

Management of waste from extractive industries. Mining Waste Directive

2003/0107(COD) - 06/09/2016 - Follow-up document

The Commission presented a report on the implementation of Directive 2006/21/EC on the management of waste from extractive industries and amending Directive 2004/35/EC.

Directive 2006/21/EC aims to prevent or reduce as far as possible any adverse effects on the environment, in particular on water, air, soil, fauna and flora and the landscape, and any resultant risks to human health, brought about as a result of the management of waste from the extractive industries. The Directive covers the management of waste resulting directly from prospecting, extraction, treatment and storage of mineral resources and from quarrying.

The Directive requires the Member States to provide the Commission with a report on the implementation of the Directive every three years, drawn up on the basis of a questionnaire. The Commission shall also publish a report on the implementation of the Directive on the basis of the reports submitted by Member States.

This report covers the two first reporting periods, **from 1 May 2008 to 30 April 2011 and from 1 May 2011 to 30 April 2014.**

During these two consecutive periods, Member States were required to bring into force and implement the laws, regulations and administrative provisions necessary to comply with the Directive. The Directive was to be transposed by 1 May 2008.

Based on the Commission's assessment, it can be concluded that **the majority of Member States have adopted the measures** needed to implement the provisions set out in the Directive. The assessment also revealed, however, that a number of issues still need to be addressed, in order to ensure that the implementation of the Directive delivers the desired level of protection.

1. Differences in the interpretation of the main provisions: the assessment also revealed, however, that a number of issues still need to be addressed, in order to ensure that the implementation of the Directive delivers the desired level of protection.

Classification of waste facilities: the Directive applies more stringent obligations to facilities where there is a higher risk of there being an impact on the environment and human health in the event of an accident. Eleven Member States reported having no Category A facilities within their national boundaries.

The assessment also highlights the need to improve the practical application of certain provisions. **The significant level of variation seen in the number of Category A facilities** designated by Member States, and the discrepancies between the number of facilities reported and the volumes of extractive hazardous waste generated suggest that this process has not yet been completed.

Issuance of permits: a further area that appears in need to be addressed as a matter of priority in several Member States is the issuing of permits for all Category A facilities. Moreover, the development of external emergency plans for all Category A facilities is also yet to be completed: according to information reported by Member States, around 25 % of these facilities appear not to have plans in place.

Inspections: the Directive does not explicitly define the concept of inspection nor set out in detail how an inspection should be carried out. **The large variation found in in relation to the measures adopted on inspections** – in particular, the arrangements for inspections, their nature, the authorities responsible, and their frequency – and the number of inspections carried out during the second reporting period, suggests that Member States might not always have interpreted the provisions on inspections set out in the Directive in the same way.

The Commission is required the Commission to develop and **adopt technical guidelines** for inspections.

2. Reporting related to safety: according to the information obtained by the Commission, there were a total of five accidents, in two countries, during the two periods covered by this report.

No formal notification of these accidents, as required under the Directive, was submitted to the Commission, however.

The Commission will also consider ways of **improving Member States' reporting on implementation, including on accidents**, disseminating the results of its assessment of the information provided by Member States more widely, and promoting the exchange of information on extractive activities, including best practices.

3. Improving reporting and provision of information: the quality of the information submitted by Member States is variable. Collecting further information relating to implementation in practice of the Directive will support the Commission's work aiming to:

- support the implementation of and compliance with the Directive, in particular by more effectively identifying gaps in the actual implementation of the Directive and designing possible measures to address them;
- identify best practices on the implementation of the Directive; and
- explore new ways to manage reporting and simplify processes, and to envisage, if necessary, amending provisions in [Commission Decision 2009/358/EC](#) on the transmission of information, in line with the objectives of the Fitness Check on Environmental Monitoring and Reporting.

4. Next steps: to implement its commitment taken in the [EU action plan for the Circular Economy](#), the Commission:

- is working on the **preparation of guidance and promotion of best practices** in the mining waste management plans;
- will also continue to **gather information** allowing future updates on relevant aspects of the directive to ensure protection of human health and the environment, with particular emphasis on aspects such as hazardous waste management, safety of dams and ponds and pollution prevention.