**Note on the informal stakeholderconsultaion on the implementation of the Minaing Waste Directive**

**6 December 2016**

**European Parliament**

**Participants:**

1. Ekaterina Karamfilova - European Parliamentary Research Service

2. Vittoria Venezia - EPP Group advisor

3. Luca Demicheli - EuroGeoSurveys

4. Claudia Delfini -  EuroGeoSurveys

5.  Benoit Lussis - Fediex (Belgian extractive industry association)

6. Sergio Álvarez - Spanish Permanent Representation

7. Pilar González - Spanish Permanent Representation

8. Johannes Drielsma - Euromines

9. Richard Harkinson - London Mining Network

10. Szilvia Bányácski - Hungarian Mining Office

11. Mike Bostan -  EUROCOAL

12. Alev Somer - UEPG

13. Judit Varga - Office of MEP Hölvényi

**I. Presentation by Mr Richard Harkinson (London Mining Network)**

- 10 MS have reported no Category A facilities (potential danger)

- 25% of all EU Category A facilities have no external emergency plans

- RH counted 202 of them

- this is the “elephant in the room”

- where are these facilities

- more rigorous approach is needed

- 3.4 dam failure per year worldwide

- recent tragedy at Kolontar dam 2010

- large tailings dams are built using removed earth, thus saving costs

- the vast majority of the tailings dams are built on “upstream design” (most vulnerable to failure)

- operators often blame exceptional circumstances instead

- the regulator should put an end to this

- there is no centralised registry of talings dams

- mining is getting more and more extensive - more tailings dams

- Art 14. does not work against these risks

**II. Intervention by Mr Johannes Drielsma (Euromines)**

- The MWD is ‘their Directive”; it applies to their industries

- welcomes that all MSs adopted the Directive

- some of the data looks funny in the COM report (some MS have reported large number of facilities, companies don’t agree to these statements)

- sector specific guidance on inspections is needed ASAP (2012 draft is not enough)

**III. Intervention by Mr Luca Demichelli (EuroGeoSurveys)**

- representing the public sector with 36 national agencies

- mineral resources are their expertise

- improvement in the categorisation of hazards

- welcomes binding rules on engineering of tailings dams

- the necessity of an EU database

- H2020 projects (inventory of sites PROSUME; PROMINE)

- no clear differentiation between energy and non-energy minerals

- shale gas should be dealt with separately

- facility inventories are required by MS, no need to double the requirements

- it must be clear who has to report (the overlaps between SEVESO and MWD are problematic)

**IV. Intervention of Mr Benoit Lussis (Fediex, Belgian extractive industry association on behalf of UEPG)**

1. Misunderstanding of the extractive waste definition

The statistics on the number of extractive waste facilities in the report demonstrates a misunderstanding of the waste definition in some countries (reference to the EU judgement Case C-9/00 and C-114/01).

n quarries, extractive material which are not sold can be used within the extractive site for other useful purposes such as: rehabilitation operations, construction of screening mounds or building means of access.

* When these requirements are set by the extractive site authorisation, the material should not be considered as waste, as the operator does not intend to discard it.

1. Unnecessary administrative burden

The directive has a myopic view of the extraction site. The directive does not take into account that an extractive waste facility is one of the components of the extractive site and is therefore covered by the authorisation process of the site including: environmental and risk assessment, environmental requirements set by the authorisation.

* The directive creates, in this regard, a duplication of the environmental impact assessment and of the authorisation process.

1. Not taking into consideration the sector’s characteristics

Particularities of extractive wastes in quarries:

* Very small amount compared to the total extracted material
* No chemical transformation, no use of extern substances
* Extracted materials are typically inert

1. The management of extractive waste in quarries is usually not a key issue for safety and environment

* Environmental Impact Assessment in quarries usually does not consider the extractive waste management as a critical issue

**V. Intervention of Ms Szilvia Bányácski (Hungarian Office for Mining and Geology)**

- Hungary was the first one in the transposition of the Directrive

- in general, the Office agrees to the content of the COM report, however the measures are too strict and unnecessary in certain areas

- e.g. in the event of deposition over 3 years of unpolluted soil a WMP must be prepared

- also welcomes general guideance on inspections

**VI. Other participants stayed as observers to the debate**

**Q&A** (questions by Judit Varga, MEP Hölvényi’s office)

Answers

by Richard Harkinson:

- during the BREF review the EP should move towards better tailings dam design (the protocol is the ‘existing’, not the ‘best available’)

by Johannes Drielsma:

- in case of BAT there is no one size fits all design

- upstream construction is not the BAT, but in some cases/under different conditions it might be the best

- the expertise exists, the question is good governance

- urged to have sufficient sector specfic expertise/personnel to carry out inspections/to design dams, etc.

Other:

- the issue of insufficient financial guarantees were also dicussed and clarified that Art. 14. is limited to closue and does not cover damages in case of an accident in accordance with the polluter pays principle;

- EuroGeoSurveys emphasized the different capacity of small businesses to cope with possible complusory financial guarantee