

# Management of waste from extractive industries. Mining Waste Directive

2003/0107(COD) - 13/07/2005

The committee adopted the report by Jonas SJOSTEDT (GUE/NGL, SE) amending the Council's common position under the 2nd reading of the codecision procedure. It reinstated, either wholly or partially, many amendments adopted by Parliament at 1st reading which had not been taken up by the Council. It also modified a number of new provisions that the Council had introduced into the proposal. The key amendments were as follows:

- **Article 2(3):** the new category ("non-hazardous non-inert waste") created by the Council, for which the Member States are given broad scope for derogations from the directive, should be deleted on the grounds that it has no scientific basis;
- **Article 3:** reiterating Parliament's demand at 1st reading, the committee deleted the time-periods linked to waste deposits included in the definition of "waste facility";
- **Article 7(2):** applications for a waste facility permit should contain information about the type of mineral (s) extracted and the overburden, as the precautionary measures that have to be taken will depend to a large extent upon this information;
- **Article 13(4):** direct discharges of waste into rivers and seas must be explicitly prohibited;
- **new Article 13(4)a:** the committee reinstated this 1st reading amendment providing for excavation voids to be subject to adequate controls;
- **Article 14(1):** the financial guarantee for rehabilitation should apply not just to the land within the site but also to "land directly affected by the waste facility";
- **Article 20:** the committee retabled one of the most important 1st reading amendments. Member States should be obliged to make an inventory of all closed sites (e.g. tailings ponds) within three years to tackle the problem of chronic water pollution, which is particularly acute in Central and Eastern Europe . The inventory, to be made available to the public, should contain information such as the geographical location of the site, the types of waste present and the environmental conditions of the site, i.e. quality of soil and surface water, river sub-basins and groundwater. The sites listed in the inventory should be classified according to the degree of their impact on human health and the environment. MEPs added that rehabilitation of the most polluted sites should be started within four years of the directive's entry into force and that the costs should be borne by the waste producer "insofar as the latter is known and available". Where the waste producer is unknown or unavailable, national or Community rules on liability should apply;
- **Article 24(3):** the committee deleted this paragraph on the grounds that it would encourage hasty closures of existing facilities to avoid the application of important provisions, which could have an impact on the environment and on human health.