

EN
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Answer given by Ms Roswall
on behalf of the European Commission
(24.2.2025)

The Extractive Waste Directive (the Directive)¹ sets an ambitious level of environmental and human health protection and contains provisions on financial guarantees, public participation, the construction and management of extractive waste facilities, the closure and after-closure phase, inspection, control and monitoring obligations, and an explicit provision on the prevention of water status deterioration and air and soil pollution. It sets out stringent provisions for particularly risk-prone facilities and leaves a margin of appreciation to the competent authorities, which reflects the broad variety of mining operations (oil, coal, metal, aggregates etc.) covered by the Directive and the individual factors in relation to geography, size, commodity etc. to be taken into account.

The Directive already sets out the rules on public participation for granting a permit for a waste facility to operate in its Article 8. The public shall be informed early in the procedure of granting a permit of the application for the permit, details of the responsible competent authority, the nature of possible decisions and other matters. The public concerned shall be entitled to submit comments and opinions to the competent authority prior to a decision being taken. The outcomes of the consultations shall be duly taken into account when taking the decision.

The better valorisation of secondary critical raw materials, including from mining waste, will also be considered as part of the impact assessment and public consultation on the upcoming Circular Economy Act.

¹ Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/35/EC - Statement by the European Parliament, the Council and the Commission, OJ L 102, 11.4.2006, p. 15–34.