

Management of waste from extractive industries. Mining Waste Directive

2003/0107(COD) - 15/03/2006 - Final act

PURPOSE: to lay out precise regulations for managing waste from extractive industries in order to prevent major ecological accidents and accidents posing a risk to human health from such industries.

LEGISLATIVE ACT: Directive 2006/21/EC of the European Parliament and of the Council on the management of waste from extractive industries and amending Directive 2004/35/EC.

CONTENT: this act has been adopted in accordance with the Community's environmental policy and in particular its objective to prevent and reduce, as far as possible, any adverse effects on the environment or on human health from the management of waste stemming from the extractive industries. The waste here refers principle to trailings (waste solids or slurries), waste rock, any material moved in order to access ore or minerals and topsoil.

The final act was approved after Council and Parliament reached an agreement during the Conciliation Committee (please refer to preceding summary). This foresaw the provision of measures, procedures and guidance to prevent or reduce as far as possible any adverse effects on the environment and in particular on water, air, soil, fauna and flora and landscape and any risks to human health which may be brought about as a result of the mismanagement of waste from the extractive industries.

The main elements of the Directive are as follows:

- conditions linked to the issue of operating permits, including the involvement of the public;
- obligations concerning waste management;
- the requirement to describe the waste before disposing of or treating it;
- measures to ensure the safety of waste management facilities;
- steps to prepare plans for the closure of waste management facilities;
- the requirement to provide an appropriate level of financial security.

Following the conciliation procedure the following points were agreed:

Financial Guarantee (art. 14) requires that funds should be made readily available at any given time for the rehabilitation of the land affected by the waste facility. It also stipulates that the size of the guarantee be periodically adjusted in accordance with any rehabilitation work needed to be carried out on the land affected by the waste facility.

Excavation voids (art. 10) requires operators to replace extractive waste back into excavation voids for rehabilitation and construction purposes. The extractive waste and the excavation void must be monitored.

Construction and management of waste facilities (art. 11) requires the competent authority to satisfy itself that any waste facility, within the context of this Directive, is suitably located taking into account a number of factors including the 'Community or national obligations relating to protected areas'.

Finally, and taking account of the importance of this Directive on the environment, Bulgaria and Romania, issued a joint statement in which they promise to transpose the Directive into their national legislation by the date of transposition.

Member States are obliged to submit reports to the European Commission on the implementation of the Directive every three years. Following receipt of these reports, and within a nine month deadline, the European Commission will in turn publish a report on the Directive.

ENTRY INTO FORCE: 1 May 2006.

TRANSPOSITION: 1 August 2008.