



# **Directive 2006/21/EC**

## **on the management of waste**

### **from extractive industries**

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    - MWD, IPPC, IED
  - Definion and scope, procedure for its preparation

# Background



Accidents with mining waste facilities causing river pollution and poisoning of the environment: need to deal with health and environmental risks,

Two examples



**Aznalcóllar (Spain, 1998)**  
*Affecting the surroundings of the Coto Doñana National Park following damburst*



**Baia Mare (Romania, 2000)**  
*pollution of Danube river caused by cyanide spill following a damburst of a tailings pond*



- "Promoting sustainable development in the EU non-energy extractive industry," COM(2000)265 final
- "Safe operation of mining activities: a follow-up to recent mining accidents," COM(2000) 664 final
- 3 priority actions:
  - legislative initiative on mining waste (2006)
  - preparation of a BAT reference document (2009)
  - amendment of the Seveso II directive (chemical accidents) (2012)

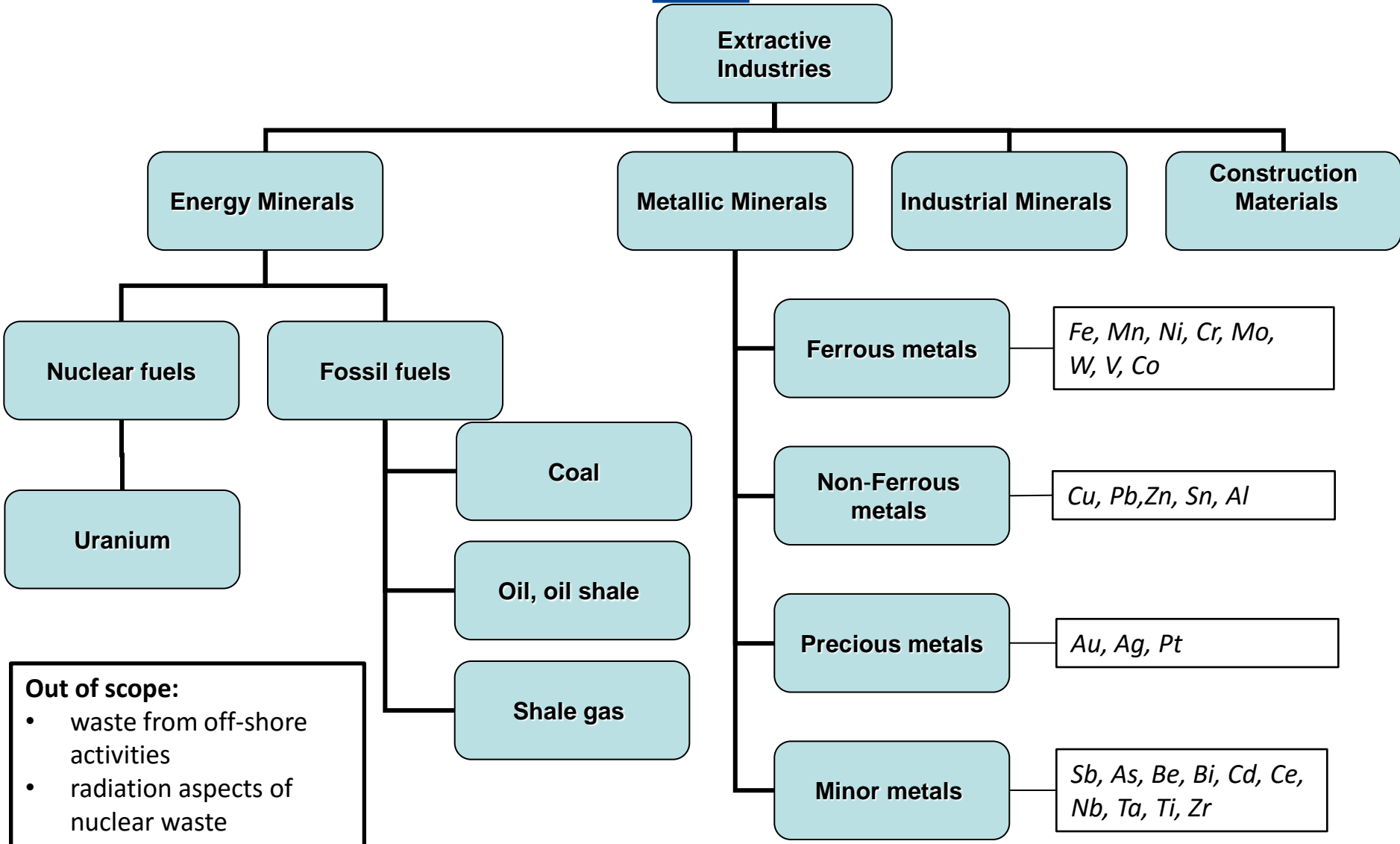


- Provides a clear legal framework tailored to this specific industry sector
- Establishes level playing field for Member States as regards the rules ensuring safe management of extractive waste
- Sets obligations and results for Member States
- Member States remain responsible to choose the means: no prescription of particular technologies
- Transposition deadline: 1 May 2008



The Directive provides for measures, procedures and guidance to

- **Prevent or reduce any adverse effects on environment and human health, caused by management of extractive waste, including**
  - Management of facilities servicing waste from extractive industries, also after closure
  - Management of waste in general
  - Prevention and mitigation of major accidents
- **Excluding**
  - waste that does not directly result from mining operations,
  - waste from offshore operations,
  - water injected under Article 11.3 of Directive 2000/60/EC, WFD
- **Identifying particular situations to differentiate obligations**
  - Class A
  - Hazardous waste
  - Inert waste



# Main provisions & obligations



## For operators

- ✓ Permit
- ✓ Waste Management Plan
- ✓ Major accident prevention policy
- ✓ Public participation, transboundary impacts
- ✓ Waste facilities: construction and management, closure and after closure procedures
- ✓ Prevention of water, soil, air pollution
- ✓ Financial Guarantee
- ✓ Application of the « Best Available Techniques »

## For Member States and Commission

- ✓ Inspections
- ✓ Reporting
- ✓ Penalties
- ✓ Inventory of closed and abandoned sites
- ✓ Exchange of information
- ✓ Developing / adopting guidance



# Differentiated obligations



|   | Category A waste                                 | Non-category A waste | Inert waste |
|---|--|----------------------|-------------|
| <b>Permit</b>                                       | Yes  | Yes                  | No          |
| <b>Waste Management Plan</b>                        | Yes  | Yes                  | Yes         |
| <b>Major accident prevention policy</b>             | <i>Yes, unless already covered by « Seveso »</i> | No                   | No          |
| <b>Public participation, transboundary impacts</b>  | Yes  | Yes                  | No          |
| <b>Construction and management</b>                  | Yes  | Yes                  | Partly      |
| <b>Closure and after-closure procedures</b>         | Yes  | Yes                  | No          |
| <b>Prevention water, soil and air deterioration</b> | Yes  | Yes                  | Yes         |
| <b>Financial guarantee</b>                          | Yes  | Yes                  | No          |
| <b>Application of BAT</b>                           | Yes  | Yes                  | Yes         |

## Methodologies / guidelines developed

- Definition of inert waste
- Criteria for classifying installations
- Methodology to characterize the waste
- Method for the calculation of the financial guarantee
- Analytical standards (e.g. for cyanide)

## Expected

- First implementation report
- Inspection of mining waste facilities, inventory and rehabilitation of abandoned facilities, including:
  - Guidelines for the inspection of mining waste facilities (covering pre-disposition, operation, closure and after-closure)
  - Supporting document on closure methodologies for closed and abandoned mining waste facilities



- Extractive activities are not included in Directive 2010/75/EU, Industrial Emissions Directive, IED
- EWD refers to the IPPC for the definition of BAT and the criteria to be used to identify them
- Crossing points
  - Permits in mixed installations: joint single permit
  - Definition of BATs
  - BREFs documents

## Permit requirement (Art. 7)

No waste facility can operate without a permit, which will contain the Waste Management Plan (WMP)

Permit to:

- Include preventive measures to be taken to minimize the environmental impact during the operational phase, including the proposed control and monitoring procedures,
- Address the safe disposal of extractive waste,
- Plan for the closure and after-closure phases,
- Base needed measures on Best Available Techniques (BATs)

Competent authorities to periodically reconsider and update permit conditions

The operators will review the WMP

## Exchange of information (Art. 21 + 22)

Information exchange with a view to developing methodologies for and relating to:

- establishment of inventory of closed waste facilities (art. 20)
- rehabilitation of closed waste facilities (inventory)
- identify BATs
- most appropriate risk assessment procedures
- remedial actions having regard to variation of geological, hydrogeological and climatological characteristics

# BAT in the Extractive Waste Directive

- to be used:
  - in order to ensure that extractive waste is managed properly - based on BAT (Art. 4§3)
  - to oblige competent authorities to update permit conditions according to changes in BAT (Art. 7§4)
  - to ensure that concentrations of weak acid dissociable cyanide in ponds have to be reduced to lowest possible level (Art. 13§6)
- and:
  - Member States have to ensure that competent authorities follow/are informed of BAT developments (Art. 21§2)
  - the Commission has to organize and publish results from exchange of information on BAT and associated monitoring (Art. 21§3)

# Integrated permits

## From cradle to grave

- Life cycle management approaches in the management of waste
- All phases considered
  - Design, preparation, operation, closure and after closure
  - Long-term closure objectives to be defined (including specific closure issues for heaps and ponds)

## Unifying all relevant procedures

- EIA, Natura 2000, Water Framework Directive, etc

**ONLY ONE EARTH**

**For more information please visit:**

<http://ec.europa.eu/environment/waste/mining/index.h>



**Thank you for your attention!**

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