Resolution on lessons learned from the red mud disaster, five years after the accident in Hungary

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The European Parliament adopted by 571 votes to 34 with 59 abstentions, a resolution tabled by the Committee on the Environment, Public Health and Food Safety on lessons learned from the red mud disaster, five years after the accident in Hungary.

It recalled that this accident was caused by a breach in a waste reservoir resulting in the release of almost one million cubic metres of highly alkaline red mud, causing flooding in several villages, 10 fatal casualties, with 150 injured and the pollution of a vast area of land, including four Natura 2000 sites.

Parliament began by noting that the red mud disaster could be linked to the poor implementation of EU laws, inspection deficiencies, gaps in relevant EU legislation and the performance of the site operator. It was concerned that **almost no lessons seemed to have been learned in the last five years,** as poor implementation of the relevant EU laws and international conventions as well as inspection deficiencies continued and almost none of the gaps in the relevant EU legislation had since been closed. Directive 2006/21/EC (Mining Waste Directive) and Commission Decision 2000/532/EC establishing the European Waste List were areas of particular concern.

Inspections: Parliament called on Member States to ensure that the appropriate inspections were carried out, since it was concerned that **similar sites existed in several Member States**. National environmental inspection bodies should be strengthened in order to enable them to carry out transparent, regular and systematic controls of industrial sites, inter alia by ensuring independence, providing adequate resources and defining clear responsibilities. Members reiterated their call for the Commission to come forward with a **legislative proposal on environmental inspections that did not put an additional financial burden on industry**. They urged the Commission to **extend binding criteria for Member State inspections to cover a wider body of the EU environmental acquis,** and to develop environmental inspection support capacity at EU level.

Liability: Parliament was concerned that **significant differences between liability systems** in the EU might undermine common standards and expose some Member States and regions to greater risk of environmental disasters and the financial consequences thereof. It felt it regrettable that the Commission had not yet submitted its report pursuant to the Environmental Liability Directive, (as the Commission was supposed to do before 30 April 2014), and it called on the Commission to do so before the end of 2015. Members recalled that the Environmental Liability Directive was aimed at establishing a framework of environmental liability based on the 'polluter-pays' principle, and required Member States to encourage the development of financial security instruments and markets by the appropriate economic and financial operators. The Commission should ensure, during the ongoing review of the Environmental Liability Directive, that the **proposal for revision fully implemented the polluter-pays principle.**

Financial guarantees: Parliament urged the Commission to investigate how Commission Decision 2009/335/EC on technical guidelines for the establishment of the financial guarantee had been implemented in Member States and **whether ceilings for established financial security instruments were sufficient.** It urged the Commission to propose **harmonised mandatory financial security**. It also wanted to see a further elaboration of the concept of an **EU-wide industrial disaster risk-sharing facility**, with full respect for the polluter-pays principle, in order to cover possible costs beyond a high level of mandatory

financial securities. Such a industrial disaster risk-sharing facility should also **cover the remediation of old environmental burdens** which still constituted dangers for society and for which, due to the existing legal framework, there was no one objectively responsible who could cover the costs of the remediation.

Lastly, Parliament asked the Commission to put forward a legislative proposal before the end of 2016 on **access to justice in environmental matters** in line with the provisions of the Seventh Environment Action Programme.