



**EUROPEAN COMMISSION**  
ENTERPRISE AND INDUSTRY DIRECTORATE-GENERAL

Resources Based, Manufacturing and Consumer Goods Industries  
**Raw materials, Metals, Minerals and Forest-based industries**

**Report on**  
**National Minerals Policy Indicators**

**Framework conditions for the sustainable supply of  
raw materials in the EU**

**Brussels, February 2014**

## Contents

LIST OF ABBREVIATIONS .....	3
1. INTRODUCTION.....	4
1.1 Raw Materials Initiative .....	4
1.1.1. Second pillar of Raw Materials Initiative.....	4
1.1.2. Working Group II Report .....	5
1.2 European Innovation Partnership on Raw Materials.....	5
2. INDICATORS.....	6
2.1 Development of indicators .....	6
2.2 Questionnaire campaign .....	7
3. REPLIES .....	7
3.1. Organization of analysis .....	7
3.2 General analysis of replies.....	8
3.2.1. Legal framework indicators.....	8
3.2.3. Land use planning indicators.....	9
3.2.4. Authorisation and permitting indicators.....	9
4. EVALUATION OF REPLIES .....	10
4.1 Evaluation scheme.....	10
4.2 Evaluation results – Member States’ minerals policies.....	11
4.2.1 Legal framework indicators.....	11
4.2.2 Information framework indicators.....	12
4.2.3 Land use planning indicators.....	13
4.2.4 Authorisation and permitting indicators.....	14
4.3 Evaluation results – regional minerals policies: Flanders .....	18
4.3.1. Legal framework indicators.....	19
4.3.2. Information framework indicators.....	19
4.3.3. Land use planning indicators.....	19
4.3.4. Authorisation and permitting indicators.....	20
4.3.5. Overall score.....	20
5. DISCUSSION AND RECOMMENDATIONS .....	20
5.1 REMARKS ON EVALUATION .....	21
6. CONCLUSION .....	23
6.1 Recommendations for a way forward.....	24

### Annexes:

- I. Questionnaire (Working Document)
- II. Replies from Members States
- II .a Total evaluation table
- III. Evaluation tables
- IV. Average time frame for authorisation

## LIST OF ABBREVIATIONS

EIP: Partnership on Raw materials  
EU: European Union  
MS: Member States  
RMI: Raw Materials Initiative  
RMSG: Raw Materials Supply Group  
SIP: Strategic Implementation Plan  
WP: Work package

Member States 2-digit abbreviations:

Belgium	(BE)	France	(FR)	Austria	(AT)
Bulgaria	(BG)	Italy	(IT)	Poland	(PL)
Czech Republic	(CZ)	Cyprus	(CY)	Portugal	(PT)
Denmark	(DK)	Latvia	(LV)	Romania	(RO)
Germany	(DE)	Lithuania	(LT)	Slovenia	(SI)
Estonia	(EE)	Luxembourg	(LU)	Slovakia	(SK)
Ireland	(IE)	Hungary	(HU)	Finland	(FI)
Greece	(EL)	Malta	(MT)	Sweden	(SE)
Spain	(ES)	Netherlands	(NL)	United Kingdom	(UK)

## 1. INTRODUCTION

Raw materials are essential for the sustainable functioning of modern societies. Access to and affordability of mineral raw materials are crucial for the sound functioning of the EU's economy and society. The supply of mineral raw materials to the EU is either from the domestic sources or from the imports; these may be primary or secondary. For a long time Europe was dependent only on primary sources, nowadays it also depends on secondary ones. However the primary sources are still more important in the supply of most raw materials than secondary sources. Supply of primary raw materials is the focus of this report, in particular the area of framework conditions in order to foster the sustainable supply of raw materials in the EU.

Until the middle of the first decade of the 21<sup>st</sup> century the EU economy had an undistorted access to raw materials and therefore supply was not an issue for the EU industrial policy. This has changed with increased raw materials demand by emerging economies. The European Commission responded to the changes with the Communication entitled "The raw materials initiative — meeting our critical needs for growth and jobs in Europe"<sup>1</sup> in 2008 that triggered several follow-up activities.

### 1.1 Raw Materials Initiative

The Raw Materials Initiative (RMI) recognized that securing reliable and undistorted access to raw materials was increasingly becoming an important factor for the EU's competitiveness and, hence, crucial to the success of the Lisbon Partnership for growth and jobs. The response, based on an analysis of supply and demand was an integrated strategy based on the following 3 pillars:

- (1) Ensure access to raw materials from international markets under the same conditions as other industrial competitors;
- (2) Set the right framework conditions within the EU in order to foster sustainable supply of raw materials from European sources;
- (3) Boost overall resource efficiency and promote recycling to reduce the EU's consumption of primary raw materials and decrease the relative import dependence.

#### *1.1.1. Second pillar of Raw Materials Initiative*

The second pillar sets the framework conditions within EU in order to foster the sustainable supply of raw materials from European sources. It is clear that with the Lisbon Treaty<sup>2</sup> the mining legislation is within the full competence of Member States that are providing the conditions for exploration and extraction of mineral raw materials. The most exposed issues are national mineral policies, national land use planning policies, exploration and extraction authorization process, and harmonized EU-level geological data sets.

In order to facilitate the process of improvement of the national legislative frameworks the Commission initiated the exchange of best practices among the Member States and

---

<sup>1</sup> COM(2008) 699 final

<sup>2</sup> 2007/C 306/01

started to encourage improvements of the current framework where appropriate. The Commission assisted and coordinated the Working Group on the exchange of best practices in land use planning, permitting and geological knowledge sharing (hereafter WG II) that was set up in 2009. The WG II delivered its report<sup>3</sup> in June 2010, which identified the key elements as the basis for the improvement of framework conditions.

### *1.1.2. Working Group II Report*

Within the report the group recommended a National Minerals Policy to ensure that the mineral resources are provided to the industry and society in an economically viable way, harmonised with other national policies, based on sustainable developments principles and including a commitment to provide a legal and information framework. The Minerals Planning Policy is seen as key component of the national minerals policy. It should describe in detail the ways that future minerals supply will be secured and demonstrate a strong link to broader land use planning policy and regulation. Any land use policy for minerals must utilise a robust digital geological knowledge base ensuring fair and equal consideration of all potential uses of land including the eventual extraction of raw materials. Alongside information on resources of local importance, a method for estimating the long term demand for these materials, and a means by which this can be translated into a spatial plan while recognising the contribution of recycled materials are needed. Furthermore the group exposed the most important elements of the minerals exploration and extraction application processes, which are clarity, understanding and certainty of what needs to be provided in order to get authorisation for minerals exploration or extraction. This can take the shape of a standardised application form or could be set out in legislation or guidance. Speeding up the authorisation processes may be achieved through integrating the different permits required so that they are issued by one competent authority (a one-stop-shop) and with only one environmental impact assessment or by parallel assessment.

Apart from the topics directly linked to Member States, WG II also recognized other important instruments, such as codes of practice (to achieve technical, social and environmental excellence) and the knowledge base of mineral deposits in the EU that would be standardised. Besides that, accurate statistical data on the minerals production, imports and exports, and other data would serve to analyse trends and help decision makers to better understand and monitor the EU's supply and demand situation and related risks.

## **1.2 European Innovation Partnership on Raw Materials**

Within the Europe 2020 Flagship on Innovation Union<sup>4</sup>, the Commission is launching different partnerships covering challenges of relevance for our societies. The European Innovation Partnership on Raw Materials (EIP) was started by a Communication by the Commission in February 2012<sup>5</sup>. The Competitiveness Council of 11 October 2012 endorsed the EIP and invited the Commission to develop and finalise the Strategic Implementation Plan (SIP) by the end of 2013. The SIP has several targets, one of them

---

<sup>3</sup> Improving Framework Conditions for Extracting Minerals for EU - Exchanging Best Practice on Land Use Planning, Permitting and Geological Knowledge Sharing, available on [http://ec.europa.eu/enterprise/policies/raw-materials/files/best-practices/sust-full-report\\_en.pdf](http://ec.europa.eu/enterprise/policies/raw-materials/files/best-practices/sust-full-report_en.pdf)

<sup>4</sup> COM(2010) 546 final

<sup>5</sup> COM(2012) 82 final

being the *"Regulatory framework for primary raw materials that would provide stable and competitive supply from EU sources and will be supported by the promotion activities and certification for EU mining operations"*. This target will be dealt with in the third of five Working Packages. This WP belongs to the Non Technology policy areas and it is entitled *"Improving Europe's raw materials regulatory framework, knowledge base and infrastructure"*. These activities will further explore the Members States current practices and facilitate the exchange of best practices.

## **2. INDICATORS**

In the context of the second pillar of the Raw Materials Initiative, the Commission proposed *"to assess with the Member States, in full respect of the subsidiarity principle, the feasibility of establishing a mechanism to monitor actions by Member States in the above area, including the development of indicators"*<sup>6</sup>.

Such indicators should not only cover the above-mentioned areas, but should also give some indication on how the framework conditions impact on the performance of the extractive sector and the development of well managed mining projects. The indicators should provide us with an insight into which kind of policies contribute to a speedy, clear and reliable permitting process while at the same time ensuring technical, social and environmental excellence.

### **2.1 Development of indicators**

The indicators cover the mineral raw materials: metals, industrial minerals and construction materials as described in the Communications from the Commission COM (2011)25 final and COM (2008) 699 final.

In the context of this exercise indicators are defined as an instrument used in order to understand the current situation in the three key areas mentioned above, how the EU Member States are performing and how to help Member State authorities identify areas where they could improve their own framework conditions.

The indicators have been identified through a stakeholder consultation process. Stakeholders from Member State authorities and extractive industry were consulted during the preparation of the Report on best practices. This served as a useful basis for the WG to draw conclusions and to formulate recommendations. Based on these findings the Commission proposed a preliminary set of 20 indicators which were discussed with Member States and industry representatives in the Raw Materials Supply Group (RMSG) meeting of 16 November 2011.

The developed set of indicators took into account the diversity of political and geological circumstances within Member States. The identified key policy elements within the national minerals policy formed groups of indicators. Established were four groups of indicators dealing with:

- Legal framework (indicators 1 -3);
- Information framework (indicators 4-5);
- Land use planning (indicators 6-9), and
- Authorisation and permitting (indicators 10-20);

---

<sup>6</sup> COM(2011) 25 final

The structure of the indicator questionnaire has 20 indicators of which some are stand alone and some are composed of two and more requests (questions) for additional information.

The groups of indicators and indicators themselves are explained in detail in the chapter Evaluation of replies.

## **2.2 Questionnaire campaign**

It is important to note at the beginning that the exercise of indicators data population was voluntary.

The questionnaire was distributed through the RMSG email list. The first release was in June 2012, response was expected September 24, 2012, and this deadline was extended to October 26, 2012. First results were presented at 14 November 2012 RMSG meeting, where response time was extended for another month (14 December 2012).

The questionnaire is in Annex 1.

## **3. REPLIES**

Replies from stakeholders were collected from July till mid-December 2013. Some interventions were made in order to obtain the replies. During this period responses were submitted by 18 Member States, Norway and Turkey. The following Member States responded: AT, BG, CY, CZ, DE, EE, EL, ES, FR, HU, IE, IT, NL, PT, RO, SE, SI, and UK<sup>7</sup>. These responses are the basis for an in-depth analysis. Besides that, we received responses from the regional level from UK (Northern Ireland) and Belgium (Flanders) and four industry responses (Czech Mining Union, Eurogypsum, German Building Association and German Mining Association).

### **3.1. Organization of analysis**

As the focus is on national minerals policies, replies were grouped into three groups: countries, regional and industry replies. Countries were divided into EU Member States and non-EU countries (NO, TR). Only replies submitted by the Member States were subject to analysis, while results are also available for NO and TR. Analysis on the national level cannot take into account replies from industry, because industry does not have complete information. These replies were beneficial with regard to additional information on certain indicators. Regional governments also do not have all national level information; therefore regional level information was supplementary considered to national information. An exception to this is Flanders, because Belgium has no national level minerals management<sup>8</sup>.

In the report we present the replies from Member States (MS) in schematic way with YES, NO and a short explanation where available and relevant.

The complete set of replies by EU Member States is presented in Annex 2.

---

<sup>7</sup> See chapter 4.2

<sup>8</sup> See chapter 4.3

## 3.2 General analysis of replies

The aim of the general analysis is to measure the status quo against a desired state and look for possible improvements. This is also a basis for setting up the evaluation scheme and interpretation of evaluation results.

### 3.2.1. *Legal framework indicators*

The legal framework was covered by three indicators: the existence of a Minerals/Mining Act, possible fiscal incentives for exploration and acquisition, and questions related to long term planning.

The first of the legal framework indicators regards the existence of a Mineral / Mining Act. Such an act exists in all MS, some of them even more than one (depending on commodity, regional...). Most Acts were renewed in the last three years.

In most cases the fiscal framework (2<sup>nd</sup> indicator) does not provide exploration or extraction incentives. Only 2 MS have both incentives, two others only for exploration. The sector is rarely mentioned in relevant policies. The desired state would be the opposite of today's reality.

Access to mineral reserves and resources (3<sup>rd</sup> indicator) is adequate through land use planning legal framework on all levels. However, this does not guarantee safeguarding deposits in the longer term in case that mine or quarry development does not start. On the other hand there are examples that construction materials are safeguarded for local / regional supply on local level. Based on the questionnaire 10 MS are safeguarding mineral raw materials on national and sometimes regional level and three more on regional level only. and in total four additionally on the local level.

### 3.2.2. *Information framework indicators*

There are two indicators within the information framework part, one on relevant supply and demand statistics, the other one about the existence of a geoscientific knowledge basis.

Reliable supply and demand data exist in all MS, and data is available on line, via the national statistical offices or via agencies and ministries. Questions were also asked with regard to the economic importance on national level of raw materials, furthermore on share of GDP and employment rate. The trade statistics (imports & exports) on all minerals from the national level are published via the same channels, as are statistics about minerals production data on national level. All MS have this information available. On the other hand there are almost no tools or structures for long term estimates on demand of minerals. Only three MS have such tools in place.

The second indicator concerns the availability of geo-scientific knowledge. Questions aimed at determining whether reserve and resource classification systems were in use. The most widespread system is UNFC (7 MS), sometimes besides other systems, less used are JORC and PERC (2 MS). 8 MS have different systems or no system in place. Furthermore different thematic maps (on geology, geochemistry, geo-physics, on minerals maps 2D) are available in all MS, as well as minerals information system, but rarely 3D mineral deposit maps (in 6 MS). The scale of the maps is between 25.000 and 500.000 mostly, while the coverage is 100% of national territory in most cases.



### *3.2.3. Land use planning indicators*

The third set of indicators deals with land use planning. The first one, digital geological knowledge base following the INSPIRE Directive (7 MS), is more present in the Western part of Europe and less in the Eastern part of Europe. Where MS can provide such maps, the coverage is 100% in most cases, and the scale varies from 5000 to 1 000 000. 14 MS have thematic maps for land use planning. These maps cover 100 % of the territory in scales from 10.000 to million. The maps available are on metals, minerals, aggregates, quality, thickness, overburden, ground water and other thematic maps. For aggregates higher resolution are used than for metals and industrial minerals.

10 MS indicate that land-use planning responds to national needs. Also in 10 MS, land use planning (from national to local) responds to the demographic change and in 9 MS to the population density.

Only 6 MS report that EU projects support national land-use planning needs. 9 MS have the tools or structures for identifying future needs for raw materials in land use plans. These tools / structure are in place mostly for construction materials, and less for the others.

### *3.2.4. Authorisation and permitting indicators*

The next and last set of indicators relates to authorisation and permitting. It covers the availability of information and support for applicants, the nature and time frame of the process, the implication of the public and an estimate of the start-up cost.

Most Member States can provide check lists of requirements for exploration (15 MS) and extraction (15 MS) for the applicants, usually on-line, or else on request. A procedure for clarification between applicants and authorities at the start of authorisation process is in place only in 7 Member States, and then only on request. The authorisation process is either sequential, or parallel, or one-stop-shop. The latter is a more complex issue then coming in and going out of an authorisation office (with a permit). Normally there are from two to five public consultations involved, rarely less, but even up to 8 authorities can be involved. The time frame for application for exploration permits is shorter (from a few months to 2 years) then for extraction permits (from few months to several years). The process is either parallel or sub-sequential where consent is needed. The number of permits per year per number of applications varies depending on the MS, and on average there is a success rate of 80 to 85 %.

The last updates of the Mining Acts due to the environmental and other changes were carried out in the last two to three years (2009-2012) in most MS.

Practically no answer was given regarding the indicator of the start-up costs. Possible explanations can be that the respondents are reluctant to give out such information, or, more likely, the indicator is not clear / understandable.

Dissemination of EU Guidance documents (regarding, eg, NATURA 2000) related to extraction is in place in 13 MS. There is very limited information on the percentage of court cases challenging permitting decisions. Most respondents do not follow this issue. Reasons for appealing against the decisions are general environmental concerns, “NIMBY” (not in my back yard), protected areas conservation or health and safety issues. Information on the number of extraction sites in NATURA 2000 area is available in 7 MS. This refers to number before and after NATURA areas were designated as well

as to the number of approved and rejected permits in these areas. Almost no data are available regarding information on percentage of court cases related to extraction and NATURA 2000 conflicts. It can be assumed that the information is available, but is generally not followed by mining authorities in Member states.

The indicators were developed on the basis of the report “Improving framework conditions for extracting minerals for the EU, exchanging best practices on land use planning, permitting and geological knowledge” (short: Best Practices Report)<sup>9</sup> describing a desired direction of future developments. The premise of the indicators is in each case taken to be positive development or direction to the particular area.

## **4. EVALUATION OF REPLIES**

### **4.1 Evaluation scheme**

The evaluation system was put in place in order to formalise the assessment of the replies. Based on this evaluation system the overall performance of the Member States can be rated and, consequently, compared.

The overall performance is compiled from the four groups of indicators from the questionnaire with altogether 20 indicators. An indicator should be regarded as a standalone piece of information regardless if it has one or more questions.

Each question has assigned a number of points to the answer that can be YES / NO or gives the possibility of a descriptive response. A reply in line with the benchmarked state of the world has more evaluation points than un-benchmarked one. Usually the answer YES (benchmark state) gives 6 (in certain cases less) points, NO gives 1 point.

Within each indicator the questions' points are weighted according to the importance of data / information. Also each group of indicators has weighting among the indicators. All four groups of indicators are weighted (balanced) in order to be of the same relevance.

The overall evaluation was carried out only for 18 EU Member States. Norway and Turkey were evaluated as countries, but not included in the overall EU evaluation.

Each indicator (with either one or more questions) has an evaluation mark / smile according to pre-set classes (thresholds) and depending on the benchmarked state of world. The ranking was carried out also on the level of groups and an overall performance of the Member State.

Annex 3 details their mark / number allocated to each question, indicator and indicator group as well as marks for an overall evaluation.

The evaluation of the questionnaire replies takes into account not only the information itself, but also the availability of information related to important issues. This is considered as lower rank information and therefore has a lower number of evaluation points (usually 3). This is the case with some indicators of the 4<sup>th</sup> group (authorisation and permitting).

---

<sup>9</sup> [http://ec.europa.eu/enterprise/policies/raw-materials/files/best-practices/sust-full-report\\_en.pdf](http://ec.europa.eu/enterprise/policies/raw-materials/files/best-practices/sust-full-report_en.pdf)

## 4.2 Evaluation results – Member States’ minerals policies

Some responses to the questionnaires or their parts were poor. Possible explanations for this fact are:

- Questionnaire too long
- Lack of clarity;
- Information not available in the office charged with the reply;
- Reluctance to give out information or lack of motivation from respondent side.
- Poor communication between EU and respondents.

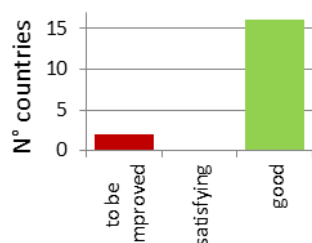
This chapter provides comments on the indicator groups as well as the result (graph) for each indicator. The graph is linked to the indicator evaluation spread sheet, and not to the comments that may be describing only part of the indicator, so that in some cases there might appear to be slight differences between the text and the graphs.

### 4.2.1 Legal framework indicators

The first group of indicators "legal framework" consists of three indicators:

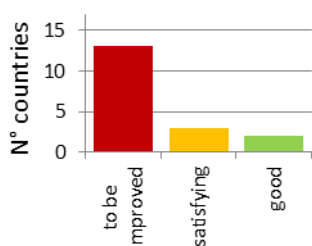
- (1) Mineral Act
- (2) Financial incentives for exploration and extraction
- (3) Safeguarding minerals tools

Indicator (1): "Mineral acts on national level" covering all mineral raw materials exist in all EU Member States, except IT and UK, which have minerals legislation on lower level. In some Member States (EE, IE, NL, SE) the national mineral act does not cover all mineral raw materials.



Graph 1. Indicator 1 per Member State

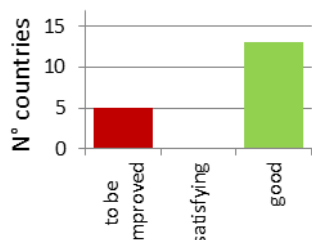
Indicator (2): "Financial incentives" are not common in the EU. 13 Member States have no incentives for exploration or extraction, three have for exploration or for extraction only (DE, ES, SE), and two Member States have both (CY, EE).



Graph 2. Indicator 2 per Member State

Indicator (3) "Safeguarding mineral raw materials": Safeguarding means to protect the mineral deposit or areas with areas from other land use and planning activities, which would seal them off for future use. The levels of protection can differ.

5 EU Member States indicate that they do not have legislation for safeguarding mineral raw materials, while the majority (13) of Member States has some kind of ensured access to mineral reserves and resources through an adequate long term land use planning legal framework.



Graph 3. Indicator 3 per Member State

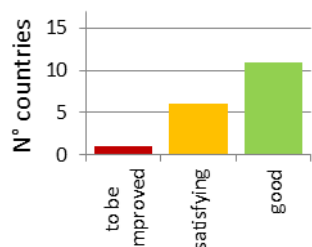
#### 4.2.2 Information framework indicators

The second group "information framework" has two indicators:

- (4) Data availability
- (5) Geo-scientific knowledge base

"The data availability" indicator (4) consists of four question areas (a. economic importance of extraction sector, b. import/export data, c. production statistics, and d. structure / tool on long term estimates on demand) that have many sub-questions. These sub-questions are related to the type of mineral raw materials, physical scale (local, regional, national, and international), data availability data to public, etc. The data of the first three question areas are available in all EU Member States, 15 out of 18 Member States have almost complete publicly available data. Data availability in EU Member States is very good.

On the other hand only three Member States (AT, CY, CZ) have a tool / structure for long term demand estimation (question area d).

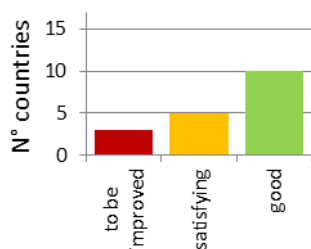


Graph 4. Indicator 4 per Member State

"Geo-scientific knowledge base" indicator (5) is a complex with regard to its structure. It consists of two questions. The first is related to standardised statistical and classification codes, and the second to availability of different type of maps (geological, geo-chemical, mineral deposit, 2D, 3D ...) and computer based minerals information systems.

Standardised statistical and classification codes are in place in 10 Member States (7 apply UNFC or similar, 2 use PERC, and 2 JORC). There are 6 replies that Member States are not uses codes and two Member States did not reply.

All Member States have geological maps; few are lacking other type of maps. Sub-questions on scale of maps, and Member State's area coverage were not evaluated, just noted as additional information. The mineral maps cover all types of mineral raw materials, only one Member State has no computer based minerals information system, while thee Member States did not reply this sub-question. EU Member States are provided with different types geo-scientific maps. Sub-questions on the scale of maps and area coverage were not evaluated, just noted as additional information.



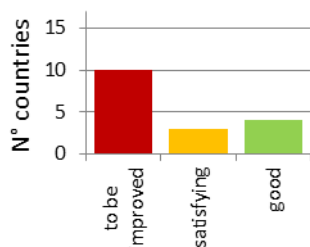
Graph 5. Indicator 5 per Member State

#### 4.2.3 Land use planning indicators

The group of land-use planning indicators has four indicators:

- (6) Digital geological knowledge base on resources and reserves in an appropriate scale following the INSPIRE Directive rules
- (7) Suitable maps obligatory for the land use planning
- (8) Land use planning responds to national needs
- (9) Structure/tool for identifying the different needs and level of uses

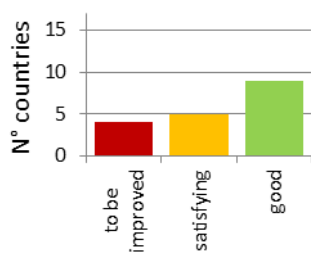
Indicator (6): “Digital geological knowledge base on resources and reserves in an appropriate scale following the INSPIRE Directive rules” in in place only partly in 7 Member States (CY, CZ, DE, FR, RO, SI and UK). Since the INSPIRE Directive for mineral raw materials needs to be implemented till 2018, the current situation indicates that several Member States are already taking steps toward.



Graph 6. Indicator 6 per Member State

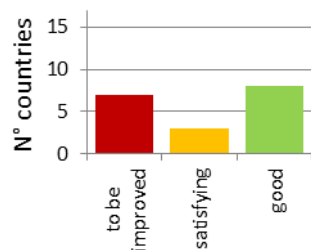
The question for the indicator (7) on "the obligation of suitable maps for the land use planning" allowed for three answers: yes, partly or no. 9 Member States (CY, CZ, EL,

ES, HU, IT, NL, PT, and RO) answered yes, 5 Member States partly (AT, DE, EE, FR, and SI), and only 4 Member States responded no.



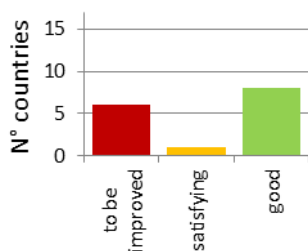
Graph 7. Indicator 7 per Member State

Indicator (8) "land use planning responds to national needs" shows that in the most of the Member States (10 Member States: BG, CY, EE, EL, HU, IT, NL, PT, RO, and SI) land use planning responds to needs on the national level, in other Member States land use planning respond to regional and maybe lower level needs (meaning that planning is done on lower than national level). The red area is larger because lower level land use planning is overshadowing upper level land use planning.



Graph 8. Indicator 8 per Member State

Indicator (9) on "structure/tool for identifying the different needs and level of uses" showed that 9 Member States (AT, CZ, EE, ES, NL, PT, RO, SE, and SI) have the structure/tool that is related more to the construction materials, than other mineral raw materials. Tools can be used on different physical scales (local to national, even global). Questions for this indicator were not replied by CY, IT and UK.



Graph 9. Indicator 9 per Member State

#### 4.2.4 Authorisation and permitting indicators

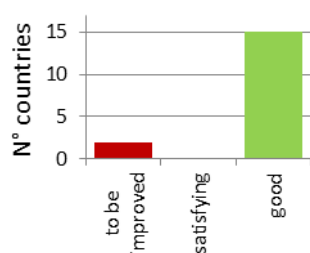
The last group of indicators "Authorisation and permitting indicators" has 10 indicators. In the questionnaire it is noted that duration of an authorization process is mainly affected by the quality and completeness of the application itself and by the clarity, understanding and certainty of what is needed for the administrative process of authorization. Each element of the process hardly can be considered as good or bad, therefore it was decided most of these indicators have more or less informative character.

For the indicators 12, 13, 16, 17, 18, 19, 20 the answers were poor and therefore so no full evaluation (from 1 to 6) was considered. These indicators are called "informative" and not fully operable indicators, and they have lower marks (3 points) than the other indicators (between 6 and 12 points). What was rewarded was the fact that the information could be provided. Three indicators (10, 11, and 14) are of more than just informative nature and can serve as indicators.

This is reflected in the evaluation marking.

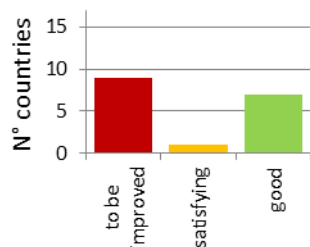
It is important to note that for this part IT did not submit answers, as authorisation and permitting are not managed by the national government.

Indicator (10) on "reducing time delay / check list for the application" for exploration and extraction permitting process that almost all (16) Member States have this instrument in place, mostly on line or by request.



Graph 10. Indicator 10 per Member State

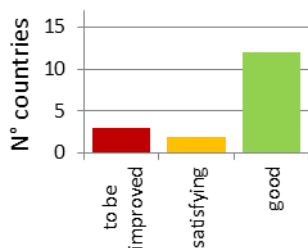
Indicator (11), looking at "the arrangements between the applicant and all the authorities in order to avoid redundant stages", demonstrated that 6 Member States (CY, DE, EE, IE, NL, SE, and UK) has this in place for the exploration and 7 (AT, CY, DE, EE, IE, NL, SE, and UK) for extraction.



Graph 11. Indicator 11 per Member State

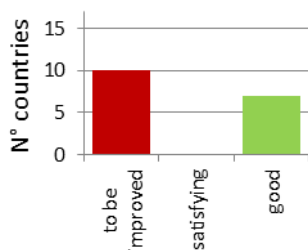
Indicator (12) on "Average time frame for granting the authorization" is informative, because the shorter time does not automatically reflect on the quality of the process. Most of the Member States have reasonable times for the authorization process for exploration or extraction. Usually time for extraction permit is longer than exploration. In most cases the time frame for application for exploration permits varies between some months and 2 years, and for extraction permits up to one year.

The evaluation was carried out based on the availability of the answer. It was considered that the indicator is of informative nature. However even if the indicator is of informative nature, the answer was rated and taken into account in the evaluation.



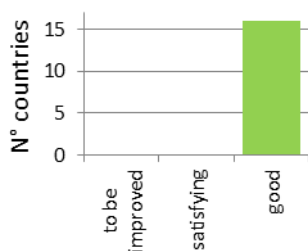
Graph 12. Indicator 12 per Member State

Indicator (13) on “Number of complete permits delivered over a certain and agreed period of time compared to the number of applications for exploration and extraction” (in short "Number of complete permits") requires answer related to the average number per year and percentage of these permits. This question was answered only by BG, EE, EL, HU, IE, PT, SE. The indicator is only of the informative nature.



Graph 13. Indicator 13 per Member State

Indicator (14) asks if the “Mining Act takes into account developments in the area of environmental legislation” or other developments at national or at European level. Due to European environmental legislation and development on national level all Member States, so all Member States replied to the questions with YES, except one Member State with no reply.



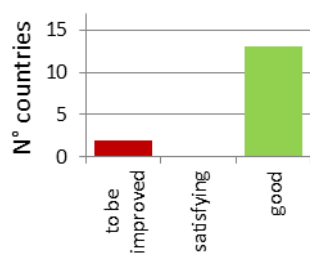
Graph 14. Indicator 14 per Member State

Indicator (15) on “The start-up costs for extractive companies” on average for either public or private domains or respectively for underground mining or open pits and quarries needs reconsideration because there was almost no reply to: only two Member States replied one with administrative costs (SI) , and the other with average mine development costs (CY). This indicator was excluded from evaluation. There is no graph for indicator 15.

Indicator (16) showing the presence of “The tool or mechanism to disseminate EU guidance documents” (such as the guidance document on NEEI and Natura 2000 to the relevant national/regional/local authorities) demonstrated that most of the Member States

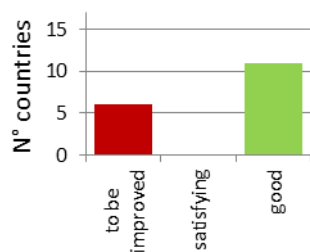


have such tool / mechanism in place. No reply from AT and UK. The indicator is only of the informative nature.



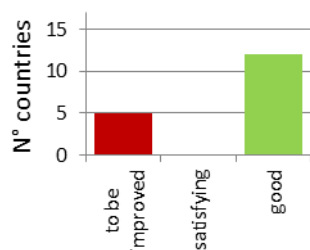
Graph 16. Indicator 16 per Member State

Indicator (17) indicating the "percentage of authorization/permitting decisions subsequently challenged at Court" demonstrated that not enough Member States have information on court cases. Member States with information are CY, CZ, DE, EE, EL, ES, FR, IE, NL, PT, RO, SE, and SI. Information on time delay and cancelled projects is partly available. The indicator is only of the informative nature.



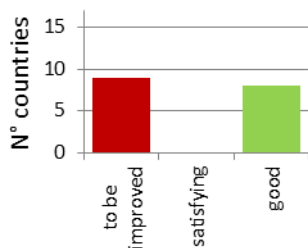
Graph 17. Indicator 17 per Member State

Indicator (18) looks at the "reasons for appealing against the decisions" where different reasons such as general environmental concerns, NIMBY principle, occurrence of protected species not mentioned in the EIA, health and safety concerns or others. More than 10 Member States responded to the question. The indicator is only of informative nature.



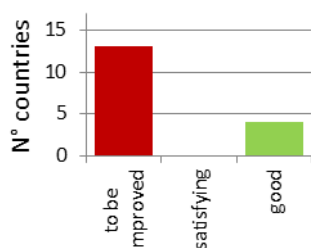
Graph 18. Indicator 18 per Member State

Indicator (19) counts the "number of extraction sites inside NATURA 2000 areas", in particular before and after the declaration of the areas and also at the number of new permits/enlargement permits inside NATURA 2000 and number of rejected applications. 8 Member States (BG, CY, CZ, EE, EL, HU, SE, and SI) have the information. The indicator is only of the informative nature.



Graph 19. Indicator 19 per Member State

The last indicator (20) looking at "percentage of court cases related to NATURA 2000" in years 2009-2011 answered only four Member States (HU, IE, PT, and SI). In most cases there were no court-cases related to NATURA 2000. The indicator is only of the informative nature.



Graph 20. Indicator 20 per Member State

### 4.3 Evaluation results – regional minerals policies: Flanders

As in Belgium the minerals resources are managed on a regional level, the Belgian minerals policy cannot be evaluated on equal level with the other Member States. Nevertheless, on a regional level, minerals policy plays the same role as national minerals policy, in the way that it covers a part of the national territory exclusively.

The present report builds on the report on Best Practices<sup>10</sup> by the ad-hoc group in 2010, described under point 1.1.2. This report recommends national minerals policies as basis “to ensure that the mineral resources are provided to society in an economically viable way, harmonised with other national policies and based on sustainable developments principles”. While strong arguments can be made in favour of regional policies, this report follows the reasoning of the Best Practices report, as otherwise much more than 27<sup>11</sup> territorial policies would have to be ranked, which in their impact would not necessarily be comparable.

As in the case of Belgium four equal mineral policies are covering the national territory, the statement that “regional governments also do not have all national level information; therefore regional level information was supplementary considered to national

<sup>10</sup> [http://ec.europa.eu/enterprise/policies/raw-materials/files/best-practices/sust-abridged-report\\_en.pdf](http://ec.europa.eu/enterprise/policies/raw-materials/files/best-practices/sust-abridged-report_en.pdf)

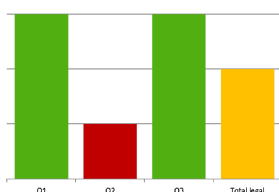
<sup>11</sup> At the time of elaborating the report, Croatia was not yet EU Member State, and moreover, no response was given by Croatia.

information” is not applicable here. In Belgium, regional minerals policy is the highest possible level of policy making with regard to terrestrial minerals management.

Following the reasoning above, the Belgium mineral policy was evaluated separately, without comparing it to other Member States. The questionnaire to this report yielded a response only from Flanders, which is presented below.

#### 4.3.1. Legal framework indicators

Overall, Flanders scored satisfying in the legal framework indicators (questions 1 to 3). It has a minerals act (Q1) and provisions for long term land use planning (Q3). Flanders does not give financial incentives for exploration or acquisition in their fiscal framework (Q2).

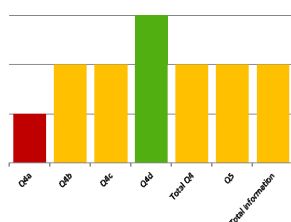


Graph 21: Legal framework indicators in Flanders

#### 4.3.2. Information framework indicators

On the information framework indicators, Flanders scored satisfying. It has no information on the economic importance of the extraction sector (Q4a), statistics on import and export only of construction materials and only on regional level (Q4b), and statistics on production of construction materials and industrial minerals, only on regional level (Q4c). A tool exists to make long term estimates on demand of construction materials on a regional level (Q4d).

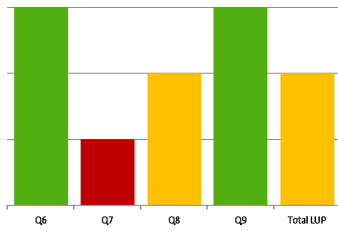
While in Flanders no reporting standards are used, it has good maps in place (Q5), and thus scores satisfying on this question.



Graph 22: Information framework indicators in Flanders

#### 4.3.3. Land use planning indicators

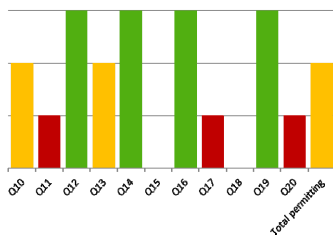
The land use planning indicators are satisfying in Flanders. It can provide digital geological knowledge following the INSPIRE Directive (Q6), yet no suitable maps are obligatory for land use planning (Q7). The question if land use planning responds to national needs is answered with “yes”, but Flanders has not benefitted from EU co-funding (Q8). A structure for identifying the different needs and level of uses exists on regional level with regard to construction materials (Q9).



Graph 23: Land use planning indicators in Flanders

#### 4.3.4. Authorisation and permitting indicators

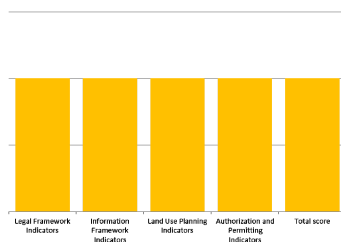
Also on the permitting indicators Flanders scored satisfying. It can provide information about the average time frame necessary for obtaining an exploration /exploitation permit (Q12), its Mining act takes account of development of environmental legislation (Q14), and they disseminate EU guidance (Q16). It can also provide answers about the number of extraction sites in Natura 2000 sites (Q19). No arrangements to facilitate the administrative procedures for exploration or extraction are foreseen (Q11), information about decisions challenged at court could not be given (Q17), nor information about the number of court cases related to Natura 2000 (Q19, Q20). Q15 (start-up costs) was discarded on evaluation, and no answer could be given on the reasons for court appeals (Q18). On Q10 on check lists and Q13 on information about the number of permits delivered Flanders performed satisfyingly.



Graph 24: Authorisation and permitting indicators in Flanders

#### 4.3.5. Overall score

Regarding the final evaluation based on the weighted total of all four indicator groups, Flanders is “satisfying”.



Graph 25: Overall score of Flanders

## 5. DISCUSSION AND RECOMMENDATIONS

The Indicator set covered all four areas that were discussed with the Working Group on the exchange of best practises. Lots of information was collected from Member States.

However, as stated above, in many cases replies were not sufficient or satisfactory. Possible explanations are described in chapter 4.2.

These shortcomings resulted in an unequal quality of responses which complicated considerably setting up the evaluation scheme. In the future additional consultations with respondents (MS) will be needed and the evaluation scheme will have to be adapted accordingly.

Nevertheless the collected information provides a solid ground for further in-depth inquiries related to legal framework, information available for decision making and other purposes, land use issues related to mineral raw materials and authorisation and permitting process.

The legal framework has three basic indicators referring to national legislation, fiscal incentives and safeguarding of mineral wealth. Probably more detailed information is needed in this area.

The information framework yielded sufficient information and it is well covered also with replies, compared to the other indicator groups. However quality of data and their harmonisation was not the topic of the questionnaire. Quality of data provided by national statistical offices is balanced among MS, while this is not the case for the other sources of data.

The group of land use planning indicators did not take into account the following issues:

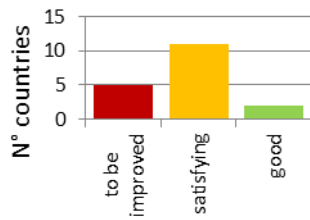
- The level of centralization or regionalization of land use planning system in MS;
- Overall effectiveness of land use planning system in MS;
- Position / status of extractive industry in land use planning system (social acceptance).

Authorisation and permitting is a complex procedure that has its own tradition in each Member State (as mining in general), and the questions posed in the questionnaire did not sufficiently take account of this complexity. In this area more understanding of these complexities is needed as well as more in-depth analysis.

## **5.1 REMARKS ON EVALUATION**

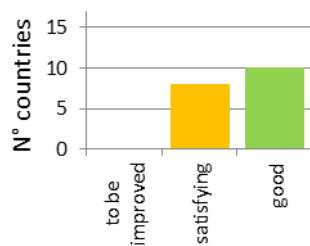
The evaluation was based on a desired state (in present or in future) against un-desired state. These (desired/undesired states) were recognized in the exchange of best practise exercise.

Within the legal framework group of indicators the presence of a national Mineral/Mining Act covering all mineral raw materials is the desired state as well fiscal frameworks for exploration or extraction incentives. A benchmarked state would also be access to mineral reserves and resources through their safeguarding mechanisms. These mechanisms would provide efficient conservation of mineral deposits for future generations. Examples for the conservation of deposits of construction materials already exist on local level. This protection secures the future local and regional supply.



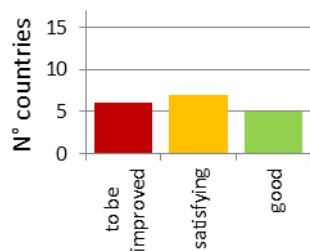
Graph 26. Legal framework group of indicators per Member State

Within the information framework the presence of reliable and relevant statistical data is good, as well as on line data availability to society. Availability of geo-scientific knowledge either in databases or larger systems are welcomed, as well as their territorial coverage to all the mineral raw materials potential areas in sufficient resolution that further detail exploration is expected.



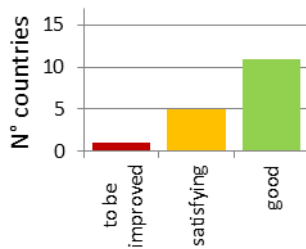
Graph 27. Information framework group of indicators per Member State

The indicators dealing with land use planning do not represent the whole picture of raw materials sector and land use planning. The indicators cover partly the issues (see chapter 5), however information obtained shows desired trends (digital geological knowledge base is following the INSPIRE Directive, suitability of maps obligatory for land use planning, and structure or tool for identifying future needs for different sectors, including the raw materials one).



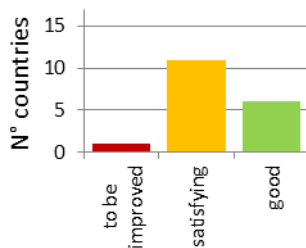
Graph 28. Land use planning group of indicators per Member State

If land use planning indicators should be considered with caution, indicators on authorisation and permitting are purely of an informative nature. Not enough information is collected, many details are missing. The desired state of the world would be a stable permitting process with sufficient information to avoid obstacles and time delays for exploration and extraction. This includes information on environmental concerns. Stable permitting process reduces court challenges on decision. These indicators need more clarification. However indication of the current state of the world was obtained.



Graph 29. Authorisation and permitting group of indicators per Member State

An overall Member State performance giving equal weight of all four groups of indicators is presented in graph 25.



Graph 30. Overall Member State performance

## 6. CONCLUSION

Since the adoption of the Raw Materials Strategy, many Member States have either been considering or have already initiated or completed steps to improve or adopt a Minerals Policy to various degrees (directional indicator).

It is important to note that MS have different perspectives on mineral policies, some Member States focus on supply from domestic sources and are encouraging minerals related operations, others stress minerals trade issues, i.e. import of mineral raw materials. This reflects also in land use planning policies, and permitting. The other important distinction between MS is decision making power on different physical levels (national, regional, local) of land use planning and their interactions.

This report is based on replies of national level authorities, but it should be stressed that replies from regions as well as from the industry were warmly welcomed. It is important to also have information from "the other side of the table".

In conclusions of this "Report on National Minerals Policy Indicators Replies" it can be stated based on results of the analysis that the first insight clearly reveals the present state is recognizable, trends can be foreseen, and within practices that are worthwhile to exchange.

A significant step was made that will facilitate discussions on national mineral policies in near future among the MS within the RMSG.

## **6.1 Recommendations for a way forward**

The indicator set (developed and populated for the first time) is still in an early stage, and modifications (clarification, changes of indicators, etc.) should be carried out in the future.

After collecting the last round of replies and their analysis, elements of monitoring the performance of Member States are in place. Based on the findings in this report, the indicators should be refined, still ensuring compatibility with the original set of indicators, and following enquiries should be carried out on a three-year basis.

Finding of the first round should facilitate the roadmap of WP 3 "Improving EU's raw materials regulatory framework, knowledge and infrastructure base" of the European innovation Partnership on Raw Materials.