

SUSTAINABILITY OF MINERAL RESOURCES AND THE ENVIRONMENT

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STATE OF IMPLEMENTATION OF DIRECTIVE 2006/21/EC- ASSESSMENT OF EU MEMBER STATES IMPLEMENTATION REPORTS

Presentation BiPRO - Services



Chemicals



Sustainability
& Innovation



Health



Environment,
Climate & Energy

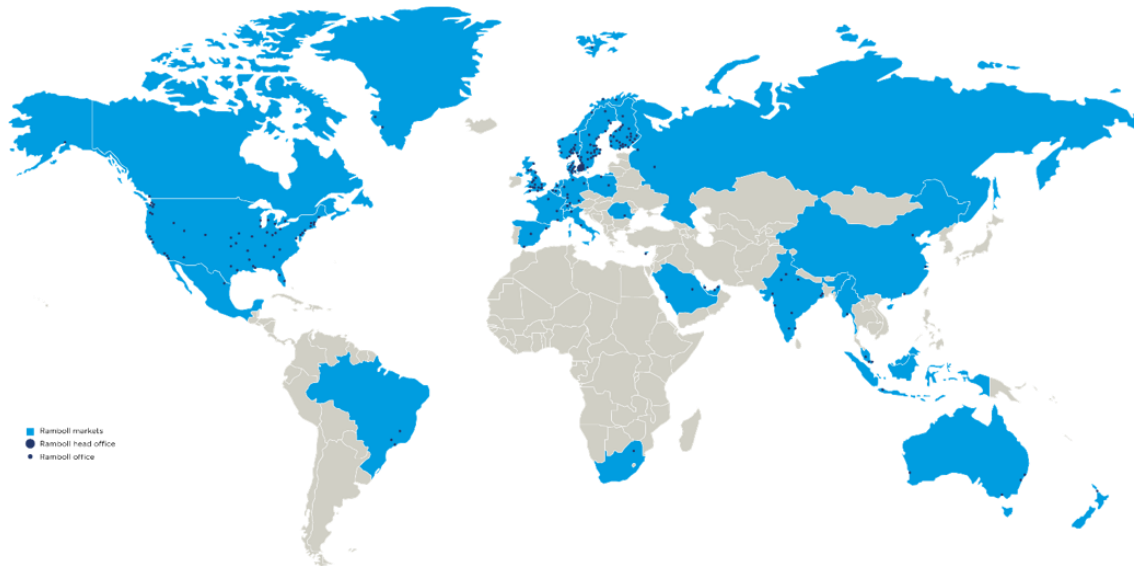


Waste &
Resource
Management



Support for
Developing and
Transition countries

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European Commission
European Parliament

European and national
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National and regional
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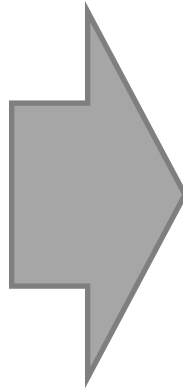
Industry



Presentation BiPRO - Waste and Resource Management



Waste &
Resource
Management



- Technical and legal questions of waste management legislation (e.g. limit values for pollutants, evaluation of BAT, classification)
- Environmental and socio-economic impact assessment
- Verification of implementation and enforcement of waste law (e.g. treatment operations, transboundary shipment of waste)
- Drafting and assessment of waste management plans
- Analysis and evaluation of waste statistics
- Waste prevention, recycling and recovery concepts (waste hierarchy, circular material flows, flow analysis, EPR)
- Elaboration of guidance, communication, education and training

Background of the study

- Member States are required to submit a **questionnaire to the Commission** every **three years** on the implementation of the EU Directive 2006/21/EC on the management of extractive waste (EWD).
- The Commission is requested to **publish a report** on this basis where relevant **issues** should be addressed. The report shall summarise the **adoption of measures at national level** to ensure the implementation of the Directive, the **evolution of the implementation**, and the situation of the domain of activity within which the Directive has to be implemented.
- The report shall contain e.g. following: **implementation at national level, general statistic information** on extractive activities and waste, as well as **assessment of their environmental impact**.

Objective of the study

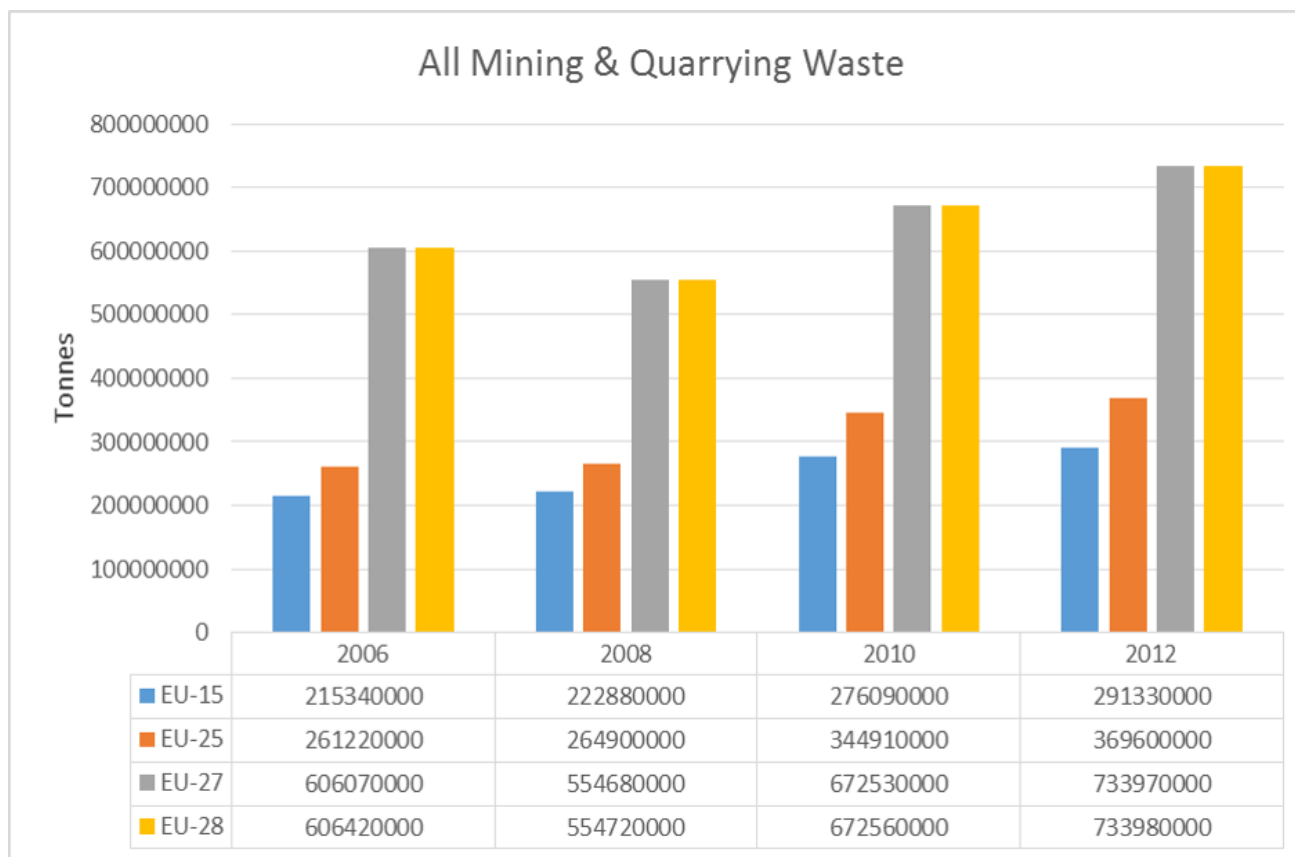
- In 2015 BiPRO, in cooperation with Oakdene Hollins, has been assigned by the EU Commission to conduct the study “Provision and elaboration of information for the preparation of the “Implementation report of Directive 2006/21/EC on the management of waste from extractive industries”” for the third reporting period .
- The main objective of the study was the **provision and elaboration of information** for the preparation of the Commission report on implementation of the Extractive Waste Directive (EWD). The following tasks have been performed:
 - **Task 1:** Assessment of the completeness of submitted national implementation reports
 - **Task 2:** Assessment of information safety measures taken and on the action required in the event of accidents or events, as requested by Articles 11§3 and 12§6 of the Directive
 - **Task 3:** Compilation and assessment of additional information (to supplement the information submitted by Member States)

Benefit of the assessment of Implementation reports

- The assessment of national implementation reports may assist in **identifying the challenges that exist in the implementation** of the EWD and at determining whether and/or how these **challenges have been addressed** by the Member States.
- The assessment of reporting also may reveal where the Directive's **provisions are differently understood and applied** by the Member States.

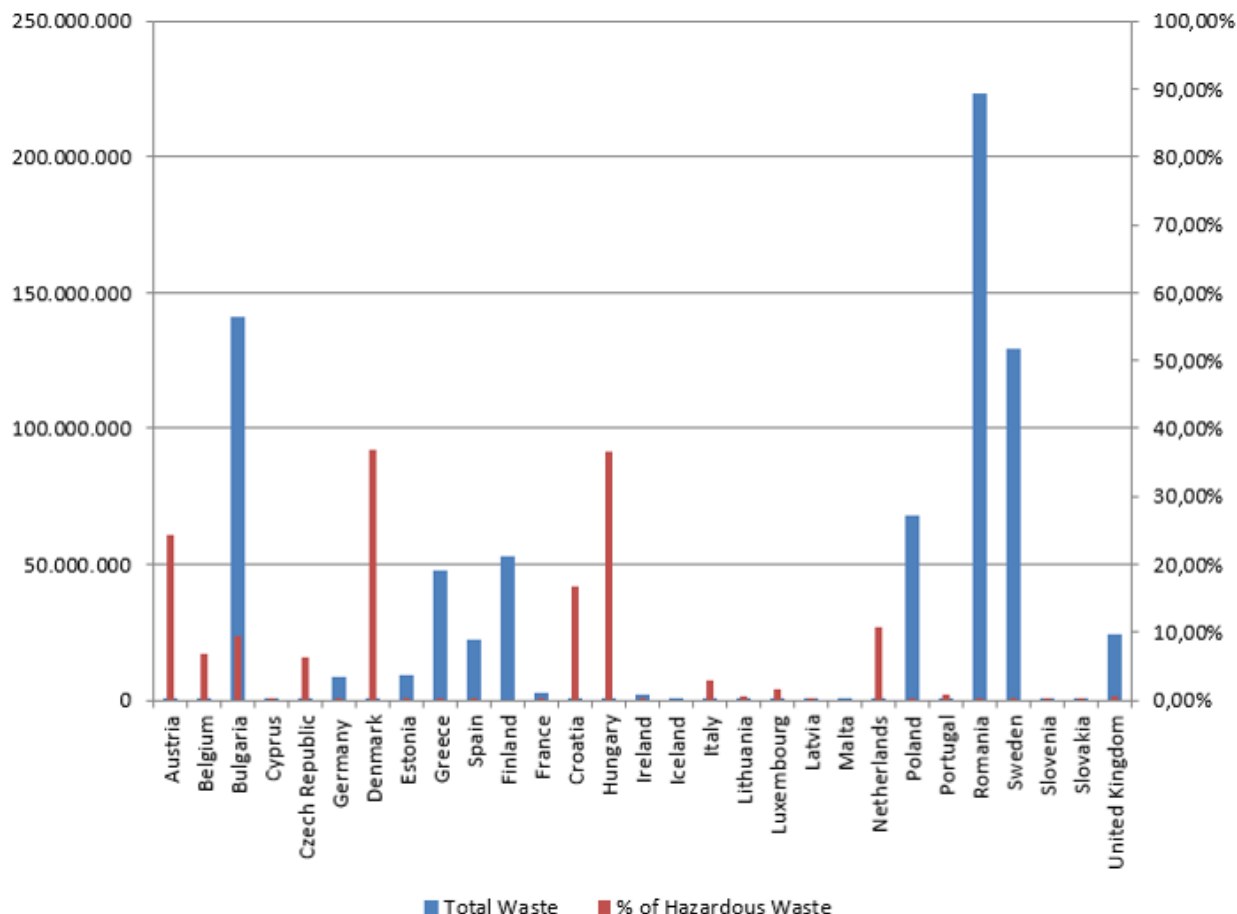


Amounts of extractive waste generated within the EU



- In 2012 the extractive waste (EW) generation in the EU 28 Member States amounted to over 730 million tonnes.
- This represents 30 % of all waste generated by the Member States .

Total amounts and percentage of hazardous EW per MS



- The largest amounts of EW are generated in Bulgaria, Denmark, Hungary, Poland, Romania, and Sweden.
- Austria, Croatia, Denmark, and Hungary have a share of hazardous EW generated above 15%

Directive 2006/21/EC on the management of extractive waste

- The Directive provides for **measures, procedures and guidance to prevent or reduce** any adverse effects on the environment, in particular water, air, soil, fauna and flora and landscape, and any resultant risks to human health, brought about **as a result of the management of waste from the extractive industries.**
- To this end, the Directive contains a number of different elements:
 - A. Description of subject matter; Scope; Key definitions; Classification system of waste facilities;
 - B. Obligation for MS to report to the EU Commission; Exchange of information; Procedure and subject of Comitology Committee; Transitional periods; Transposition; Entry into force (Articles 18, 21 to 26 of the Directive);
 - C. Measures and requirements of the EWD

A. Description of subject matter



Source: http://wyattyeager.blogspot.sk/2014_03_01_archive.html

In the Directive extractive waste is defined as:

“Waste resulting from the prospecting, extraction, treatment and storage of mineral resources and the working of quarries”;

As regards the **definition of “waste”**, the EWD makes reference to the definition as provided by the Waste Framework Directive 2008/98/EC

“any substance or object which the holder discards or intends or is required to discard”.

B. Member State reporting under the EWD

- Member States have to report:
 - to the Commission on the **implementation of the Directive for a three years period**, on the basis of a Questionnaire adopted by the Commission (Article 18(1) EWD)
 - to the Commission on **particular events and accidents** every year (Article 18(2) EWD), and
 - to Community statistical authorities, where requested for statistical purposes, **information contained in permits** granted under Article 7 EWD (Article 7(5)).
- In addition, Member States have to establish a **publicly available inventory** regarding closed and abandoned waste facilities.



C. Measures and requirements

Several measures and requirements depending on the type of the facility, e.g. the following is applicable for all:

- **Article 5:** Develop a **waste management plan** for the minimization, treatment, recovery, and disposal of extractive waste
 - **Article 7:** Allow no extractive industry waste facility to operate without a **permit** issued by the competent authority
 - **Article 12: Closure and after- closure procedures** of a waste facility and monitoring are to be organized by MS pursuant to the requirements of the Directive
 - **Article 13: Preventive measures** must be taken against water and soil contamination, including from cyanide- containing waste tailings
- Additionally, some requirements are **only applicable for Category A facilities**

Category A waste facilities

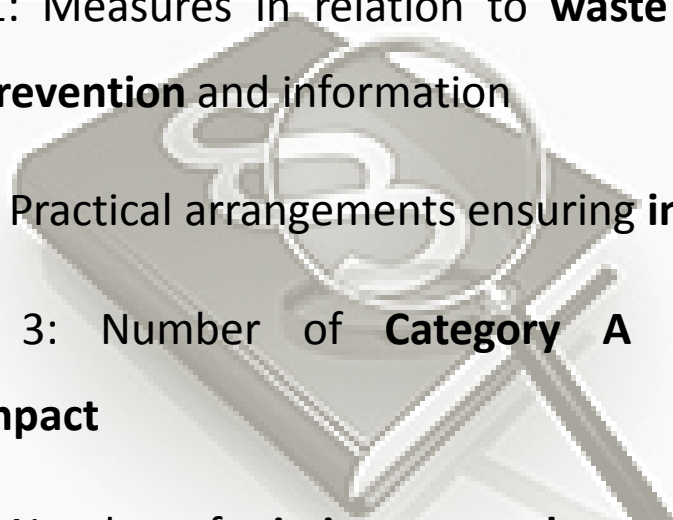
A mining waste facility shall be considered as Category A, if:

- a **failure or incorrect operation**, e.g. the collapse of a heap or the bursting of a dam, **could give rise to a major accident**, and [...] if the predicted consequences in the short or the long term could lead to
 - non-negligible potential for **loss of life**;
 - serious **danger to human health**;
 - serious **danger to the environment**; or
- it **contains waste classified as hazardous** under Directive 91/689/EEC above a certain threshold; or
- it **contains substances or preparations classified as dangerous** under Directives 67/548/EEC or 1999/45/EC

Main provisions related to Category A facilities

Several provisions can be derived from the questionnaire to be answered by the Member States, main ones are the five related to Category A facilities:

1. Main provision 1: Measures in relation to **waste management plans and major-accident prevention** and information
2. Main provision 2: Practical arrangements ensuring **information transmission**
3. Main provision 3: Number of **Category A** facilities with potential **transboundary impact**
4. Main provision 4: Number of **missing external emergency management plans** for Category A facilities
5. Main provision 5: **Number of inspections** for Category A facilities



Assessment of completeness of MS's reports

The objective of the exercise is to:

- **Identify the challenges existing in the implementation process**
- **Determine whether/how these challenges have been addressed by MS**
- **Reveal where provisions are differently understood and applied by MS**

Evaluation matrix

Classification criteria per question	Criteria used for classification
Complete (sufficient detail) (1)	The MS's response gives reference to national legislation implementing this provision. The textual description responds to all terms used in the questions and provides either in-depth detail of the procedures and/or measures required under the Questionnaire items or largely refers to the national legislation for further details. The complete (very detailed) Category is included to show "good practice" examples for reporting.
Incomplete (2)	The MS's response may or may not give reference to national legislation implementing this. The textual description is lacking or incomplete in that no or only some of the terms used in the questions are addressed or information is missing for some regions of a MS.
complete, but indicating no Category A waste facilities (3)	Textual response indicates that the main provision has been implemented nationally, but that no Category A facilities exist/existed during this reporting period. The Category "indicating lacking Category A waste facilities" is included because some Member State do not report several questions, but only due to the non-existence of Category A facilities in these countries.
complete, but indicating no waste facilities falling under this Directive (4)	Textual response indicates that the main provision has been implemented nationally, but that no waste facilities exist/existed during this reporting period that fall under this Directive.

Results on the assessment of completeness

Member State	Response overview Part A						Response Overview Part B		
	Question 2, letter (b) measures taken to:			Question 4, letter (c) practical arrangements taken to ensure that information is:			Number of		
	identify major accident hazards	incorporate into design, operation and closure	limit the adverse consequences	transmitted to competent authority	on safety measures/action provided to the public?	forwarded to the other Member State	Question 1, letter (c) Category "A" facilities with potential transboundary impact	Question 2, letter (b) (missing) external emergency plans	Question 5, letter (a) inspections achieved for Category "A" and the other installations
AT									
BE *									
BG	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
CY									
CZ									
DE									
DK*									
EE									
ES*									
FI*									
FR									
GR	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
HR									
HU									
IE	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
IT	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
LT*									
LU	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
LV									
MT*									
NL									
PL									
PT									
RO*									
SE	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
SI*									
SK									
UK*									

* Changed answers in Part A in the 2nd reporting period

n.a. Did not provide an implementation report for the 2nd reporting period

Main findings from the completeness assessment

- By the time of the assessment 6 MS questionnaires were missing, that have been assessed by the EU COM later
- MS reporting that were evaluated as **incomplete (6 MS)**: Bulgaria, France, Greece, Ireland, Italy, and Sweden
- For complete reporting, it must be differentiated between Member States:
 1. having a **Category A facility on their territory**: Cyprus, Germany, Estonia, Spain, Finland, Hungary, Poland, Portugal, Romania, Slovakia, and the United Kingdom
 2. having **no Category A facility** but other waste facilities in the scope of the Directive: Austria, Belgium, and the Czech Republic, and
 3. having **no facility at all falling under the scope of the Directive**: Denmark, Croatia, Lithuania, Latvia, Malta, Netherlands, and Slovenia.



Conclusion Main provision 1 & 2

As regards the administrative transposition of the EWD:

- High share of **answers left unchanged** in comparison with the first and second reporting period concerning Part A of the Questionnaire
- Changed answers, e.g. due to **completion of legislation** (Denmark), **reporting coverage of the entire territory** (Belgium), **new administrative arrangements** (Romania), or **more in-depth information** (the UK).
- The general Framework for application of the EWD seems to be now established in most Member States.

Conclusion Main provision 3 & 4

- The only Member State having a Category A facility which a possible impact on another Member State is **Spain** which reports two relevant sites
- The number of **missing waste management plans for Category A facilities** is around 18 (without considering the case of Spain where no concrete figures for the 25 Category A facilities on its territory are provided).
- Most of the plans were under elaboration at that time

	External emergency plans	Missing external emergency plans
CY	1	0
DE	0	5
EE	0	0*
ES	26*	0
FI	4	5
FR	/	/
HU	3	3
PL	1	0
PT	0	3
RO	2	0
SK	2*	1*
UK	2	2

Conclusion Main provision 5

- The **number of inspection varies greatly between the Member States**; in some Member States, none or very few inspections have been conducted in the three-years-period of the reporting, in other Member States.
- **No definition** in the EWD or in the Questionnaire **what an inspection** is and how to count it, these figures have to be seen as merely an indicative factor.

Number of inspections	
CY	1
DE	46
EE	0
ES	78*
FI	41
FR	1
HU	115
PL	1
PT	18
RO	17
SK	15
UK	7*

Conclusion on figures provided on EW facilities

- For the 22 countries, the **figures on Category A facilities show a very varied picture**, huge discrepancies between the MS. Figures seem to be **lower than one could expect** considering the **dimension of mining activities**, the industry practice of waste management and the **generation** of waste, including **hazardous waste**, connected to it.
- Only 11 Member States confirm that there are **Category A facilities in operation** at all. These 11 Member States report a total of only **58 Category A facilities** in operation.
- Not all figures seem to be plausible, e.g. very **few number of inert waste facilities** in operation, more than 10 MS report having none, other Member States like France and Hungary report figures of 4,100 and 604 respectively.

Conclusion on approval / rejection of Waste Management Plans

- Rejected WMPs were reported by five Member States. For the case of Waste Management Plans which were definitively refused, the following reasons were indicated:
 - **CZ:** incomplete application, procedure interrupted
 - **ES:** adverse effects that mining waste could have on the waters, both surface and groundwater
 - **FR:** failure to characterise certain inert waste, incorrect classification of overburden and failure to justify the acrylamide content of flocculants
 - **HU:** non-compliance with domestic requirements
 - **RO:** non-conformity between the submitted documentation and the situation found during the on-site visit & failure to submit the requested supplements regarding: waste characterisation, facility classification, site location and risk of flooding, control and monitoring procedures, as well as the closure plan.

List of inert waste

- Member States may draw up **lists of waste materials to be regarded as inert** in accordance with the criteria defined in Commission Decision 2009/359/EC.
- The following MS have confirmed having such a list: **CZ, ES, FI, FR, LT, PT, SK, UK.**



Source: [Colson Transport Ltd](#)



Thank you very much for your
attention!

Source: <http://www.mining.com/wp-content/uploads/2013/12/drd-gold-johannesburg-topstar-580.jpg>