Procedure file

Basic information

INI - Own-initiative procedure	2015/2117(INI)	Procedure completed

Implementation of the Mining Waste Directive (2006/21/EC)

See also Directive 2006/21/EC 2003/0107(COD)

Subject
3.60.01 Solid fuels, coal mining, mining industry
3.70.13 Dangerous substances, toxic and radioactive wastes (storage, transport)
3.70.16 Law and environment, liability

Key players

European Parliament	Committee responsible	Rapporteur	Appointed
	ENVI Environment, Public Health and Food Safety		28/05/2015
		epp HÖLVÉNYI György	
		Shadow rapporteur	
		S&D CAPUTO Nicola	
		ECR DEMESMAEKER Mark	
		MEISSNER Gesine	
		ŠKRLEC Davor	
European Commission	Commission DG	Commissioner	
	Environment	VELLA Karmenu	

Key events

21/05/2015	Committee referral announced in Parliament		
21/03/2017	Vote in committee		
23/03/2017	Committee report tabled for plenary	A8-0071/2017	Summary
27/04/2017	Results of vote in Parliament		
27/04/2017	Decision by Parliament	T8-0199/2017	Summary
27/04/2017	End of procedure in Parliament		

Technical information

Procedure reference	2015/2117(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Implementation
	See also Directive 2006/21/EC 2003/0107(COD)
Legal basis	Rules of Procedure EP 54
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/8/03397

Documentation gateway

Committee draft report		PE594.105	13/12/2016	EP	
Amendments tabled in committee		PE599.718	14/02/2017	EP	
Committee report tabled for plenary, single reading		A8-0071/2017	23/03/2017	EP	Summary
Text adopted by Parliament, single reading		T8-0199/2017	27/04/2017	EP	Summary
Commission response to text adopted in plenary		SP(2017)472	07/09/2017	EC	

Implementation of the Mining Waste Directive (2006/21/EC)

The Committee on the Environment, Public Health and Food Safety adopted an own-initiative report by György HÖLVÉNYI (EPP, HU) on the implementation of the mining waste Directive (2006/21/EC).

Directive 2006/21/EC on the management of waste from the extractive industries was adopted in the aftermath of two major accidents involving the spill of hazardous extractive waste in 1998 and 2000. The deadline for transposition of the Directive expired on 1 May 2008.

The key finding of this report is, that Member State (EU-27) have experienced some kind of transposition problems in terms of timing or quality, or both. Thus proper implementation of the Directive cannot be expected in practice in all Member States, given that there are on-going non-conformity infringement procedures. It was hence recommended that the process of transposition of the Directive is completed as soon as possible.

Inspections: the Directive does not explicitly define its concept nor set out in detail how an inspection should be carried out. The lack of a uniform inspections approach across the EU implies differences in terms of compliance and enforcement costs, and hence for different levels of efficiency of the implementation of the Directive from one Member State to another.

Therefore, the Commission is called upon to: (i) adopt concrete sector-specific guidelines, including a definition, on inspections in the extractive waste industries as soon as possible, and in any case not later than by the end of 2017; (ii) ensure the possibility of unscheduled on-the-spot inspections by the relevant competent Member State authorities.

Reporting system: the limitations of the current three-year reporting system have meant that the unsatisfactory quality of available data has not made it possible to outline and assess the implementation of the Directive in practice.

Members called for the reform of the current reporting mechanism (including the questionnaire) as a matter of priority so as to allow a proper assessment of the implementation of the Directive. The Commission should include in the reporting mechanism a demand that all the relevant environmental impact data be provided. The chosen reform approach should allow for a European database of extractive waste facilities to be established and easily updated.

Further effort is needed to ensure that all Member States understand and apply the basic concepts of the directive in a similar way.

Classification of facilities: Members expressed concern about the incompleteness of the process regarding the due classification and permitting of Category A facilities, which involve higher risks. A significant number of EU Member States appear not to have correctly identified the facilities falling under the scope of the Directive, in particular as regards facilities that should be classified as falling under Category A.

The report called on Member States to: (i) finalise the adequate classification of facilities on their territories and to adopt the missing external emergency plans no later than by the end of 2017; (ii) improve the safety of dams in order to protect human health and the environment, especially in Category A facilities.

Moreover, given that some Member States are unable to prevent soil and water pollution by some operators, the Commission should propose more effective measures to protect the environment and citizens health. The Commission is also invited to:

- propose a complete ban on the use of cyanide mining technologies in the European Union as soon as possible;
- ensure sufficient financing for research and innovation in the field of the management of mining waste facilities in order to improve the

safety of those facilities;
- give priority to higher environmental standards and resource efficiency when defining best practices to be included in the mining waste management plans; consider available advanced technologies during the process of permitting extractive waste facilities, especially as regards the design of tailing dams;
- further invest in research and development in alternative viable processes to supply the EU with raw and secondary raw materials and to prevent waste from mining activities;
- encourage the recovery of critical raw materials also from mining waste, as defined in the EU Action Plan for the Circular Economy.

Lastly, the report emphasised that, in view of the EUs transition towards a circular economy, it is essential to reduce the use of resources and foster reuse and recycling. It called on the Commission to consider setting targets to this end based on a life-cycle assessment.

Implementation of the Mining Waste Directive (2006/21/EC)

The European Parliament adopted by 566 votes to 8, with 20 abstentions, a resolution on the implementation of the mining waste Directive (2006/21/EC).

Directive 2006/21/EC on the management of waste from the extractive industries was adopted in the aftermath of two major accidents involving the spill of hazardous extractive waste in 1998 and 2000. The deadline for transposition of the Directive expired on 1 May 2008.

Member States (EU-27) have experienced some kind of transposition problems in terms of timing or quality, or both. Thus, proper implementation of the Directive cannot be expected in practice in all Member States, given that there are on-going non-conformity infringement procedures. It was hence recommended that the process of transposition of the Directive is completed as soon as possible.

Inspections: the Directive does not explicitly define its concept nor set out in detail how an inspection should be carried out. The lack of a uniform inspections approach across the EU implies differences in terms of compliance and enforcement costs, and hence for different levels of efficiency of the implementation of the Directive from one Member State to another.

Therefore, the Commission is called upon to:

- adopt concrete sector-specific guidelines, including a definition, on inspections in the extractive waste industries as soon as possible, and in any case not later than by the end of 2017;
- ensure the possibility of unscheduled on-the-spot inspections by the relevant competent Member State authorities.

Reporting system: the current three-year reporting system is ineffective in that it does not allow for the full picture regarding implementation to be outlined and assessed. Some of the figures provided by Member States regarding the number of facilities on their territories identified as being subject to the Directive do not seem plausible, because in some cases they are relatively low.

Parliament called for the reform of the current reporting mechanism (including the questionnaire). This mechanism demands that all the relevant environmental impact data be provided.

The chosen reform approach should allow for a European database of extractive waste facilities to be established and easily updated.

Members welcomed the Commissions plans to issue general guidance on the implementation of the provisions set out in the Directive and called for renewed efforts to ensure that Member States understand and apply the basic concepts of the directive in a similar way.

Classification of facilities: Parliament expressed concern about the incompleteness of the process regarding the due classification and permitting of Category A facilities, which involve higher risks. A significant number of EU Member States appear not to have correctly identified the facilities falling under the scope of the Directive, in particular as regards facilities that should be classified as falling under Category A. In addition, external emergency plans are missing for around 25 % of the Category A facilities located on EU territory.

The resolution called on Member States to:

- finalise the adequate classification of facilities on their territories and to adopt the missing external emergency plans no later than by the end of 2017;
- improve the safety of dams in order to protect human health and the environment, especially in Category A facilities.

Moreover, given that some Member States are unable to prevent soil and water pollution by some operators, the Commission should propose more effective measures to protect the environment and citizens health. The Commission is also invited to:

- investigate how Article 14 of the Directive and Commission Decision 2009/335/EC have been implemented in the Member States and whether the financial security instruments established are sufficient and fit for purpose;
- propose a complete ban on the use of cyanide mining technologies in the European Union as soon as possible;
- ensure sufficient financing for research and innovation in the field of the management of facilities in order to improve the safety of those facilities;
- give priority to higher environmental standards and resource efficiency when defining best practices to be included in the mining waste management plans; consider available advanced technologies during the process of permitting extractive waste facilities, especially as regards the design of tailing dams;
- further invest in research and development in alternative viable processes to supply the EU with raw and secondary raw materials and to prevent waste from mining activities;
- encourage the recovery of critical raw materials also from mining waste, as defined in the EU Action Plan for the Circular Economy;
- come up with an action plan on the full rehabilitation of historical waste sites, taking into account examples of best practices.

Lastly, Parliament stressed the need to reduce the use of resources and foster reuse and recycling in view of the EUs transition towards a circular economy. It called on the Commission to consider setting targets to this end based on a life-cycle assessment.