



Raw Materials High Level Conference

Maximising value: The importance of the extractive industry to growth in the EU economy and its regions

Athens Declaration on sustainable access to resources

Critical Raw Materials, Minerals Policy, Land-Use Planning and Permitting

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The European Raw Material Initiative of 2008, renewed in 2011, has launched a series of actions aimed at the establishment of favourable framework conditions for the extraction of raw materials within Europe to secure the needs of the European industry and society as a whole. The industry welcomes the progress made in the Raw Materials Initiative and considers the two reports on Critical Raw Materials and its staff working document and the Report on Best Practices in Minerals Policy, Land-Use Planning and Permitting as considerable contributions to this progress.

I. Report on Critical Raw Materials:

- All raw materials, even if not assessed as critical, are essential for the European economy. A given raw material and its availability to the European economy should therefore not be neglected just because it is not ranked as critical.
- The purpose of the critical raw materials list is to assess the situation with regard to EU raw materials supply for downstream industries, to contribute to the implementation of the EU industrial policy and to ensure that European industrial competitiveness is strengthened through actions by the EU and Member States independently and jointly where appropriate in order to achieve the Commission's goal of raising industry's contribution to GDP to as much as 20% by 2020. It should also help to analyse the development of this supply and to address underlying factors of these developments through policy measures at the appropriate level. Finally, it should contribute incentivising the European production of all, but in particular critical raw materials and facilitate the launching of new extractive activities.
- The list is also being used to help prioritise needs and actions and draw attention to impacts of policy measures within and outside of Europe that influence raw materials supply unduly. For example, it can serve as a supporting element for a sustainable EU trade policy, when negotiating trade agreements, challenging trade distortion measures or promoting research and innovation.
- However, limitations and uncertainties both in terms of methodology and available data have to be taken into consideration when discussing or using this list.

The industry calls for:

- Currently the information on the Criticality assessment of raw materials is not widely known and is used only by Member States where the study results could be used in relevant policies and initiatives. Only a few have carried out the same assessment for their own national purposes. The industry therefore insists to promote the outcome of the CRM study results and findings and to follow-up on the actions not only across the EU Institution and the Member States, but also amongst

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relevant stakeholders, including manufacturers, designers and waste processors, who may benefit from it.

- With a view to the next update in three years from now, to develop with the assistance of the EU Ad Hoc Group on CRM the quantitative methodology further and carefully consider possible modifications while maintaining the scope as well as comparability over time,

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II. Recommendations concerning the framework conditions for mining in the EU

A). Policy and legal framework, mineral policy, land-use planning and permitting

- Existing legislation in Member States is complex, in many cases historically grown and often based on competences of administrative regions. A comprehensive description for all 28 EU Member States is hardly possible. The RMI has successfully encouraged many countries to establish new and updated policies and to review their linkages to other national policies.
- The main differences in Member States arise from different legal systems and different implementation of EU legislation as well as different judicial systems and different competences between countries with either federal, regional or centralised structure. Therefore the first priority has been the improvement and harmonisation of implementation of existing legislation.

The industry calls for:

Compatibility of policy measures at European Union level

Whilst respecting the subsidiarity principle and national competence in the field of minerals policy, in view of the diversity of the relevant national legislation and various priorities of Member States, the group invites

- the European Commission to focus on ensuring compatibility of all EU initiatives and legislation impacting the EU non-energy extractive industry;
- to continue the RMI's national implementation and exploring all relevant options of actions together with the Member States. The impact of e.g. environmental, biodiversity, waste management, R&D&I, and spatial planning policies of the European Union on the raw materials sectors shall be considered in the analysis process;
- the Member States to continue their efforts in establishing national Mineral policies and increase their compatibility with other relevant policies;
- to achieve recognition of the positive contribution to environment and biodiversity in restored and active extraction sites by European, national and regional decision makers;
- equally, to recognise the temporary nature of the non-energy extractive industry and the possibilities offered by the after-use.

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In line with the Raw Materials Initiative, the **scope** of any EU initiative in this field shall be limited to the non-energy non-agricultural raw materials. Major **objectives**, such as resource efficiency, sustainability, good governance, stable and predictable legal and regulatory framework, transparency, integrity, undistorted internal market conditions as well as their possible interlinks should be addressed.

- Based on national mineral policies, national governments shall be encouraged to establish adequate regulatory frameworks to secure **mineral deposits of public importance** that facilitate investments as they do for hydrocarbons, but **ensuring that mineral property rights are sufficiently protected**. The full range of options at the relevant level (local, regional, national, EU) should be considered following an appropriate impact assessment covering all possible options - from taking no action, to the development of guidance or of a legislative proposal. | 3

Improved implementation at national level:

National minerals policies should endeavour to act politically and legally, to create the right framework conditions for extraction, as follows:

- Development of **National Minerals Policy (strategy)**, together with an appropriate **action plan**, with update when necessary, and dissemination. **Strategies should preferably be national** in the Member States where raw material policy is a national competence – and should ensure coherence between regional and local strategies where the competences have been delegated.
- Where appropriate the national – or regional/local – policy and/or legislations need to include the **concept of mineral deposit of public importance** and define the infrastructures necessary to carry out the projects.
- Addressing the appropriate length of time and conditions of **confidentiality** of geological, exploration and resource **data** may accelerate the investments into raw materials extraction.
- Considering the pressure on land-use by various activities in the Member States and the need to facilitate the access to mineral resources for the future, there is a need to develop a greater compatibility of national minerals policies and land-use planning in each and every one of the Member States. It also implies a change of the 2D land-use planning legislation and practices into 3D spatial planning assessing the mineral potential of favourable zones throughout the EU **up to a depth of 1.5 km**, as it was highlighted in the EIP Strategic Implementation Plan non-technology pillar.
- Increase **public investment** in early stages of exploration and promoting the public availability of field data
- Applying **specific financial incentives and fiscal instruments** to encourage investment in exploration and access to raw materials, such as tax rebates for research activities including prospecting and exploration.

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- Coherence of environmental, biodiversity, waste management, R&D&I, and spatial planning policies of the **Member States with the RMI objectives should be guaranteed and possible impact of such legislation on the raw material sector** shall be considered in the **decision-making** procedures.
- In many countries within the EU, access to mineral deposits through the permitting or licencing process lacks clarity and certainty, making exploration and extraction of resources a very expensive and extremely risky business. A transparent and clear framework in terms of exploration and access to deposits is a minimum requirement.
- Gaps and challenges in land-use planning practices were identified as well as good practice examples. National, regional and local land-use planning should apply the following minimum standards:
 - Providing suitable INSPIRE Directive compliant maps of needed quality on potential deposits, easy access to these maps and regular updates is highly desirable.
 - There is a need to improve practices on land use-planning. It should be more digitalised. Digitalisation is a vital part in streamlining the authority processes.
 - In land-use planning, the existence of mineral deposits should be taken into account in the development of urban, highly populated or industrial areas, avoiding potential conflicts, on the basis of national / regional mineral strategies.
 - Transportation of raw materials needs to be provided. This means the safeguarding of existing or the provision of suitable road, rail or waterway infrastructure for transporting the raw materials from the extraction to usage or processing location.
 - A widely informed and balanced assessment of the different options to determine the extractive sites. These options should also include otherwise protected areas in case the respective special legislation does allow this. There should be no automatic exclusion of raw-material extraction activities in and around potentially sensitive areas (e.g., Natura 2000). Instead, extractive activities shall ensure that these activities do not adversely affect the values of such sites.
 - Full application of the European Commission Guidance on Non-energy mineral extraction and Natura 2000 is necessary.
 - Capacity building and co-operation of authorities in charge of minerals extraction and land-use planning is needed (to consult widely and to identify, classify and safeguard mineral deposits).
 - Competent authorities should consider streamlining permitting procedures, the application of the **one-stop-shop model**, and the use of **e-government solutions**, such as on-line standard forms.

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- Since there is no timeline or time restriction embedded in the EIA Directive or any other rules applicable to permitting, the exact timeframe is highly variable between different Member States. However, in the revision of the EIA Directive (adopted on 14 April 2014), some time-limits are included, considerations are also being given to the «one-stop shop» or the joint procedure. The EIA and length of time of the permitting process inevitably result in incurring costs for the project developer, which strongly depend on the project size and complexity.
- The granted permit has to be of legal certainty and should be valid for a preferably long time period. To ensure a level-playing field, competitiveness and in the interest of social welfare, protection of employees and environment, more efforts should be undertaken to apply accurately existing EU and national legislation and in the area of law enforcement.

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B) Information framework

Harmonisation of resource reporting

Reporting of resource potential should be improved as follows:

- Minerals management at European Union level requires a standardised classification of reserves and resources, with due consideration for existing reporting standards currently used for different purposes.
- Mineral statistical reporting, at EU level is desired on a regular basis (2 to 3 years).
- Member States should be encouraged to establish/reinforce the role of competent authorities/bodies in the management of mineral information, including national raw material resource base and materials flow surveillance.
- Public information frameworks are needed by public authorities, industry and investors and other stakeholder: academia, research, NGOs and the general public.
- Human expertise and intelligent data management systems are needed to turn data assets (e.g. data on mineral deposits, publically available economic data on mineral exploration and extraction and their relevance for downstream industries, data on environmental and social impact, mineral intelligence data) into information relevant to the specific end users. However from an EU perspective, these **national and regional information frameworks** remain **very heterogeneous** in contents and quality. **To overcome heterogeneity**, it is important to standardise qualities of information and make them compatible.

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