Framework Directive 2000/60/EC.

-Regarding financial guarantees, Parliament required the relevant national procedures to be approved by the Commission, which is not acceptable as the adequacy of such schemes can better be assessed by the Member State competent authorities.

Finally, Parliament shortened the transposition period from 24 to 18 months. This is not acceptable since 24 months are necessary to ensure adequate transposition of the Directive.