

Inception Impact Assessment for Revision of the Industrial Emissions Directive

Potential inclusion of additional sectors

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As the recognized representative of the European mineral raw materials industry covering more than 42 different metals and minerals and employing 350.000 directly and about four times as many indirectly, Euromines welcomes a European Green Deal to put Europe on the right track to a sustainable future and is prepared to take the necessary measures to make it the world's first climate neutral continent.

At the same time, we believe that policy efforts should be aligned with the fundamental principle of sustainable development, ensure the essential current needs and safeguard the needs of future generations while contributing to economic, social and environmental development.

Primary production of metals and minerals, which remain abundant, will play an important role in production processes to 2050¹ and increased sustainable supply from European sources will be needed in order to make a sustainable transition. Whilst the Commission's willingness to support the future permitting of new mines or extension of existing mines is welcome, it is our strong conviction that when considering inclusion of additional sectors in the scope of the Industrial Emissions Directive, a proportionate, value-adding and forward-looking value chain approach should be maintained by considering the following aspects:

Purpose and applicability of the Industrial Emissions Directive

To successfully ensure a high level of environmental protection, the IED, based on the development of BAT reference documents, should cover sectors in which a large enough number of similar installations operate across the European Union, such that common environmental requirements can be applied to improve environmental quality overall. It makes sense to apply the IED to sectors that make use of standardised commodity inputs and widespread techniques and technologies to produce similar products or units of service.

Mining & quarrying is not a sector where similar operations operate in different Member States. The entire European Union lacks enough mining operations that are sufficiently alike to enable IED BREFs to be produced in a meaningful way. Mines and quarries are bound to their mineral deposits and their processing inputs are naturally unique, variable geological phenomena. Increasingly, well-performing mines and quarries operate a

¹ SWD(2020) 100 final; European Commission (2020), Critical materials for strategic technologies and sectors in the EU – A foresight study (in press); JRC (2017), Critical raw materials and circular economy – background report. doi: 10.2760/378123

unique set of unit processes for efficient treatment of their ores. The next generation of European mines will very likely use new techniques developed through cooperation with European suppliers and not seen before in Europe, for example if we start to mine commodities, such as some critical raw materials, that are not mined today. Therefore, the potential for distortions of competition does not exist as it would in other more uniform sectors. It is in part for these reasons that the predecessor to the IED (the IPPC Directive) was not seen as an appropriate policy instrument for mining and quarrying originally. These reasons are as valid today as they were then.

Mining and quarrying is fully regulated by other EU and national legislation: there is no gap

The Member States have sovereign rights over their own natural resources and responsibility for mining and quarrying lies with the Member States within a defined framework of established ownership rights and national, regional, and local regulations. Environmental performance of mining and quarrying in the EU is assured by application of other EU Directives (e.g. 92/43/EEC, 2000/60/EC, 2004/35/CE, 2006/118/EC, 2008/50/EC, 2008/56/EC, 2008/98/EC, 2008/105/EC, 2009/147/EC, 2014/52/EC etc.)ⁱ, national mining legislation, international management standards and best practice guidelines. As a more tailored alternative to the IED, Directive 2006/21/ECⁱⁱ requires application of site-specific BAT to the management of waste resulting from the prospecting, extraction, treatment and storage of mineral resources and the working of quarries, and under that legislation the resulting BREF (2nd edition, 2018) is necessarily risk-based and neither prescriptive nor exhaustive. Together, these regulations require that all mining and quarrying operations use superior practices and techniques and achieve a high general level of protection of the environment *in their unique site-specific contexts*.

In Conclusion:

The mining sector is well regulated and unavoidably diverse because each operation is developing a unique natural phenomenon. Inclusion of extractive industries in the IED is unlikely to bring additional protection of human health and the environment because the least impacting techniques and technologies are already required by mining and quarrying authorities in the EU Member States. These are optimally matched to specific mineral deposits to meet national regulations and the rigours of competition on international commodity markets. The European mining sector is world leading when it comes to the development of mining and processing technology and equipment. It must remain possible to assess all proposed mining and quarrying techniques for suitability in the specific circumstances at hand. As a matter of principle, the European Commission should be opposed to prescribing any reduced set of techniques or technologies for legal extraction, treatment or storage of mineral resources that would necessarily *not* take into account the characteristics of (future) mineral deposits, and the local conditions in which they are (or will be) found.

Yours sincerely,

Mr Johannes Drielsma, Deputy Director

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- ⁱ Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora
Directive 2000/60/EC establishing a framework for Community action in the field of water policy
Directive 2004/35/CE on environmental liability with regard to the prevention and remedying of environmental damage
Directive 2006/118/EC on the protection of groundwater against pollution and deterioration
Directive 2008/50/EC on ambient air quality and cleaner air for Europe
Directive 2008/56/EC establishing a framework for community action in the field of marine environmental policy
Directive 2008/98/EC on waste
Directive 2008/105/EC on environmental quality standards in the field of water policy
Directive 2009/147/EC on the conservation of wild birds
Directive 2014/52/EC on the assessment of the effects of certain public and private projects on the environment
- ⁱⁱ Directive 2006/21/EC on the management of waste from extractive industries