

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

2015/2117(INI) - 27/04/2017 - Text adopted by Parliament, single reading

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 Commission’s 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 EU's transition towards a circular economy. It called on the Commission to consider setting targets to this end based on a life-cycle assessment.