



COMMISSION EXPERT GROUP ON WASTE

DIRECTIVE 2006/21/EC ON THE MANAGEMENT OF EXTRACTIVE WASTE

Summary Record of the Meeting held the 21st March 2015

Chair: Mr Julius Langendorff, Deputy Head of Unit ENV A.2.

1 & 2. REGISTRATION OF PARTICIPANTS, OPENING OF THE MEETING

The agenda was adopted without modifications (attached).

The Chairman explained the rules for meetings of 'expert groups' and the difference between the remits of expert group meetings and meetings of the Committee under Article 23 of the Directive.

3. IMPLEMENTATION OF THE EXTRACTIVE WASTE DIRECTIVE

Assessment of the information submitted by Member States for the two first reporting exercises (2008-2011 and 2011-2014)

The Commission presented the procedure and methodology as regards the evaluation of the information submitted by Member States (i.e. the National Reports). Key general conclusions were also presented:

- The majority of Member States have adopted the measures needed to implement the provisions of the Directive.
- The information submitted does not allow assessing in detail the implementation of the Directive in practice. Further efforts will be needed to identify existing gaps in the actual implementation of the Directive and explore possible measures to remediate them.
- It seems nevertheless clear that some basic concepts of the Directive are understood and implemented differently by Member States (e.g. on inspections). The Commission is considering if and how particular guidance on the implementation of the Directive should be issued. In relation to inspections, this would be particularly relevant to complete the development of guidelines requested by Article 22(1) c) of the Directive.
- Existing reporting processes should be streamlined and simplified, e.g. by amending Commission Decision 2009/358/EC, to ensure that useful information is collected at national level and transmitted to the Commission.

After exchanging views on the conclusions and the methodology, some Member States requested that a short period of time was granted to incorporate in the report the most recent figures on some of the points presented. This was agreed.

Information Request to Member States according to Article 1, Annex I of Decision 2009/358/EC on transmission of information on the Management of Waste from Extractive Industries

As part of a 'compliance promotion' exercise aimed to identify existing gaps in the implementation of the Directive and explore possible measures to remediate them, the Commission has decided to activate the reporting mechanism defined in Article 7.5 of the Directive and developed in Annex I of Decision 2009/358/EC.

Thus, Member States will be requested to provide the information contained in those permits granted under the Directive. The Commission intends to make use of this information to obtain a more complete and detailed picture of the status of implementation of the Directive. The Commission presented a template based on an excel file, intended to facilitate the submission of that information.

After exchanging views on the type of information requested and the methodology to be followed, some Member States requested that a short period of time was granted to propose modifications to the template presented. This was agreed.

Study on assessment of Member States' performance in implementing the Extractive Waste Directive, presentation by the Commission

When assessing the information submitted within the first reporting exercise (1 May 2008 to 30 April 2011) the Commission came to the conclusion that additional efforts were needed to improve the information on the implementation of the Directive on the ground. For that reason, DG ENV launched a compliance promotion exercise aimed at identifying the main gaps in the implementation of the Directive, and at proposing possible ways to remediate them.

The Commission introduced the main contractor for the study, AMEC-Foster-Wheeler, who explained the main elements of the study. The aims of the study are:

- To provide a comprehensive overview of the implementation of the Directive,
- To indicate possible difficulties in Directive implementation and, if possible, establish the root causes,
- To address the specific provisions relating to the management of Category A facilities, the use of cyanide technologies, the stability of tailing dams and ponds and the reprocessing of mining waste.

The results should allow the Commission to prepare the necessary measures to support the implementation process (e.g. through further compliance promotion efforts, drawing up of best available techniques and best practices, etc.).

The Commission will organize a seminar to present the initial findings of the study, in principle in the first quarter of 2017.

4. STATUS OF ELABORATION OF THE NEW BREF ON MANAGEMENT OF TAILINGS AND WASTE-ROCK IN MINING ACTIVITIES

The Commission informed the participants of the current status of the preparation of the new Best Available Techniques Reference Document for Management of Waste from the Extractive Industries.

The Commission underlined some difficulties in ensuring the exchange information within the Technical Working Group. No information had been submitted on important sectors of extractive activities and on some countries. This situation could entail an extension of the period of time needed to complete the document.

Some participants took the floor to help explain such apparent lack of cooperation: the lack of experience of the sector in the development of BAT based measures based on general indications regarding emission and consumption levels. Moreover, the legal nature of the BATs still remained unclear (i.e. whether or not they will be binding as in the case for other BATs developed under the Industrial Emissions Directive).

The Commission reiterated its position on the non-prescriptive nature of the document, even if the new BATs are formulated in terms of emission and consumption levels. The Commission invited the participants to convey the message that a more active contribution is needed from Member States and the industry to ensure the proper completion of the document.

5. STUDY ON THE APPLICATION OF THE COMMISSION RECOMMENDATION ON EXPLORATION AND PRODUCTION OF HYDROCARBONS (SUCH AS SHALE GAS) USING HYDRAULIC FRACTURING

The Commission informed the participants of the results of the study, underlining its scope (oil and gas exploration/production projects involving the use of high-volume hydraulic fracturing, such as shale gas, in eleven Member States) and its focus (implementation of principles of Recommendation 2014/70/EU and selected EU legal requirements).

The study describes regulatory and non-regulatory developments in selected Member States after the adoption of the Recommendation and gathered stakeholders' views on the effectiveness of the existing EU policy framework.

Amongst the results, the study highlights the issue of divergent interpretations across Member States of key concepts of the Extractive Waste Directive (2000/6/EC) (e.g. what is to be considered "extractive waste" or a "waste facility").

6. EXTRACTIVE WASTE WITHIN THE CIRCULAR ECONOMY PACKAGE

The Commission informed that two initiatives on mining are included in the Action Plan on Circular Economy adopted in 2015 (COM/2015/0614). Both initiatives are still at the initial stages of development.

- **Guidance and promotion of best practices in the mining waste management plans, scheduled for 2018.**

The focus of this initiative would be on 'best practices to incorporate circular economy aspects into mining waste management plans.' As such it complements the new BREF, which will not deal with resource efficiency and recovery aspects.

The study/compliance promotion exercise will provide some relevant information in this regard but the Commission expects that available expert groups would also participate in the provision of information.

The participants agreed to participate in the provision of information and the elaboration of the planned guidance. The Commission invited them to focus on the identification of practical cases where this activity is taking place at present.

- **Sharing of best practice for the recovery of critical raw materials from mining waste and landfills, scheduled for 2017.**

The recovery of critical raw materials from landfills ('enhanced-landfill-mining' or 'urban-mining') is compatible with current EU Waste legislation, which leaves the responsibility to Member States to ensure the proper management of waste. Strictly speaking this activity is not related to extractive waste.

Although there is abundant information on this activity the Commission underlined that, for this activity to be successful, the contribution from available expert groups was crucial. The participants at the meeting agreed to participate in the provision of information and its elaboration.

7. ANY OTHER BUSSINESS

No point was discussed under A.O.B.

Participants

Country	Institution
Austria	Federal Ministry of Science, Research and Economy
Belgium	Institut Scientifique de Service Public
	Bruxelles Environment
Croatia	Ministry of Environment and Nature Protection
Cyprus	Ministry of Agriculture, Rural Development and Environment
The Czech Republic	Ministry of Environment
Estonia	Waste Department, Ministry of Environment
Finland	Ministry of Environment
France	Ministry of Environment
	French Geological Survey
Hungary	Hungarian Office for Mining and Geology
Ireland	Environmental Protection Agency
	Department of Environment, Community and Local Government
	Department of Communications, Energy & Natural Resources
Italy	Ministry of Environment
Latvia	Ministry of Environmental Protection, and Regional Development
Lithuania	Lithuanian Geological Survey
Malta	Malta Environment & Planning Authority
Poland	Ministry of the Environment
	State Mining Authority
Romania	Ministry of Environment
Slovenia	Ministry of Environment and Spatial Planning
Spain	Ministerio de Agricultura, Alimentación y Medio Ambiente, Subdirección General de Residuos
Sweden	Swedish Environmental Protection Agency

Country	Institution
United Kingdom	Department for Environment, Food and Rural Affairs
European Commission	DG ENV
	DG GROW