

Position on the draft Own Initiative EP Report regarding the Implementation of the Mining Waste Directive: 2015/2117(INI)

Date 16 March 2017

Euromines asks that the European Commission consult national mining experts in developing mining-specific guidelines, e.g., on Article 17 inspection of extractive waste facilities by competent authorities.

Euromines members acknowledge the attention paid by Members of the European Parliament to effective implementation of the Mining Waste Directive 2006/21/EC. We hope that the Commission and Member States can quickly agree their respective roles and responsibilities for ensuring consistent and effective implementation of the Directive in practice in accordance with EU Principles and Treaties.

Guidance on Inspections

We note that the European Commission confirmed in its report that **EU Member States have adopted the measures needed to implement the Directive, but that development by the European Commission and Member States of technical guidelines for inspections is still to be completed.** Euromines members welcome that **the European Commission has committed to adopting mining-specific guidelines on inspections of extractive waste facilities as required by Article 22§1(c) by 2018.** The content of this guidance shall address inspections by the competent authority in accordance with Article 17 of the Directive.

Mining in the Circular Economy

The EU mining industry will play an important role in supplying the Circular Economy “where the value of products, materials and resources is maintained in the economy for as long as possible, and the generation of waste minimised”. Geological Surveys throughout the world have explained that global **raw-material reserves are plentiful and society can be optimistic about its ability to meet future demand**¹. The statement in tabled amendments suggesting that these resource face rapid depletion is therefore incorrect and misleading.

The Current Reporting Mechanism

The Mining Waste Directive covers a broad range of facilities and sites, from very low-risk to high-risk and to some extent including many thousands of historic extractive waste facilities. For that reason, the Directive’s provisions apply to different categories of extractive waste facility commensurate with the consequences of failure for each specific facility. **Any Article 18 Questionnaire must also prioritise information relevant to the Commission’s need to ensure implementation of the Directive and its proportionate approach – nothing more, nothing less.**

¹ US Geological Survey (2016) <http://www.mdpi.com/2079-9276/5/1/14> ;
British Geological Survey (2015) <http://sp.lyellcollection.org/content/393/1/265>

Compliance Promotion

Euromines favours consistent enforcement of the Directive across the Union. Whilst particular enforcement challenges may occur in some parts of Italy, all **Euromines members are committed to ethical business practices in all operations and to sound systems of governance**². Additional legal measures from the European Commission will not improve enforcement of existing measures by the Member States. So, we believe that those tabled amendments that call for modification of the Directive are not reasonable.

Prevention of water status deterioration, air and soil pollution

The European Commission is correct in stating that the limit values for cyanide in stored tailings as defined in the Directive are the most stringent possible and that there has not been a significant change recently in the application of commercially available alternatives to cyanide-based technologies. It is unclear which types of gold ore might be amenable to the use of alpha-cyclodextrin, which is reported to have only been tested at laboratory scale.

A proposed EU-wide disaster risk sharing facility

All extractive waste facilities as defined in the Directive are covered by Annex III, point 13 of the Environmental Liability Directive and are therefore subject to a strict liability regime. A fund to cover environmental liability and losses will result in additional costs and administrative burden for the extractive sector already subject to very stringent requirements under EU legislation, without increasing the uptake of preventive actions already taken by our sector. Mining companies are simply not willing to cover financially for the poor performance of others.

² See Euromines Guidelines for Sustainable Development at <http://www.euromines.org/what-we-do/sustainable-development-issues>