


Basic information	
2003/0107(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Management of waste from extractive industries. Mining Waste Directive Amending Directive 2004/35/EC 2002/0021(COD) See also 2015/2117(INI) Subject 3.60.01 Solid fuels, coal mining, mining industry 3.70.13 Dangerous substances, toxic and radioactive wastes (storage, transport) 3.70.16 Law and environment, liability	

Key players				
European Parliament	Committee responsible		Rapporteur	Appointed
	CODE	EP Delegation to Conciliation Committee	SJÖSTEDT Jonas (GUE/NGL)	08/09/2005
	Former committee responsible		Former rapporteur	Appointed
	ENVI	Environment, Public Health and Food Safety	SJÖSTEDT Jonas (GUE/NGL)	27/07/2004
	ENVI	Environment, Public Health, Consumer Policy	SJÖSTEDT Jonas (GUE/NGL)	16/06/2003
	Former committee for opinion		Former rapporteur for opinion	Appointed
	ITRE	Industry, External Trade, Research, Energy	MATIKAINEN-KALLSTRÖM Marjo (PPE-DE)	10/07/2003
Council of the European Union	Council configuration		Meetings	Date
	General Affairs		2705	2006-01-30
	Economic and Financial Affairs ECOFIN		2651	2005-04-12
	Transport, Telecommunications and Energy		2680	2005-10-06
	Environment		2593	2004-06-28
	Environment		2610	2004-10-14

European Commission	Commission DG	Commissioner
	Environment	

Key events			
Date	Event	Reference	Summary
02/06/2003	Legislative proposal published	COM(2003)0319 	Summary
19/06/2003	Committee referral announced in Parliament, 1st reading		
16/03/2004	Vote in committee, 1st reading		Summary
16/03/2004	Committee report tabled for plenary, 1st reading	A5-0177/2004	
30/03/2004	Debate in Parliament		
31/03/2004	Decision by Parliament, 1st reading	T5-0240/2004	Summary
31/03/2004	Results of vote in Parliament		
28/06/2004	Debate in Council		
12/04/2005	Council position published	16075/1/2004	Summary
12/05/2005	Committee referral announced in Parliament, 2nd reading		
13/07/2005	Vote in committee, 2nd reading		Summary
15/07/2005	Committee recommendation tabled for plenary, 2nd reading	A6-0236/2005	
05/09/2005	Debate in Parliament		
06/09/2005	Decision by Parliament, 2nd reading	T6-0319/2005	Summary
06/09/2005	Results of vote in Parliament		
06/10/2005	Parliament's amendments rejected by Council		Summary
12/10/2005	Formal meeting of Conciliation Committee		
06/12/2005	Final decision by Conciliation Committee		
08/12/2005	Joint text approved by Conciliation Committee co-chairs	03665/2005	
10/01/2006	Report tabled for plenary, 3rd reading	A6-0001/2006	
17/01/2006	Debate in Parliament		
18/01/2006	Decision by Parliament, 3rd reading	T6-0014/2006	Summary
18/01/2006	Results of vote in Parliament		
30/01/2006	Decision by Council, 3rd reading		
15/03/2006	Final act signed		
15/03/2006	End of procedure in Parliament		
11/04/2006	Final act published in Official Journal		

Technical information	
Procedure reference	2003/0107(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Amending Directive 2004/35/EC 2002/0021(COD) See also 2015/2117(INI)
Legal basis	EC Treaty (after Amsterdam) EC 175-p1
Stage reached in procedure	Procedure completed
Committee dossier	CODE/6/31151

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0177/2004	16/03/2004	
Text adopted by Parliament, 1st reading/single reading		T5-0240/2004 OJ C 103 29.04.2004, p. 0451-0633 E	31/03/2004	Summary
Amendments tabled in committee		PE359.909	03/06/2005	
Committee recommendation tabled for plenary, 2nd reading		A6-0236/2005	15/07/2005	
Text adopted by Parliament, 2nd reading		T6-0319/2005 OJ C 193 17.08.2006, p. 0026-0075 E	06/09/2005	Summary
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading		A6-0001/2006	10/01/2006	
Text adopted by Parliament, 3rd reading		T6-0014/2006	18/01/2006	Summary
Council of the EU				
Document type	Reference	Date	Summary	
Council position	16075/1/2004 OJ C 172 12.07.2005, p. 0001-0025 E	12/04/2005	Summary	
Draft final act	03665/5/2005	15/03/2006		
European Commission				
Document type	Reference	Date	Summary	
Legislative proposal	COM(2003)0319 	02/06/2003	Summary	
	COM(2005)0170			

Commission communication on Council's position		27/04/2005	Summary
Commission opinion on Parliament's position at 2nd reading	COM(2005)0477 	28/09/2005	Summary
Follow-up document	COM(2016)0553 	06/09/2016	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CE51597/2003 OJ C 080 30.03.2004, p. 0035-0038	10/11/2003	
CofR	Committee of the Regions: opinion	CDR0223/2003 OJ C 109 30.04.2004, p. 0033-0045	11/02/2004	
CSL/EP	Joint text approved by Conciliation Committee co-chairs	03665/2005	08/12/2005	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Directive 2006/0021 OJ L 102 11.04.2006, p. 0015-0033	Summary
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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.

Management of waste from extractive industries. Mining Waste Directive

2003/0107(COD) - 31/03/2004 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted the report by Jonas SJÖSTEDT (GUE/NGL, S) subject to amendments (please refer to the document dated 16/03/04). Many of the amendments reflected the Parliament's concerns about the problem of 'historical' waste. One amendment stipulated that, once a facility has been closed, the operator must not be considered free of his obligations in respect of maintenance, surveillance and monitoring in the stage subsequent to the closure of a waste treatment plant over the entire time-period required by the competent authority. MEPs also said that the 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 was particularly acute in Central and Eastern Europe. The inventory, which should 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. The MEPs say as well that safe disposal of the waste must be one of the objectives of the management plan, and this has to be considered already at the design stage. When planning for closure, the need for monitoring and management in the future has to influence the choice of design. This must be done in order to prevent or at least to minimise any long-term negative effects attributable to migration of airborne or aquatic pollutants from the waste facility.

Management of waste from extractive industries. Mining Waste Directive

2003/0107(COD) - 12/04/2005 - Council position

The common position is substantially in accordance with the positions taken by the Commission and the Parliament, insofar as it confirms all the objectives and essential elements of the Commission's proposal which were also supported by the European Parliament. It takes the greatest possible account of the opinion of the European Parliament by taking on, in letter or in spirit, a great number of its amendments. In particular, elements of the amendments relating to the scope of the Directive, the definition of waste facility, the financial guarantee and the inventory of closed sites have been accepted in principle by the Council, subject to some adjustments.

Several changes aim at adjusting the text to reflect the various changes made throughout the articles. Furthermore, the following changes to the recitals are highlighted: it is clarified that waste produced during the pre-production development stage is also to be covered by the waste definition; a reference to the definition of extractive waste is added; it is clarified that other waste legislation shall apply as appropriate to non-extraction related waste generated, as well as to extractive waste transported to a

location that is not an extractive waste facility; a new recital was added to clarify that waste from the extraction of materials used for their radioactive properties is not covered by the Directive if it is already covered by legislation under the Euratom Treaty; a new recital was added to clarify that the classification of waste facilities into Category A is not to be made solely on the basis of risks to health and safety of workers since this issue is covered by other relevant Community legislation; another new recital was added to emphasise the need for setting an appropriate after-care period for

monitoring and control of Category A facilities and finally another recital was added to encourage Member States to show the correlation between the Directive and their national implementing measures.

The Council has added the following amendments:

- **Subject matter:** emphasis is added to the protection of water, fauna, flora, soil, air, and landscape.
- **Scope:** the injection of water and re-injection of pumped groundwater were exempted from the scope in an analogous way to Directive 2000/60/EC. The limited provisions applying to inert waste (and which now, following an EP amendment, cover also unpolluted soil and waste from prospecting operations) were extended to include the full provisions of Article 5. Waste from peat extraction was also made subject to these limited provisions. However, it was specified that Category A facilities of such waste shall be subject to the full provisions of the Directive. The possibility was given to competent authorities to reduce requirements applying to non-hazardous waste from prospecting, as well as to unpolluted soil and waste from peat extraction. Furthermore, a new category of non-hazardous non-inert waste was created and Member States may exempt it from provisions on financial guarantees and on notification of events affecting stability, unless in a Category A facility as above.
- **Definitions:** the definitions of 'unpolluted soil', 'off-shore', 'prospecting' and 'substantial change' were added. A differentiated approach to the definition of 'waste facility' according to risks involved by each type of waste was introduced, while it was specified that this definition also includes excavation voids into which waste is replaced for reasons other than rehabilitation or construction. It was specified that the responsibility of an operator also covers the temporary storage of waste.
- **General requirements:** these were extended to cover all management of waste, including during temporary storage, and the full Article 4 of Directive 75/442/EEC was incorporated.
- **Application and permit:** Article 7 has become part of the waste management plan. A new paragraph was added requiring approval of the plan by the competent authority.
- **Major-accident prevention and information:** it was specified when the various major-accident arrangements need to be available.
- **Classification system for waste facilities:** the classification system for waste facilities was simplified and the relevant criteria set out in Annex III were adjusted to the definition of 'major accident'.
- **Construction and management of waste facilities:** several other elements to be taken into account for the location of waste facilities were added.
- **Prevention of water status deterioration, air and soil pollution:** the Cyanide concentration limit values for new facilities were reduced to the most stringent level.
- **Financial guarantee:** it was specified that the financial guarantees may also include equivalent systems. The Commission highlights that any such system, whatever form it takes, should ensure the availability of adequate funds at any given time to carry out the necessary rehabilitation work in case of insolvency or "walk away" practice of the operator. The Environmental Liability requirements were included in a separate article which specifies that the provisions of the relevant directive shall apply to all management of extractive waste.
- **Inventory of closed waste facilities:** priorities were set for the tasks to be developed through committee and the interpretation of the definition of inert waste was added to these tasks.
- **Application:** a new provision was added for waste facilities that have stopped receiving waste on the date of transposition of the Directive but have not completed their closure procedures yet.

Management of waste from extractive industries. Mining Waste Directive

2003/0107(COD) - 02/06/2003 - Legislative proposal

PURPOSE : to present a proposal for a Directive on the management of waste from the extractive industries. **CONTENT :** waste from the extractive industries involves material that must be removed in order to gain access to mineral resources such as topsoil, overburden and waste rock. It also includes tailings, which remain after minerals have been extracted from the ore. Annually such waste amounts to an estimated 29% of total waste generated in the EU, with an annual volume in excess of 400 million tonnes. Whilst some of this waste can be classified as inert, other fractions may contain large quantities of dangerous substances, such as heavy metals. In some cases the management of tailings is a risky business involving residual processing chemicals and elevated levels of metals. Tailings are frequently stored on heaps or in large ponds held by large dams. Environmental disasters involving extractive wastes include Aberfan (Wales) in 1966, Stava (Italy) in 1985, Aznalcollar (Spain) in 1998 and more recently Baia Mare and Baia Borsa both in Romania in 2000. In order to avoid a repeat of past disasters the EU recognises that wastes from the extractive industries require enhanced management techniques based on harmonised legislation. Whilst national regulations regarding the management of extractive wastes are already in place, uniform EU legislation would allow for the establishment of a more level-playing field in which industry can operate. Legislation would offer clearer specification and requirements as far as the design, operation, closure and after-care of waste management facilities is concerned. This would be particularly useful when taking the EU's enlargement into account. A number of the candidate countries are home to extractive industrial locations and in many cases there is a real need to raise standards. Currently waste from the extractive industries is covered by the general provision of the Waste Framework Directive and the Landfill Directive. In spite of this there is a growing consensus on the need to develop tailor made rules applicable and unique to the extractive waste sector. It is therefore the objective of this proposal to set minimum standards in order to improve the way in which waste from the extractive industries is managed. Particular emphasis is given to waste recovery in order to contribute to the conservation of resources and to reduce pressure on the exploitation of virgin natural materials. The proposal

covers waste coming from all sectors of the extractive industry. The provisions are such that they will affect mainly those sectors, which are likely to cause the most significant environmental and health hazards or accidents. Largely, metal mining. It excludes from its scope waste, which represents a low environmental risk, such as unpolluted soil and waste from the exploration of mineral resources. Inert waste is covered with a limited set of requirements. Also excluded is waste, which, although generated in the course of mineral extraction or treatment operations, is inappropriate to be managed under the provisions of this proposal, such as food waste or waste from offshore operations. The objectives and basic requirements can be found in the main body of the text with three annexes completing the legal provisions. These contain the technical requirements that can be adopted to scientific progress via comitology, taking into account the results of the BATdocument on the management of tailings and waste rock. Specifically, the proposal focuses on the following aspects: - Operational issues connected with waste management, - Prevention of soil and water pollution, and - Ensuring stability of waste management facilities (in particular tailings ponds). The proposal contains: - A range of conditions to be attached to operating permits. - A range of general obligations covering waste management. - The obligation to characterise waste before disposing of it or treating it. - Measures to ensure the safety of waste management facilities. - A requirement to draw up closure plans for waste management facilities. And: - An obligation to provide for an appropriate level of financial security.

Management of waste from extractive industries. Mining Waste Directive

2003/0107(COD) - 28/09/2005 - Commission opinion on Parliament's position at 2nd reading

Out of the 36 amendments adopted by Parliament, the Commission can accept 8 amendments in full,

1 amendment in part and a further 4 amendments in principle. 23 of the adopted amendments are not acceptable to the Commission.

Amendments accepted by the Commission: certain amendments clarify the content of waste management plans, whilst others clarify applicable obligations relating to water protection and establish direct references to the EU water legislation. The Commission considers that these amendments are in line with and improve the current text and will facilitate the implementation of the Directive. The

Commission can thus accept them. The Commission also accepts the periodical adjustment of the financial guarantee in accordance with rehabilitation work to be carried out. However the second part of this amendment, specifying that such adjustment refers to rehabilitation work on land within the site as well as land directly affected by the waste facility, is not considered to be practicable, and is rejected.

Certain amendments are accepted in principle. These include a clarification that waste prevention is included among the objectives of waste management plans, and a recital promoting the integration of environmental considerations into other policies. The Commission also accepted that an application for a permit shall also include information on the minerals extracted and waste rock removed. These elements improve the specification of the waste characterisation required for the permit as part of the waste management plan.

Amendments rejected by the Commission: these include the following:

-Parliament highlighted the responsibility of the Community and Member States to rehabilitate seriously polluting abandoned waste sites and by encouraging the use of Community funds for such purposes. The Commission considers that the current text more accurately motivates the relevant article), while the reference to EU funds is redundant;

-the definition of 'treatment of mineral resources' was modified to also cover the burning of limestone. The Commission cannot accept these as this is not a mineral treatment operation but an industrial manufacturing operation falling outside the scope of this Directive.

-According to one amendment, the waste management plan included in an application for a permit will have to be approved in advance; however, this is not needed since such approval can also be done in the context of the permitting process.

-Regarding water protection, Parliament requires compliance of treated contaminated water and leachate with the EU Water Directives. However this reference is not deemed necessary since Community obligations apply anyhow. Nor is it necessary to require treating 'any other effluent', as also suggested by the same amendment, since the term 'leachate' is defined sufficiently broadly. One amendment introduces measures for mined out voids that are left to flood. It cannot be supported because this environmentally important issue falls outside the scope of this Directive and is adequately addressed by the Water Framework Directive 2000/60/EC.

-Regarding financial guarantees, Parliament required the relevant national procedures to be approved by the Commission, which is not acceptable as the adequacy of such schemes can better be assessed by the Member State competent authorities.

Finally, Parliament shortened the transposition period from 24 to 18 months. This is not acceptable since 24 months are necessary to ensure adequate transposition of the Directive.

Management of waste from extractive industries. Mining Waste Directive

2003/0107(COD) - 06/10/2005

The Council decided not to approve all the European Parliament's second reading amendments concerning a proposal for a Directive on the management of waste from extractive industries and consequently decided to convene the Conciliation Committee.

Management of waste from extractive industries. Mining Waste Directive

2003/0107(COD) - 06/09/2005 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a resolution, which was based on the text by the rapporteur Jonas **SJÖSTEDT** (GUE/NGL, S). The main amendments to the common position were as follows:

-Parliament stated in the recitals that the Member States and the Community have a responsibility for rehabilitating abandoned sites likely to cause serious negative environmental impacts. It should therefore be possible to use Structural Funds and other relevant Community funding in order to draw up inventories and implement measures to clean up such sites;

-Operators must choose a design which prevents or at least minimises any long-term negative effects attributable to migration of airborne or aquatic pollutants from the waste facility, and ensure the long-term geotechnical stability of any dams or heaps rising above the pre-existing ground surface. The common position mentioned a design requiring minimal and, if possible, ultimately no monitoring, control and management of the closed waste facility.

-The financial guarantee must cover funds readily available at any given time for the rehabilitation of the land within the site as well as land directly affected by the waste facility, and not just for the rehabilitation of the site.

-Passive or active water treatment facilities must be set up when necessary to prevent the migration of contaminated leachate from the facility to contiguous groundwater or surface water bodies.

-A new clause states that, in the case of excavation voids, including underground voids and back-filled surface mine voids, which are allowed to flood after closure, the operator shall take the necessary measures to prevent water status deterioration and soil pollution, and shall provide the competent authority with information on certain prescribed matters at least six months before the cessation of dewatering of the voids.

Management of waste from extractive industries. Mining Waste Directive

2003/0107(COD) - 27/04/2005 - Commission communication on Council's position

The Commission accepted in full, in part or in principle 46 of the 74 amendments proposed by the European Parliament at its first reading. The Commission accepted all the amendments that offer better legal clarity to the text, improve the scope of the Proposal in terms of the range of materials covered, promote long-term safe operation of waste facilities by tightening up in particular the closure and after-care provisions, and address pollution from historic sites. On the other hand, the Commission rejected in particular amendments that are overly prescriptive and detailed or extend significantly the scope of the Proposal.

The Council has to a large extent taken account of the Parliamentary amendments and has made a number of further changes. Whereas the Commission would have preferred a broader scope for the Directive, avoiding several possibilities for derogations in particular insofar as non-hazardous non-inert waste is concerned, it considers that the common position does not, as a whole, alter the approach and

aims of the Proposal and can thus support it.

Management of waste from extractive industries. Mining Waste Directive

2003/0107(COD) - 18/01/2006 - Text adopted by Parliament, 3rd reading

The European Parliament adopted a resolution approving the joint text approved by the Conciliation Committee. (Please refer to the document dated 29 /11/2005.) Together with the Council and the Commission, it welcomed the Joint Declaration by Bulgaria and Romania on the implementation of the forthcoming Directive.

The Declaration indicated that, in view of the significance of the Directive for environmental protection in Europe, Bulgaria and Romania, in their status of States acceding the European Union, consider it an important part of the acquis. In this respect, they will transpose the directive into their national legislation by the due date of transposition.

Bulgaria and Romania are committed to make all necessary efforts to implement the Directive within the deadlines provided. Both countries are already taking measures to ensure compliance of the existing installations falling into the scope of the European legislation in force, such as the Waste Framework Directive, the Landfill Directive, the IPPC Directive and the respective legislation concerning surface and groundwater protection.

With the Joint Declaration Bulgaria and Romania state their strong political will to undertake all necessary measures to comply with the provisions of the Directive on the Management of Waste from Extractive Industries in the same way as the other Member States.

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.