

To: Janez Potočnik

EU Commissioner for the Environment

Cc: Laszlo Tokes

vice-president of the European Parliament

Cc: Jo Leinen

Chair of the EP Committee on the Environment, Public Health and Food Safety

Cc: János Áder, Richard Seeber, Theodoros Skylakakis, Zuzana Roithova, Alajos Mészáros, Daciana Sarbu, Kriton Arsenis, Csaba Tabajdi, Renate Weber, Michail Tremopoulos, Edvard Kožunšnik, Kartika Tamara Liotard, Sabine Wils, Joao Ferreira, Jiri Mastalka and Nikolaos Chountis
Members of the European Parliament

08 September 2010

OPEN LETTER

Dear Commissioner Potočnik,

We are writing to you in relation to the European Parliament (EP) resolution of May 5th (*P7_TA (2010)0145*) calling for a general ban on the use of cyanide mining technologies in the European Union by 2011. We remind you that the EP resolution was passed with an overwhelming majority of 488 votes. The Parliament's unequivocal call for a ban on cyanide mining is due to the concern of our elected representatives to protect Europe's shared water resources, its biodiversity, and the health and livelihoods of its citizens.

Our hope is that as Commissioner for the Environment you might share these concerns. However your communications to members of the European Parliamentⁱ and to environmental groupsⁱⁱ, fail to justify your refusal to take action in line with the EP resolution, and to assess the gaps in the implementation of existing legislation.

We are also seriously concerned about the non-transparent process of consultations that the European Commission undertook with representatives of the mining industryⁱⁱⁱ, while the request for participation of environmental groups and local communities were ignored.

We remind you that the European Commission is both legally and morally obliged to protect the public interest and to promote transparency, democracy and citizens' participation in decision-making.

Therefore **the undersigned civil society and community organizations urge you to:**

- a) release a cost and benefit analysis including full assessment of the environmental and health related impacts as well as costs/gains in the case of the ban compared with the present situation and**
- b) to carry out and release an assessment on the actual implementation of the existing legislation^{iv} with regards to existing and proposed cyanide-based mining operations.**

In December 2000 your predecessor Margot Wallström welcomed the release of the final report from the independent International Task Force for Assessing the Baia Mare Accident with the following words:

"There is the need to further embrace a culture of openness, transparency and participation. Had citizens felt that they were receiving objective information in the aftermath of the accident then much of the distress, confusion and economic hardship might have been reduced."^v

Ten years later these words are still very relevant and compelling. Our demands for more openness, transparency and participation in the European Commission's decision-making related to the risk of cyanide pollution resonate with these words.

The argument that existing EU legislation should ensure safety of cyanide mining operations does not hold precisely because EU legislation is so weakly enforced. As you are aware, DG Environment is in possession of detailed complaints submitted by both environmental organisations and EU citizens that highlight the failure to enforce the law *vis-à-vis* the environmental assessment procedures for large scale cyanide-based mine proposals.^{vi}

Rather than rejecting the call of the democratically elected European Parliament, the Commission should instead show social and environmental responsibility and leadership by welcoming this opportunity to support non-toxic alternatives to cyanide-based mining. In line with Commission President Barroso's call for the creation of 'green jobs' we call on Directorate-General for the Environment to promote the recycling of precious metals from Europe's increasing mountains of electronic waste.^{vii}

To conclude, **we demand the opening of a transparent and balanced consultation process** regarding the steps that DG Environment will take in order to implement EP resolution (*P7_TA(2010)0145*) on a general ban on the use of cyanide mining technologies in the European Union by 2011. We look forward to your Directorate-General setting out **a time-line and participation opportunities** for civil society organisations and local communities that wish to be involved in the Commission's work *vis-à-vis P7_TA(2010)0145*.

Yours sincerely,

1. Aggeliki Kosti, GREGOS Environmental NGO, Greece
2. Alexander Georgopoulos, Ecological Movement of Thessaloniki, Greece
3. Alexander Kodjabashev, Demetra Association, Bulgaria
4. Albert Recknagel, Terre des hommes, Germany
5. Alla Yaroshinskaya, Right Livelihood Award Laureate, 1992 , Russia
6. Ana Colovic Lesoska, Eco-svest, Macedonia
7. Andras Biro, Right Livelihood Award Laureate, 1995 , Hungary
8. Andreas Vasiliou, MEDITERRANEAN SOS Network, Greece
9. Andrey Kovatchev, Balkani Wildlife Association, Bulgaria
10. Anisa Xhitoni, EDEN Center, Albania
11. Angie Zelter, Trident Ploughshares, Right Livelihood Award Laureate, 2001 , UK
12. Angelo Caserta, BirdLife International | European Division
13. Antonis Skouras- North Evia Newspaper, Greece
14. Borislav Sandov, Foundation for Environment and Agriculture, Bulgaria
15. Birsel Lemke, Right Livelihood Award Laureate, 2000 , Turkey
16. Dr. Budayné, Szerki Környezeti Nevelési Egyesület, Hungary
17. Cesar Padila, Observatorio de Conflictos Mineros de America Latina OCMAL
18. Czeller Gábor, Magyar Biokultúra Szövetség, Hungary
19. Cseho Gábor, Csermely Környezetvédelmi Egyesület, Hungary
20. Cselószki Tamás, Bors Alapítvány, Hungary
21. Daniel Popov, Center for Environmental Information and Education, Bulgaria

22. Daphne Mavrogiorgos, Hellenic Society for the Protection of the Environment and the Cultural Heritage, Greece
23. Demeter Zoltán, Zöld Akció Egyesület, Hungary
24. Despina Spanoudi, Boeotian Coalition for the Environment, Greece
25. Dimitar Vassilev, Ecoclub 2000, Bulgaria
26. Dimos Aggelopoulos, ALKYON- Korinthiakos Environmental NGOs Federation, Greece
27. Doru Mitrana, Greener Association, Romania
28. Edvin Pacara, Institute for Environmental Policy, Albania
29. Eleonora Zotou, Ecology-Solidarity, Thessaloniki, Greece
30. Emily Panousi, HELESSION- Environmental NGO, Greece
31. Eugen David, Alburnus Maior/Rosia Montana, Romania
32. Farkas István, Magyar Természetvédők Szövetsége, Hungary
33. Fodor Mark, CEE Bankwatch Network, Czech Republic
34. Földesi Dóra, Hulladék Munkaszövetség, Hungary
35. Gárdonyi Zsolt, Evezz Velem Egyesület, Hungary
36. Gellért Miklós, SZIKE Környezet- és Egészségvédelmi Egyesület, Hungary
37. George Cosmopoulos, STOPCARTEL Antitrust Organisation, Greece
38. George Demeridis, Ecological Society of Evros, Greece
39. George Tsekos, Ecology Initiative of Hania, Greece
40. Giorgakis Kostis, Hellenic Consumers' Association BIOZO- Bio-Consumers for Qualitative Life, Greece
41. Grammatiki Karavasilikou, Cultural Society of Megalopanagiotes in Thessaloniki, Greece
42. Gyöngyössi Péter, Kerekerdő Alapítvány, Hungary
43. Hajósy Adrienne, Zöld Nők Csoportja, Hungary
44. Hans Hedrich, Sighisoara Durabila, Romania
45. Huub Schelle, Both ENDS, Netherlands
46. Dr. Ibrahim Abouleish, Right Livelihood Award Laureate, 2003, Egypt
47. Ida Kuklina, Union of Soldiers Mothers Committees of Russia, Right Livelihood Award Laureate, 1996, Russia
48. Ilosvay György, CSEMETE Természet és Környezetvédelmi Egyesület, Hungary
49. John F Charlewood Turner, Right Livelihood Award Laureate, 1988, UK
50. Jorgo Riss, GREENPEACE, European Unit
51. Dr. József Hamar, Tisza Klub, Hungary
52. Katerina Ventusova, GREENPEACE, Slovakia
53. Kelemen Zoltán, Magosfa Környezeti Nevelési és Ökoturisztikai Alapítvány, Hungary
54. Kocsis Anikó, Ökorégió Alapítvány a Fenntartható Fejlődésért, Hungary
55. Kirösi-Báti Edit, Zagyva-mente Környezet- és Természetvédők Egyesület, Hungary
56. Konstantia Trabazali, Immediate Intervention for the Protection of Nature, Greece
57. Konstantinos Foteinakis, Eco-cultural society of Chaidari, Athens, Greece
58. Konstantinos Tsekeris, New Consumers Institute (NEW INKA), Greece
59. Laszlo Potozky, Romanian Environmental Partnership Foundation, Romania
60. Lavinia Andrei, Foundation TERRA Millennium II, Romania
61. Luiza Boldizsar, Eco Rurals, Romania
62. Lukács András, Levegő Munkacsoport, Hungary
63. Magda Stoczkiewicz, Friends of the Earth, Europe
64. Maria Kadoglou, Hellenic Mining Watch, Greece
65. Dr. Martin Almada, Right Livelihood Award Laureate, 2002, Paraguay
66. Martina Schaub, SÜDWIND e.V. - Institut für Ökonomie und Ökumene, Germany
67. Marianne Andersson, Right Livelihood Award Foundation, Sweden

68. Michael Davis, Pedestrian Passage of Serres, Greece
69. Michael Decleris, Chamber for Environment and Sustainability, Greece
70. Michael Reckordt, philippinenbüro e.V. im Asienhaus, Germany
71. Prof. Mike Cooley, Right Livelihood Award Laureate, 1981 , UK
72. Molnár Ibolya, Nyíri Arborétumért, Természetért, Kultúráért Közhasznú Egyesület, Hungary
73. Monika Griefahn, Ministerin a.D., Denmark
74. F. Nagy Zsuzsanna, Levegi Munkacsoport, Hungary
75. Neli Arabadzhieva, Green Balkans NGO, Bulgaria
76. Nick Aslanoglou, Ecological Group of Veria, Greece
77. Nick Petrou, Hellenic Society for the Protection of Nature, Greece
78. Nilton Deza Arroyo, Universidad Nacional de Cajamarca, Peru
79. Ole von Uexkull, Right Livelihood Award Foundation, Stockholm, Sweden
80. Patrick van Rensburg, Right Livelihood Award Laureate, 1981, South Africa
81. Payal Sampat, EARTHWORKS, USA
82. Peter Fuchs, PowerShift, Germany
83. Petko Kovachev, Green Policy Institute, Bulgaria
84. Petru Botnaru, Terra-1530, Romania
85. Polixeni Ragou, Friends of the Forest Club, Lamia, Greece
86. Prof. Radi Radev, Ecoforum Association, Bulgaria
87. Prof. Dr. Raul A. Montenegro, Right Livelihood Award Laureate, 2004 , Argentina
88. Ramona Duminiciou, InfOMG, Romania
89. Raluca Dan, Re.Generation, Romania
90. Regine Richter, Urgewald, Germany
91. René Ngongo, GREENPEACE, Africa
92. Richard Solly, London Mining Network, UK
93. Rosalie Bertell, Ph.D., Right Livelihood Award Laureate, 1986 , Canada
94. Dr. Roszik Péter, Biokontroll Hungária Nonprofit Kft., Hungary
95. Sára Endréné, Beretzk Péter Természetvédelmi Klub, Hungary
96. Sascha Gabizon, WERF - Women in Europe for a Common Future
97. Sebastian Rötters, "FIAN Germany (FoodFirst Information and Action Network)"
98. Simonyi Gyula, BOCS Alapítvány, Hungary
99. Sissy Nikissiani, Coordinating Committee against the Installation of Liquid Fuel Tanks in the Vassova Lagoon, Greece
100. Spyros Psaroudas, CALLISTO- Environmental Organisation for Wildlife and Nature, Greece
101. Stephen Gaskin, Right Livelihood Award Laureate, 1980, USA
102. Stefania Simion, Independent Centre for the Development of Environmental Resources, Romania
103. Stelios Skias, PAKETHRA – Cultural Development Center of Thrace, Greece
104. Dr.H.Sudarshan, Right Livelihood Award Laureate, 1994 , India
105. Szalay Tímea, Csalán Egyesület, Hungary
106. Szegfalvi Zsolt, GREENPEACE, Hungary
107. Tasos Afentis, Movement to to Save Mount Giona, Greece
108. Tasos Nikoladakis, Patras Consumer Association, Greece
109. Theo van Boven, Right Livelihood Award Laureate, 1985 , Netherlands
110. Theodosia Dragoumani, Ecology Group of Rodopi, Greece
111. Theoni Leivaditi, Society for the Protection of Lake Trichonida, Greece
112. Todor Slavov, Environmental Association “For the Earth”, Bulgaria
113. Toldi Miklós, Dráva Szövetség, Hungary

114. Tömöri László, E-misszió Természet- és Környezetvédelmi Egyesület, Hungary
115. Vágvölgyi Gusztáv, Inspi-ráció Egyesület, Hungary
116. Vandana Shiva, Right Livelihood Award Laureate, 2003, India
117. Vasil Kadrinov, Ecological Association GEO, Bulgaria
118. Vasilis Gravanis, Citizens' Ecological Movement of Larisa "I gi mas", Greece
119. Dr. Veres Nándor, Szövetség az Élő Tiszáért Egyesület, Hungary
120. Viktor Vida, Védegylet/Protect the Future!, Hungary
121. Vojtech Kotecky, Hnutí Duha-Friends of the Earth, Czech Republic
122. Xenofon Kappas, Hellenic Ornithological Society, Greece
123. Yiannis Schizas, OIKOLOGEIN magazine, Greece
124. Zalatnay László, Energia és Környezet Alapítvány, Hungary
125. Zubor Kata, Válaszúton Hagyományörző és Környezetvédelmi Alapítvány, Hungary

- i Answer to written question of MEP Csaba Sandor Tabajdi, given by Mr Potočnik on behalf of the Commission on 23 June: <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=P-2010-3589&language=EN>
- ii Letter to Environmental Commissioner Janez Potocnik from Daniel Popov at the Sofia-based Centre for Environmental Information and Education and Eugen David from Alburnus Maior/ Rosia Montana, Romania. http://www.ngo.ro/date/17ef04f0530a65b2f4e73d9a4b5d99ea/participation_AM_CEIE_cyanide_20May2010.pdf
Response from Commissioner Potocnik:
http://www.ngo.ro/date/17ef04f0530a65b2f4e73d9a4b5d99ea/letter_Potonik_7june.TIF
- iii <http://www.mining-journal.com/production-and-markets/ec-rejects-proposed-cyanide-ban> and
<http://proactiveinvestors.com/companies/news/6816/emed-mining-permitting-boosted-as-eu-knocks-back-proposed-cyanide-ban-6816.html>
- iv Specifically the Mining Waste Directive, Environmental Impact Assessment Directive, Integrated Pollution Prevention & Control Directive, Water Framework Directive, Birds and Habitats Directives and the Espoo Convention.
- v Press Release: Commission welcomes the Baia Mare Task Force report, 15 December 2000: <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/00/1471&format=HTML&aged=1&language=EN&guiLanguage=en>
- vi See attached briefing note *Can existing EU legislation prevent a future cyanide spill?* or access it at http://www.ngo.ro/date/17ef04f0530a65b2f4e73d9a4b5d99ea/Can_existing_EU_legislation_prevent_a_future_cyanide_spill_2.pdf
- vii There is mounting evidence that the European Union is incapable of implementing the Electronic Waste Directive. Only one third of e-waste is thought to be treated in line with the directive's requirements. This failure causes not only industrial dumping and environmental damage in the developing world, but undermines Europe's ambition to achieve resource efficiency. See article: <http://www.bbc.co.uk/news/world-europe-10846395>