

Study on “Implementation report for Directive 2006/21/EC2 on the management of waste from extractive industries (Mining Waste Directive)”

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Executive summary

The Directive 2006/21/EC on the treatment of waste from the extractive industries, also called the mining waste Directive (MWD), requires Member States to report to the Commission on their national implementation in three-year intervals based on a questionnaire developed by the Commission in Commission Decision 2009/358/EC (Article 18 (1) of the MWD). In order to support the European Commission in publishing a report on the implementation of the MWD, the present study analyses the completeness of the Member States' (MS) responses to the questionnaire and draws conclusions with respect to the level of transposition of the MWD into national law in the respective MS.

The MWD's **main objective** is to provide for "*measures, procedures and guidance to prevent or reduce as far as possible any adverse effects on the environment, in particular water, air, soil, fauna and flora and landscape, and any resultant risks to human health, brought about as a result of the management of waste from the extractive industries.*" Therefore, the main provisions for the management of waste resulting directly from the prospecting, extraction, treatment and storage of mineral resources and the working of quarries relate to Category "A" waste facilities and facilities for waste characterised as hazardous. This is, because according to Annex III those facilities

- could give rise to a major accident with adverse environmental or health related consequences,
- contain hazardous waste above a certain threshold, or
- contain dangerous substances or preparations above a certain threshold.

These **main provisions** of the MWD are reflected in the questionnaire in the items Part A, question 2 letter (b) and question 4 letter (c), as well as Part B, question 1 letter (c), question 2 letter (b) and question 5 letter (a).

The **methodology** used for assessing the completeness of the questionnaire responses was as follows. The translated questionnaires, which were provided by the Commission services, were aggregated into a common Excel database showing each questionnaire item by MS in a single table for direct comparison. The tables were then used to assess the completeness per questionnaire item per Member State using the four categories: Complete (in varying detail); incomplete; complete but no Category "A" facilities; and complete, but no waste facilities falling under this Directive (please see chapter 3.2 for the criteria used to define the four categories). When the questionnaire responses for a particular MS were found to be incomplete, the respective information gaps were sent to the Member States' administrative body that is responsible for answering the questionnaire. Of the 22 Member States contacted via email, 18 already responded to the requests for clarification. Three of those only partially clarified the questions and were, therefore, contacted again. Altogether, final clarifications are still outstanding for 8 Member States at the time of writing of this project report. Aside from the national implementation reports, additional relevant information was integrated based on a web search, inter alia, including Commission reports and information on infringement proceedings.

General results

The assessment of the completeness of the implementation of the MWD focused on identifying the degree to which the main provisions of the Directive have been implemented by MS while also assessing the remaining provisions. As regards the main provisions, the first analytical step was to analyse Member States' information on **Category "A" waste** facilities according to the Annex of Annex III of the Commission Decision 2009/358/EC ("the questionnaire"). Though this Annex I was not filled in by all Member States (BE, LT), based on the questionnaire responses it was found that eight Member States indicate that there are **no Category "A" waste facilities** on their territory (AT, BE, EE, LT, LV, LU, MT and NL). The statements of both Latvia and the Netherlands correspond to statements they made in other sections of the questionnaire saying that they do not have any waste facilities falling under the Directive at all. It was, therefore, concluded to assess the main provisions of the MWD only for those Member States that actually have Category "A" waste facilities within their territory. Whether or not the information given on lacking Category "A" waste facilities could be considered adequate was then assessed according to Eurostat data on the amount of total waste generated from mining and quarrying, a Commission study on Hazardous and Industrial Waste Management in Accession Countries and information on relatively recent mining accidents in Europe. This assessment revealed a potential failure of classifying existing waste facilities as Category "A" facilities only for Estonia. The reason for this is that Estonia has significant oil shale mining operations, which generate waste that should be classified as hazardous and lead to the classification of the mining facilities as Category "A" facilities in the context of the MWD. Furthermore, Denmark emerges as a special case in that the textual response from Denmark to all main provisions shows that no national legislation (regulations, provisions, etc.) has yet been enacted to transpose the MWD. Therefore, there also is no known classification of mining waste facilities in Denmark to date.

Main Provision 1

Main provision 1 (part A, item 2, letter (b)) requires Member States to describe the measures taken to identify major-accident hazards; to incorporate necessary features into facility's design, operation and closure; and to limit the adverse consequences for human health and/or the environment. The questionnaire responses for 16 Member States can be considered complete (though varying in detail). For two Member States (PT and SI) information must be considered incomplete for all or for some aspects of this question: Both Member States make reference to national laws implementing the main provision, but do not describe at all any measures taken as requested under question 2 letter (b). Therefore, the information provided was judged to be incomplete. **However**, even for two countries considered to have provided complete information on the questionnaire item, additional relevant information could indicate that the actual practical implementation is incomplete: In the case of HU, the dramatic mining accident at Ajkai Timfoldgyar alumina plant (Ajka) in October 2010 with losses of human life and widespread environmental damage proves that existing waste management and emergency plans were insufficient to contain the accident. For PL the European Commission has issued reasoned opinions (the second stage of EU infringement procedures) urging the Member State to comply in particular with the provisions on the objectives and content of the waste management plans.

Main Provision 2

Main provision 2 (part A, item 4, letter (c)) requires Member States to describe the practical arrangements taken by the operator to ensure that required information is transmitted immediately

to the competent authority; to ensure that information on safety measures and on action required is provided to the public; and to ensure that information is forwarded to those Member States that could be impacted by incidents at installations with a potential trans-boundary impact. The questionnaire responses for 16 Member States can be considered complete (though varying in detail). For two Member States (PT and SE) information must be considered incomplete for all or for some aspects of this question: both Member States make reference to national laws implementing the main provision, but do not describe at all any practical arrangements taken as requested under question 4 letter (c). In addition, for PT the European Commission has sent a reasoned opinion asking the Member State to comply in particular with the provisions on access to information. Therefore, information and as a result the national implementation of main provision 2 must be considered incomplete. Furthermore, four countries considered to have provided complete information on the questionnaire item may be lacking full implementation due to additional relevant information indicating that the actual practical implementation is incomplete: for BG and EL a parliamentary question from January 2009 indicates that the MWD's requirement for public consultation was ignored for the Chelopech copper and gold mine in Bulgaria and for gold mines in the Greek Perama region. The European Commission has issued reasoned opinions (the second stage of EU infringement procedures) to IT and PL urging these Member States to take corrective measures, in particular, concerning shortcomings in making information available to the public and to other Member States in the event of an accident.

Main Provision 3

Main provision 3 (part B, question 1, letter (c)) requires Member States to indicate the number of waste facilities of Category "A" operating within the Member State's territory that can potentially impact environmental or human health in another Member State. Sixteen Member States provided complete information. For two Member States (CZ and IT) information must be considered incomplete, because the relevant information was not gathered or replies from responsible authorities are still to be delivered to the European Commission as of the writing of this report. And while Hungary was considered to have provided complete information on the questionnaire item, additional relevant information indicates that the actual practical implementation is incomplete. In particular, the response from HU does not list any Category "A" waste facilities with potential trans-boundary impacts. But the dramatic mining accident at Ajkai Timfoldgyar alumina plant may prove the contrary because the toxic red sludge also entered the Danube and may have entered into Member States downstream of the accident site.

Main provision 4

In relation to main provision 4 (part B, question 2, letter (b), requiring Member States to indicate the number of missing plans for installations not yet covered by an external emergency plan and to describe the planning for establishing these plans) thirteen Member States provided complete information. For four Member States (CZ, ES, IT and SK) information must be considered incomplete either because the number or list of external emergency plans is not included and the number of missing plans is not indicated (ES) or the data is still outstanding (CZ and IT) or the authorities in the area of extractive waste management are not able to check the preparation of external emergency plans (SK). Although Hungary provided complete information on the questionnaire item, additional relevant information could indicate that the actual practical implementation is incomplete: the response from HU indicates that two external emergency plans

are missing. But given the dramatic mining accident at Ajkai Timfoldgyar alumina plant – a site that according to the European Commission was not even classified as a mining waste facility and therefore had no emergency and accident plans in place. There may, therefore, be other facilities that are not properly classified as Category “A” waste facilities and not have external emergency plans.

Main Provision 5

Main provision 5 (part B, question 5, letter (a)) requires Member States to indicate the number of inspections achieved for the reporting period in Category “A” and the other installations. Eighteen Member States provided complete information. For six Member States (BG, CZ, EL, ES, IT and SE) the information provided must be considered incomplete, because the number of achieved inspections is not indicated for Category “A” waste facilities (BG), the information is not available (CZ and EL), or this information is still pending from responsible authorities (ES, IT and SE).

Other Provisions

The following additional provisions were analysed: **Part A, questions 2 (a); 3 (a); 3 (e); 4 (a); 5 (b); 6 (a); and 7 (b)**. For establishing “Waste Management Plans” (**question 2 (a)**) six Member States delivered incomplete information (BE, CZ, ES, LT, LU, NL) because these countries only included the link to the national regulation or a very broad explanation. The Belgian response lacks information for the Flemish Region. With respect to the provision on “Permit and Financial Guarantee” (**question 3 (a) and (e)**), France submitted incomplete information, because it focuses solely on financial guarantees and does not give any information regarding permits. The French response also does not explain how it plans to ensure that all installations will be covered by a guarantee before the 1 May 2014 deadline. Luxembourg did not report on the number of installations already covered by a guarantee nor the procedures put in place for ensuring that all installations will be covered by a guarantee before 1 May 2014. In connection with “public participation” (**question 4 (a)**) Belgium only provides information for the Flemish region, while Latvia, Portugal and Slovenia refer only to the national law and include no further detailed information. For the “Construction and management of waste facilities” (**question 5 (b)**) three Member States delivered incomplete information (LV, MT, PT), because they either mentioned only national regulations without further detail (LV) or because they made no reference to the required 48 hour timeline (MT and PT). Concerning “Closure and after closure procedures” (**question 6 (a)**) five Member States submitted incomplete information: Belgium’s response covers only the Flemish region; Lithuania, Latvia and Sweden only refer to national laws without offering additional detail; and Malta’s response does not address measures taken to reduce environmental effects. The provision on the “planning of inspections” (**question 7 (b)**) was addressed insufficiently by Malta, which did not include how far the frequency and type of inspection is adapted to the risks associated with the installation and its environment, and by Slovakia, which did not explain the criteria along which the priority installations for inspections are chosen.

Conclusions

Based on the assessment of the status and level of implementation of the MWD’s main provisions, additional provisions as well as supplemental information, it can be concluded that the transposition of the MWD into national law appears to be complete in 14 Member States. These Member States

are Austria, Bulgaria, Cyprus, Germany, Finland, France, Hungary, Ireland, Luxembourg, Malta, the Netherlands, Poland, Romania and the United Kingdom. The questionnaire responses of these countries provided complete information or clarified and supplemented their responses after having been contacted. In contrast, for 13 Member States, the transposition into national law appears to be incomplete based on the information given in the questionnaire and follow-up requests sent to the respective Member States to clarify outstanding questions. The Member States falling into this Category are Belgium, the Czech Republic, Estonia, Greece, Spain, Italy, Lithuania, Latvia, Portugal, Sweden, Slovenia and Slovakia. They have so far failed to correctly and/or fully implement the MWD, because the assessment found that there is (1) a lack of detail regarding the waste management plans and major-accident prevention and information, (2) lack of practical arrangements for public participation and dealing with trans-boundary effects in the case of accidents, (3) only provisional or incomplete information on the number of Category “A” installations with potential trans-boundary impacts, (4) lack of or incomplete description of established or missing external emergency plans, and (5) lack of or incomplete information on the number of inspections achieved for Category “A” waste facilities.

In some cases the information provided by the Member State in the questionnaire response was validated and put in the context of auxiliary information collected by the project team. The additional information served to indicate problems with the practical implementation beyond the mere legal transposition of the MWD into national law that were not immediately apparent from the questionnaire. In **Bulgaria** and **Greece** (EL also submitted an incomplete questionnaire) implementation is not considered complete because of the concerns regarding the lack of public consultation for the Chelopech copper and gold mine (BG) and the gold mines in the Perama region (EL). The incomplete questionnaire response from Estonia was further substantiated by the fact that the country has waste facilities for oil shale mining waste in operation, which may require classification as Category “A” facilities, and in which case the MWD would not be implemented correctly in practice. The severe accident at Ajkai Timfoldgyar aluminum plant in Hungary in October 2010 and the recent accident in the Talvivaara mine in Eastern Finland may indicate that despite complete transposition the MWD is not applied correctly. For **Italy, Poland and Portugal**, reasoned opinions sent by the Commission consider the level of implementation incomplete and urge the MS to comply in particular with the requirements to making information available to the public and to other Member States in the event of accident (IT, PL and PT), as well as concerning the requirement to prepare waste management plans for all waste facilities (PL). The European Commission sent a reasoned opinion to Latvia urging the Member State to mitigate shortcomings relating, in particular, to drawing up external emergency plans, which are vital for civil protection, to guaranteeing that the public is sufficiently informed about decisions on permits, and that comments and opinions are taken into account by the competent authority before decisions on permits are taken.

While the completeness assessment of the national questionnaire responses cannot replace detailed assessment of the implementation and enforcement of the MWD and its main objectives in the Member States, the above findings signal a broader conclusion: Although transposition of the Directive into national law may have been formally completed, there may still exist a need to ensure its proper implementation in practice to ensure that all facilities are appropriately classified and subject to appropriate measures and arrangements that help prevent accidents and limit adverse effects on human health and the environment, including the effective means of informing and consulting the public.

A more in-depth analysis requires to go much beyond the national implementation reports, because in fact they in general only show what Member States' national provisions are requiring operators and state institutions to do in order to comply with the MWD – but not whether the national requirements are met in reality. Such an analysis would require

- a) an in-depth investigation of the national administrative, legal and enforcement practices, and therefore
- b) analyses of various different sources of information including academic and civil society knowledge (NGOs) by means of literature and document review as well as interviews

However, such an analysis was beyond the scope of this project.

Chapter 1: Introduction

Directive 2006/21/EC on the treatment of waste from the extractive industries, also called the mining waste Directive (MWD), emerged in the aftermath of several major environmental incidents involving mining waste.¹ According to the provisions of the Directive, Member States are required to take measures to prevent or reduce, as far as possible, any adverse effects on the environment, particularly water, air, soil, fauna and flora and landscape, and any resultant risks to human health, caused by the management of waste from the extractive industries.² The scope of the Directive is the management of waste resulting directly from the prospecting, extraction, treatment and storage of mineral resources and the working of quarries. This leads to mining waste no longer falling within the purview of Directive 1999/31/EC on the landfill of waste, which was found to be inadequate to deal with the specific circumstances and risks of waste originating in extractive industries.

In the light of the above, the MWD distinguishes between different kinds of waste facilities³

- Category “A” waste facilities and facilities for waste characterised as hazardous;
- Waste facilities for non hazardous non-inert waste;
- Waste facilities for unpolluted soil, non-hazardous prospecting waste, waste resulting from the extraction, treatment and storage of peat and inert waste.

According to Annex III of the MWD in combination with the Commission Decision 2009/337/EC⁴ a waste facility shall be classified under Category “A” if

- a failure or incorrect operation, e.g., the collapse of a heap or the bursting of a dam, could give rise to a major accident, on the basis of a risk assessment taking into account factors such as the present or future size, the location and the environmental impact of the waste facility if the predicted consequences in the short or the long term could lead to
 - non-negligible potential for loss of life;

¹ Including the bursts of dams in Spain and Romania, which led to the spilling of contaminated mining wastewater into rivers and natural parks (Carbonez and André-Dumont 2009).

² Art. 1 MWD.

³ According to Art. 3 (15) MWD a waste facility is ‘any area designated for the accumulation or deposit of extractive waste, whether in a solid or liquid state or in solution or suspension ... [including] any dam or other structure serving to contain, retain, confine or otherwise support such a facility, and also [including], but not be limited to, heaps and ponds, but excluding excavation voids into which waste is replaced, after extraction of the mineral, for rehabilitation and construction purposes’.

⁴ See European Commission (2009a). Commission Decision of 20 April 2009 on the definition of the criteria for the classification of waste facilities in accordance with Annex III of Directive 2006/21/EC of the European Parliament and of the Council concerning the management of waste from extractive industries, 2009/337/EC.

- serious danger to human health;
- (c) serious danger to the environment; or
- it contains waste classified as hazardous under Directive 91/689/EEC above a certain threshold; or
- it contains substances or preparations classified as dangerous under Directives 67/548/EEC or 1999/45/EC.

The basic requirements under the MWD for the Member States are shown in the following table in relation to which waste facility type they refer to.

MWD basic requirements	Article	applies to ...
Develop a waste management plan for the minimisation, treatment, recovery and disposal of extractive waste;	5	All facilities
Develop a major-accident prevention policy , including a safety management system and internal emergency plan;	6	Category "A"
Allow no extractive industry waste facility to operate without a permit issued by the competent authority;	7	All facilities*
Ensure public participation by providing information and allowing the public to prepare and participate effectively	8	All facilities*
Member States have to ensure that waste facilities are managed by a competent person and that technical development and training of staff are provided;	11	All facilities*
Closure and after-closure procedures of a waste facility and monitoring are to be organised by Member States pursuant to the requirements of the Directive	12	All facilities*
Preventive measures must be taken against water and soil contamination, including from cyanide-containing waste tailings;	13	All facilities*
Waste facility operators must provide a financial guarantee before the beginning of waste processing operations;	14	All facilities*
in accordance with Directive 2004/35/EC ²³ , operators of waste facilities are subject to a presumed liability in respect of environmental damage caused by their operation;	15	All facilities
Provision of information to other Member States and the public in the case of transboundary effects	16	Category "A"

MWD basic requirements	Article	applies to ...
Inspections by the competent authority to ensure that the facilities comply with the relevant conditions of the permit	17	All facilities
Reporting on the implementation of the Directive at three year intervals	18	All facilities

Table 1: Overview of basic requirements of the MWD

* According to Article 2 (3) of the MWD, this requirement does not apply to inert waste and unpolluted soil, unless deposited in a Category "A" waste facility⁵

1.1 List of main provisions

Article 1 of the MWD states as the Directive's main aim to provide for "*measures, procedures and guidance to prevent or reduce as far as possible any adverse effects on the environment, in particular water, air, soil, fauna and flora and landscape, and any resultant risks to human health, brought about as a result of the management of waste from the extractive industries.*"

In the light of the Directive's main aim, particular attention must be paid to the Category "A" waste facilities because, as shown above, according to Annex III such facilities

- could give rise to a major accident with adverse environmental or health related consequences,
- contain hazardous waste above a certain threshold, or
- contain dangerous substances or preparations above a certain threshold.⁶

Therefore, the MWD requires that operators of Category "A" facilities, inter alia, must set up appropriate waste management plans, ensure effective procedures for major-accident prevention and information, apply for a permit, and take into account and inform on any likely negative trans-boundary effects. Accordingly, based both on the Directive and on the implementation questionnaire (Annex III of Commission Decision 2009/358/EC), the **main provisions** to be considered for this study will be those, which require action in the context of Category "A" waste facilities. Those are:

Questionnaire (Annex III of Commission Decision 2009/358/EC)

Part	Item	letter	requirement
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⁵ See also DHI Water Environment Health (2007). Classification of mining waste facilities. Final Report, December 2007. No. 07010401/2006/443229/MAR/G4. URL http://ec.europa.eu/environment/waste/mining/pdf/mwfs_report_dec_07.pdf

⁶ See also DHI Water Environment Health (2007).

Questionnaire (Annex III of Commission Decision 2009/358/EC)			
Part	Item	letter	requirement
A	2	(b)	Description of measures taken to identify major-accident hazards; incorporate necessary features into facility's design, operation and closure; limit the adverse consequences for human health and/or the environment
A	4	(c)	Description of the practical arrangements taken by the operator to ensure that required information is transmitted immediately to the competent authority; that information on safety measures and on action required is provided to the public; and that information is forwarded to the other Member State in case of installation with a potential transboundary impact
B	1	(c)	Indication of the number of cases of waste facilities of Category "A" in operation on the Member State's territory having a potential environmental or human health impact on another Member State.
B	2	(b)	Indication of the number of missing plans for installations not yet covered by an external emergency plan; description of the planning for establishing these plans.
B	5	(a)	Indication of the number of inspections achieved for the reporting period in Category "A" and the other installations

Table 2: Main provisions of the Mining Waste Directive based on the implementation questionnaires (Annex III of Commission Decision 2009/358/EC)

An analysis was also prepared for further relevant provisions in relation to the MWD's basic requirements (see Table 1).

Questionnaire (Annex III of Commission Decision 2009/358/EC)			
Part	Item	letter	requirement
A	2	(b)	Description of measures taken to identify major-accident hazards; incorporate necessary features into facility's design, operation and closure; limit the adverse consequences for human health and/or the environment
A	2	(a)	Description of the procedures set up for the approval of the waste management plans.
A	3	(a)	Indication of the measures taken to ensure that all facilities in operation will be covered by a permit.
A	3	(e)	Detailed description of the procedure for required financial

Questionnaire (Annex III of Commission Decision 2009/358/EC)			
Part	Item	letter	requirement
			guarantees. Number of installations, which are already covered by a guarantee. Procedure for ensuring that all installations will be covered by a guarantee before 1 May 2014.
A	4	(a)	Explanation how the public opinion and comments are analysed and taken into account before making a decision on permits and for the preparation of the external emergency plans.
A	5	(b)	Description of the procedure set out for the notification of the authority within 48 hours of any event that is likely to affect the stability of the facility and any significant environmental effects revealed by the monitoring.
A	6	(a)	Explanation of the procedure set out to ensure that after the closure of a facility, and when considered necessary by the authority, regular controls of its stability are carried out as well as measures to reduce environmental effect are taken.
A	7	(b)	Description of planned inspection activities. Identification of priority installations for inspection.

Table 3: Further relevant provisions of the Mining Waste Directive based on the implementation questionnaire (Annex III of Commission Decision 2009/358/EC)

1.2 Implementation of the main provisions

The “Study on the feasibility of the establishment of a Waste Implementation Agency” previously commissioned by the European Commission, cited the following main challenges as hindering the full implementation and the achievement of broader benefits from current waste management legislation:

- **Insufficient capacity:** Many Member States lack sufficient capacity for the inspections, controls and other actions to enforce waste legislation properly;
- **Organisational problems:** Organisational problems, such as poor coordination among the various national bodies with responsibilities for inspections and controls, hinder enforcement;
- **Low priority:** More generally, implementation of EU waste legislation is considered a low priority in many Member States, resulting in insufficient allocation of resources for enforcement;
- **Technical capacity:** Lack of technical capacity/expertise for the preparation of waste management plans and programmes is another widespread problem;

- **Differing interpretations:** Member States have interpreted EU waste requirements in different ways and have implemented policy using different methodologies.⁷

In addition, establishing reliable estimates of waste quantities produced across the Member States is important for the effective implementation of waste management policies. For example, Bulgaria, one of the Member States with the largest amounts of waste produced per inhabitant, reports primarily mining waste, which is responsible for 90% of waste produced, while Latvia, one of the Member State reporting the least amount of waste produced per inhabitant primarily reports household waste, which accounts for 68% of waste produced. Such vast disparities in the types and quantities of waste generated and reported by the Member States are partially due to the various types of classification and collection systems in place for waste in different Member States but might to some extent also reflect the differences in the number of mining sites and the amount of mining waste generated in the different Member States (see Figure 2, p. 23). Nonetheless, they pose a basic challenge for creating baselines and targets for the implementation of current policies.

At the present stage, the transposition of the MWD into national law is being finalised. The check of the quality of transposition is still ongoing. Member States had to submit their first national implementation reports by the end of February 2012 for the first three-year period 2008 – 2011 (Article 18 (1) of the MWD). Furthermore, the inventories of closed/abandoned facilities “at risk” had to be finalised and submitted by the Member States. Currently on-going implementation work encompasses the preparation of a guidance document for inspection (Article 22 (1) d) of the MWD).

In the following, whether or not the main provisions of the MWD are correctly implemented is analysed according to completeness assessment of the Member States’ national implementation reports.

⁷ European Commission (2009b), Study on the feasibility of the establishment of a Waste Implementation Agency, 7 December 2009.

Chapter 2: Objectives and scope of the study

The objective of this study is to analyse and summarise the national implementation reports on the MWD. Article 18 of the MWD obliges Member States to prepare reports on the state of implementation of the directive's requirements at intervals of three years. They are to be transmitted to the Commission within nine months of the end of the three-year period covered by it.

Commission Decision 2009/358/EC provides a questionnaire describing the reporting requirements in detail and obliging Member States to report according to the questionnaire items. The questionnaire contains two Parts:

- Part A, Questions to be answered once for the first reporting period
- Part B, Questions to be answered for all reporting periods.

The following table shows the common and differing aspects on which Member States are required to provide information and data in Part A and Part B.

Part A	Part B
Administrative arrangements and general information	
Waste management plans and major-accident prevention and information	
Permit and financial guarantee	
Closure and after closure procedures, inventory	
Inspections	
Public participation, transboundary effects	Other relevant information
Construction and management of waste facilities	

Table 4: Main reporting requirements of the implementation questionnaire

In order to allow the Commission services to regularly evaluate the overall state of implementation, identify information gaps, and identify further need for policy action, the questionnaire was summarised and analysed. The EU Commission will use the implementation report to publish an EU report on the implementation of MWD within nine months of receiving the reports from the Member States. The assessment will cover the period 2008-2011.

This implementation analysis will provide

- an assessment that illustrates the completeness of the national implementation reports, and
- a summary and general conclusions on the implementation of the main provisions in the Member States.

Chapter 3: Methodological approach

This chapter provides a reference for the steps taken to assess the completeness and content of the questionnaire responses. It is a partially streamlined description of the approach that has been taken to arrive at the results. The chapter is split into three parts, a description of technical issues necessary for the generation of the evaluation database in section 3.1, a description of the strategy used for the completeness assessment and the verbal interpretation of results in section 3.2.

3.1 Data sources and data preparation

To facilitate analysis and assessment of, the translated questionnaires, which were provided by the Commission services, were aggregated into a common database. In essence, the contents of the individual reports were compiled so that the 27 responses that were given to each question item by the Member States could be viewed in a single table and to be compared directly. The common database has been prepared using MS-Excel. With regard to the transparency of the work done, the following paragraphs illustrate the individual steps taken to generate the common database. If desired, the intermediate files used for the preparation of the database are available upon request to clarify the details of technical implementation.

Initially the 27 translated questionnaires were provided to Ecologic. Due to different reporting styles used by the Member States and varying customs at the translation services, the documents differed considerably with regard to file format and layout. While the majority of documents were prepared using MS-Word some were provided as pdf or rich text files. In some cases, question items were merged and answered jointly. To allow for aggregation into the common database the differing formats had to be harmonised across all 27 questionnaires. The corresponding steps included the stripping of automatic numeration and redundant line-breaks, as well as the necessary alignment of paragraphs to the question items. Most of the work could be done using Macros, however some manual reformatting was necessary in most cases.

The harmonised questionnaire tables were then aggregated into an Excel workbook. To do so, the questionnaire was split into three parts, each of which was compiled into a separate worksheet: (1) a sheet for Administrative information (2) a sheet for Part A of the questionnaire and (3) a sheet for Part B of the questionnaire. The resulting tables were organised according to the questionnaires with columns describing countries and rows designating question items. To allow for convenient evaluation, these tables were transposed (switch rows and columns) so that each question item corresponds to a column and member states designate the rows. To capture the input from the evaluators, two additional columns were added for each question item: one column to check for completeness and a second column to capture possible comments. Figure 1 is a screenshot from an evaluation sheet of the common database, illustrating the resulting format.

	A	BM	BN	BO	
	Questions	5.c.2	5.c.2Comp	5.c.2Comm	6.a
1					
	MT	The Authority carries out regular compliance inspections.		1 will that be sufficiently described?	Follow up inspections a
20					
	NL	In general, the relevant details are laid down in Article 18.2 of the Environmental Management Act.		1 Environmental Management Act, Article 18.2 is that sufficiently described	Article 8.49 of the Envi required to be done in t example, measures mu environment and prote features to ensure this

Figure 1 Structure of an evaluation template in the common database.

The MS responses to the individual question items are listed one below the other. Additional columns (*Comp and *Com) have been added to assess completeness and to allow for evaluators' comments.

The common database was then handed over to the evaluators who filled out the columns assessing completeness and possibly adding comments as discussed in section 3.2. The results compiled in the common database were

- used to report missing question items to the MS contact points and
- analysed to prepare the final report (see the following section).

3.2 Data analysis

The assessment of completeness was done on the basis of the prepared evaluation template. The reported data for every question and every country was differentiated into four categories: Complete (in varying detail); incomplete; complete but not Category "A" facilities; and complete, but no waste facilities falling under this Directive (see the following table for the criteria used for differentiation). The interpretation of the different categories is shown in the following table. As a special case Denmark has not yet transposed the Directive into national regulation at all.

Legend:	information is considered			
	Complete (sufficient detail)	Incomplete	complete, but indicating no Category "A" waste facilities	complete, but indicating no waste facilities falling under this Directive
Criteria used for classification	The MS's response gives reference to national legislation implementing this provision. The textual description responds to all terms used in the questions and provides either in-depth detail of the procedures and/or measures required under the questionnaire items or largely refers to the national legislation for further details.	The MS's response may or may not give reference to national legislation implementing this. The textual description is lacking or incomplete in that no or only some of the terms used in the questions are addressed or information is missing for some regions of a MS.	Textual response indicates that the main provision has been implemented nationally, but that no Category "A" facilities exist/existed during this reporting period.	Textual response indicates that the main provision has been implemented nationally, but that no waste facilities exist/existed during this reporting period that fall under this Directive.
Please note:	The textual response from Denmark shows that no national legislation (regulations, provisions, etc.) has yet been enacted to transpose the main provisions.			

Table 5: Colour-coding scheme and criteria used for the completeness assessment

The evaluators indicated for every questionnaire letter and every country the relevant Category. The complete (very detailed) Category is included to show "good practice" examples for reporting. Furthermore, the Category "indicating lacking Category "A" waste facilities" is included because some Member State do not report several questions, but only due to the non-existence of Category "A" facilities in these countries. The non-existence of Category "A" is checked via web-research for the Member States.

For the Member States with incomplete information (altogether, 22 Member States were considered to have provided incomplete information on at least one questionnaire item in their first responses – only Denmark, Finland, Germany, Hungary and Poland had provided complete information) the details of lacking information was analysed. These information gaps were sent to the Member States' administrative body who is responsible for answering the questionnaire. 22 Member States were contacted via email. 19 Member States have provided a reply until 3 December 2012. The information sent to the Member States included the relevant questions, the already delivered answers and the indication of the missing information.

The Member States' replies with further information were integrated in the evaluation template and the associated evaluation Category was reviewed accordingly. The following table shows the MS

that were contacted, that already responded and whether or not their response was clarifying the requests for further information.

MS	Institution	questions clarified	integration into draft implementation report
AT	Federal Ministry of Economy, Family and Youth	yes	yes
BE	Institut Scientifique de Service Public	no feedback received yet	
BG	Ministry of Economy, Energy and Tourism (MEET)	yes	yes
CY	Department of Environment (Ministry of Agriculture, Natural Resources and Environment)	yes	yes
CZ	Czech Mining Authority	yes	yes
EE	Ministry of the Environment	partially - questions 2b.1, 2b.3 and 3b not clarified	yes
EL	Ministry of the Environment, Energy and Climate Change	yes	yes
ES	Ministries of INDUSTRY, ENERGY AND TOURISM AGRICULTURE, FOOD AND ENVIRONMENT	yes	yes
FR	Ministry of Ecology, Sustainable Development and Energy	yes	yes
IE	Environmental Protection Agency (EPA)	yes	yes
IT	Ministry of Environment, land and sea protection	yes	yes
LT	Lithuanian Geological Survey	partially - questions 3b and 3d not clarified	yes
LU	Administration de l'emSronnement Environment Protection Agency Luxembourg	yes	yes
LV	Ministry of Environmental Protection and Regional Development	yes	yes
MT	Malta Environment And Planning Authority	yes	yes
NL	Agentschap NL (NL Agency)	yes	yes
PT	Direcção Geral de Energia e Geologia - DGE	no feedback received yet	
RO	Ministries of Environment and Forests Economy, Trade and Business Environment Administration and Interior National Agency for Mineral Resources	yes	yes

MS	Institution	questions clarified	integration into draft implementation report
SE	SWEDISH ENVIRONMENTAL PROTECTION AGENCY Research and Assessment Department Hazardous Substances and Waste Unit	Partially – questions 4c.1 to 4c.3 have not been addressed	yes
SI	Ministry of the Environment	no feedback received yet	
SK	Ministry of the Environment	yes	yes
UK	Department for Environment, Food and Rural Affairs	yes	yes

Table 6: Overview of MS contacted and responses received

The three Member States that responded to the request but only partially clarified the issues raised (EE, LT and SE), received a second request for clarification but did not answer within the time available for this project.

The information from the Member States concerning the five main provisions of the MWD are shown in chapter 4.1. For Member States with incomplete information, no Category “A” facilities and/or no transposition in national law, a further short description is included. For the additional relevant provisions, only the countries with incomplete information are indicated and a short description is integrated.

A brief literature research was also carried out with the goal to gather additional information used to complement and help assessing the information from the national implementation reports. Although the available information basis is limited by the short time that has passed since the Directive was passed, it was possible to add useful information, inter alia, including Commission reports and information on infringement proceedings.

Chapter 4: Main provisions

This section provides an assessment of the implementation at the national level of the main provisions listed in section 1.2. To this end, an indication of the implementation of all main provisions in the 27 Member States is given in section 4.1. Subsequently, each of the main provisions is assessed in detail in regard to its national implementation, including a summary and a general conclusion per Member State (sections 4.1.1 to 4.1.5). Section 4.2 will then deal with an overview assessment of the national implementation of further relevant provisions of the MWD. Finally, a summary of the MWD's implementation will be given in section 4.3, including a table summarising the 27 Member States' level of implementation of the MWD into national law.

In order to get a first understanding on the amount of mining waste generated and the relevance of the mining sector in the EU-27, relevant Eurostat data are provided in Figure 2 and Figure 3 below. While Figure 2 shows the total waste generation from mining and quarrying⁸ activities in the EU-27 in kilotonnes (1,000 tonnes), Figure 3 shows the number of enterprises working in the mining and quarrying sector.

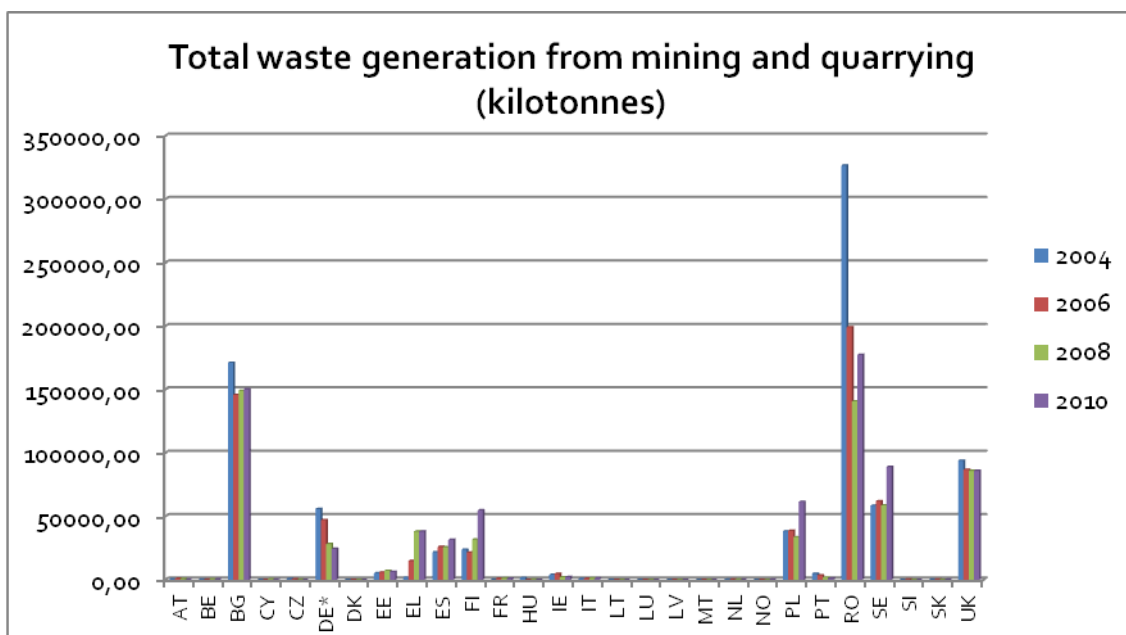


Figure 2: Total waste generated from mining and quarrying in the EU-27 (kilotonnes)⁹

* including former GDR from 1991

In terms of total waste generated in kilotonnes, Bulgaria (more than 150 Megatonnes [Mt] in 2010), Romania (more than 177 Mt in 2010), Sweden (more than 89 Mt in 2010) and UK (more than 85 Mt in

⁸ According to NACE, revision 2, mining and quarrying include the extraction of minerals occurring naturally: "fossil fuels such as coal (Division 05), crude petroleum and natural gas (Division 06); ferrous and non-ferrous metal ores (Division 07); construction materials (for example, stone and sand) and other industrial materials such as salt, phosphates and gemstones (Division 08); it also includes mining support service activities (Division 09)." See http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Mining_and_quarrying_statistics_-_NACE_Rev._2

⁹ Source: Eurostat, online data code [env_wasgen](#).

2010) are the largest producers of mining waste. In contrast, Estonia, Latvia, Lithuania, Luxembourg and Slovenia all generated less than 25 kilotonnes in 2010. Overall, in the EU-27 total waste generated in 2010 amounts to more than 727 Mt.

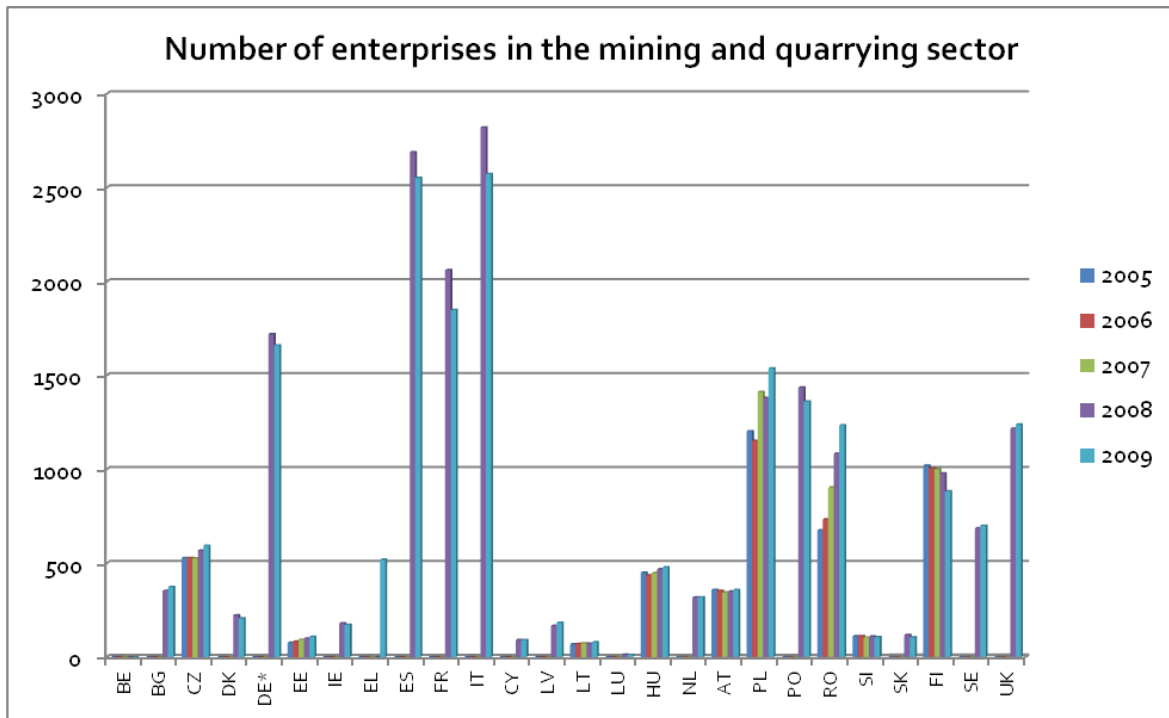


Figure 3: Number of enterprises in the mining and quarrying sector¹⁰

* including former GDR from 1991

With regard to the size of the mining and quarrying, Germany (1,660 in 2009), France (1,848 in 2009), Italy (2,572 in 2009), Poland (1,537 in 2009) and Spain (2,552 in 2009) are the countries with the largest number of enterprises. In comparison with the top four Member States generating the most total mining waste according to Figure 2, two are not among the top five here: Romania and the UK have more than 1,200 enterprises each, Sweden just below 700 and Bulgaria 373 has enterprises. In contrast, Cyprus, Lithuania and Luxembourg all had fewer than 100 enterprises in 2009. In the EU-27 the number of enterprises in 2009 amounted to 20,000.

4.1 Main provisions implementation at the national level

The assessment of the national implementation of the main provisions is based on the completeness of the information provided by the Member States in their respective national implementation reports. The following table gives an overview of the main provisions' implementation in the 27 Member States.

¹⁰ Source: Eurostat, online data code [sbs_na_rd_2](#).

Country	Response Overview Part A						Response Overview Part B		
	measures taken to			practical arrangements taken to ensure that information			Number of		
	identify major-accident hazards	incorporate into design, operation and closure	limit the adverse consequences	transmitted to competent authority	on safety measures / action provided to the public?	forwarded to the other Member State	Category "A" facilities with potential transboundary impact	(missing) external emergency plans	inspections achieved for Category "A" and the other installations
AT									
BE									
BG									
CY									
CZ									
DE									
DK									
EE									
EL									
ES									
FI									
FR									
HU									
IE									
IT									
LT									
LU									
LV									
MT									
NL									
PL									

Country	Response Overview Part A						Response Overview Part B		
	measures taken to			practical arrangements taken to ensure that information			Number of		
	identify major-accident hazards	incorporate into design, operation and closure	limit the adverse consequences	transmitted to competent authority	on safety measures / action provided to the public?	forwarded to the other Member State	Category "A" facilities with potential transboundary impact	(missing) external emergency plans	inspections achieved for Category "A" and the other installations
PT									
RO									
SE									
SI									
SK									
UK									

Legend:	information is considered			
	Complete (in varying detail)	Incomplete	complete, but indicating no Category "A" waste facilities	complete, but indicating no waste facilities falling under this Directive
Please note:	The textual response from Denmark shows that no national legislation (regulations, provisions, etc.) has yet been enacted to transpose the main provisions.			

Table 7: Completeness assessment of the Directive's main provisions in the EU 27

See Table 5, p. 20 for the criteria used for the completeness assessment

According to Table 7, the information provided on some or all five main provisions is **incomplete** for **10 Member States** (BE, BG, CZ, EE, EL, ES, IT, PT, SE, SI). Furthermore, **six Member States** (AT, BE, EE, LT, LU, MT) indicate that they have **no Category "A" waste facilities**. In addition, Latvia and the Netherlands indicate in some of the questions relating to the main provisions or in other parts of the questionnaire that they do **not have any waste facilities** falling under this Directive, and therefore no Category "A" waste facilities either. **Denmark's** response shows lacking national transposition of this main provision.

For **10 Member States** the information provided in the questionnaire responses is considered **complete** (CY, DE, FI, FR, HU, IE, PL, RO, SK, UK), though in varying depth and detail.

It must, however, be stressed that even completeness of the responses on the main provisions is no guarantee for actual national practical implementation and enforcement, because such an analysis would require

- a) in-depth investigation of the national administrative, legal and enforcement practices, and therefore
- b) analyses of various different sources of information including academic and civil society knowledge (NGOs) by means of literature and document review as well as interviews

Such an analysis is beyond the scope of this project. Therefore, completeness of information cannot prove whether or not the national implementation will really lead to achieving the MWD's main objectives. In fact, the national implementation reporting in general only shows what Member States' national provisions are requiring operators and state institutions to do in order to comply with the MWD – but not whether the national requirements are met in reality.

Category "A" waste facilities

The following table provides an overview of the information provided by the Member States in their responses to the Annex of Annex III of Commission Decision 2009/358/EC for those Member States indicating lacking **Category "A" waste facilities** (the complete table can be found in Annex I, p. 73). The Annex of Annex III requests Member States to report the number of Category "A" and not Category "A" waste facilities in operation, in operation with permit, in transition, in closure phase, and closed or abandoned. All numbers– including cells left blank – are based on the Member States' entries into the Annex.

MS		In Operation	In Operation with Permit	in transition	in closure phase	closed or abandoned
AT	Category A - total					
	Category A - of Which "Seveso Installations"					
	Not Category A- total	24	2		3	
	Not Category A – of which inert Waste					
	Not Category A – of which non hazardous-non inert Waste					

MS		In Operation	In Operation with Permit	in transition	in closure phase	closed or abandoned
	Total	24	2		3	
BE	Empty Annex or no Annex attached, but indicated 0 Category "A" facilities in several questionnaire responses					
EE	Category A - total	0	0	0	0	11
	Category A - of Which "Seveso Installations					
	Not Category A- total					
	Not Category A – of which inert Waste	N/A	2	0	0	26
	Not Category A – of which non hazardous-non inert Waste	11	0	0	0	0
	Total					
LT	Empty Annex or no Annex attached, but indicated 0 Category "A" facilities in several questionnaire responses					
LU	Category A - total					
	Category A - of Which "Seveso Installations					
	Not Category A- total					
	Not Category A – of which inert Waste		16			
	Not Category A – of which non hazardous-non inert Waste					
	Total					
LV	Category A - total	0	0	0	0	0
	Category A - of Which "Seveso Installations					
	Not Category A- total	0	0	0	0	0
	Not Category A – of which inert Waste					
	Not Category A – of which non hazardous-non inert Waste					
	Total					
MT	Category A - total	N/A	N/A	N/A	N/A	N/A
	Category A - of Which "Seveso Installations					
	Not Category A- total	4	4	39	N/A	N/A
	Not Category A – of which inert Waste					
	Not Category A – of which non hazardous-non inert Waste	N/A	N/A	N/A	N/A	N/A
	Total	4	4	39	N/A	N/A

MS		In Operation	In Operation with Permit	in transition	in closure phase	closed or abandoned
NL	Category A - total					
	Category A - of Which "Seveso Installations"					
	Not Category A- total					
	Not Category A – of which inert Waste					
	Not Category A – of which non hazardous-non inert Waste					
	Total	0	0	0	0	0

Table 8: Information provided in Annex I to the questionnaire for Member States lacking Category "A" waste facilities

According to Table 8, eight **Member States** indicate in their respective Annex I entries directly (EE, LV, MT) or indirectly (AT, BE, LT, LU, NL) that they have **no Category "A" waste facilities** within their territory. While Belgium and Lithuania did not provide any information in Annex I to the questionnaire, they stated in their responses to other questionnaire sections that they do not have Category "A" facilities. The statements made by Latvia and the Netherlands regarding the lack of Category "A" facilities corresponds to their statements made in other questionnaire sections that they do not have any waste facilities falling under that Directive at all.

Since the MWD is a rather recent Directive, there is not much literature available on the classification of waste facilities as Category "A" waste facilities in the Member States. As a result, there are few benchmarks available against which to check the reliability of the information provided by the Member States on number of Category "A" waste facilities. The following table presents potentially relevant mining waste data in relation to Category "A" and overall waste facilities data found from a Commission study on Hazardous and Industrial Waste Management in Accession Countries from 2004¹¹ (central column) and from the Eurostat data provided in Figure 2 and Figure 3 above (right column). Following Table 9, the Member States' response regarding the non-existence of Category "A" waste facilities will be assessed in the light of the information found.

¹¹ European Commission (2004). Hazardous and Industrial Waste Management in accession Countries. European Communities, Luxembourg.

MS	Potentially relevant mining waste statistics	
	Commission study on Hazardous and Industrial Waste Management in accession Countries	Eurostat data on Total waste generation from mining and quarrying in kilotonnes in 2010 (upper line) and on number of enterprises in the mining and quarrying sector (lower line) in 2009 ¹²
AT	<i>Not included</i>	269 kilotonnes generated in 2010 357 enterprises in 2009
BE	<i>Not included</i>	465 kilotonnes generated in 2010 No data available on the number of enterprises in 2009
EE	In 1999 approximately 11 million tonnes of industrial waste were generated (including waste from mining and quarrying) In 1999 more than 5.6 million tonnes of hazardous waste were generated from mining , energy production and chemical processing of oil shale	6,453 kilotonnes generated in 2010 108 enterprises in 2009
LT	In 1999 approximately 1.2 million tonnes of waste generated from mining and quarrying	6.84 kilotonnes generated in 2010 79 enterprises in 2009
LU	<i>Not included</i>	18.36 kilotonnes generated in 2010 12 enterprises in 2009
LV	In 2001 approximately 542,000 tonnes of industrial waste were generated (including waste from mining and quarrying)	2.59 kilotonnes generated in 2010 183 enterprises in 2009
NL	<i>Not included</i>	184 kilotonnes generated in 2010 318 enterprises in 2009
MT	<i>Not included</i>	0 kilotonnes generated in 2010 No data available on the number of enterprises for MT at all

Table 9: Potentially relevant mining waste data in relation to Category "A" waste facilities

Austria

In the preliminary notes to the questionnaire responses, the Austrian national implementation report states that no waste facilities have been classified as Category "A" waste facilities according to Annex III of the MWD. However, for two facilities, which may be classified as Category "A" waste facilities, a corresponding classification procedure has been initiated

¹² See Eurostat, online data codes [env_wasgen](#) and [sbs_na_rd_2](#). Please also refer to Figure 2, p. 23 for total mining waste generated in the EU-27.

according to Art. 119a (2) of the Austrian mineral resources Act (Mineralrohstoffgesetz -MinroG), but is not yet completed as of the writing of this report.

Belgium

Although the Belgium national implementation report does not provide any information in Annex I of the questionnaire, based on the responses to the main provisions of Part B it can be inferred that Belgium has no any Category "A" waste facilities (neither in the Walloon nor in the Flemish Region) and therefore consequently

- no Category "A" waste facilities with a potential environmental or human health impact on another Member State.
- No inspections were carried out at Category "A" waste facilities

Whether or not the 465 kilotonnes of mining related waste shown in Table 9 could be considered as refuting the above information given by the Member State remains unclear.

Estonia

The Estonian entry to Annex I of the questionnaire states that there are no existing Category "A" waste facilities, but 11 closed or abandoned facilities (see Table 8). The rather large numbers of mining and quarrying waste shown in Table 9 may to some extent be related to the large-scale domestic energy production from oil shale. According to the study "Classification of mining waste facilities" by DHI Water Environment Health (2007) the residues from mining of oil shale as one source of mineral fuel and related materials should be classified as mining waste. In line with a brief UN CSD report on waste management³³ the main type of waste generated in Estonia (more than 70%) comes from oil shale industry, with more than 30% of it being hazardous waste. In combination with the older data from 1999 (according to which 5.6 million tonnes of hazardous waste were generated including from mining, energy production and chemical processing of oil shale), this may indicate that the residues from oil shale mining constitute potentially hazardous mining waste. According to the DHI Water Environment Health Study (2007) the MWD foresees that only for non-hazardous inert waste and non-hazardous non-inert waste the facilities should be designed, located and operated in such a way that the facility is not classified as a Category A facility. Given the likely hazardousness of the oil shale mining residues, the sites for storing and treating this waste should therefore be considered as Category "A" waste facilities according to Annex III of the MWD and the Commission Decision 2009/337/EC. Therefore, it appears somewhat likely that Estonia will have to reclassify some of its waste facilities as Category "A".

Latvia

The Latvian entry to Annex I of the questionnaire states that there are no existing Category "A" waste facilities nor any closed or abandoned ones – this corresponds to the indication that Latvia has no waste facilities falling under this Directive at all. The 2.6 kilotonnes of mining related waste shown in Table 9 appear to be in line with that Member State's response.

Lithuania

³³ UN CSD (2009). National Reporting on Waste management – Estonia. URL

http://www.un.org/esa/dsd/dsd_aofw_ni/ni_pdfs/NationalReports/estonia/CSD18_ESTONIA_WasteManagement.pdf.

Although the Lithuanian national implementation report does not provide any information in Annex I of the questionnaire, based on the responses to the main provisions of Part B it can be inferred that Lithuania has had no Category “A” waste facilities in operation during this first reporting period.

The 6.8 kilotonnes of mining related waste shown in Table 9 seem to support this conclusion.

Luxembourg

The entry to Annex I of the questionnaire provided by Luxembourg indicates that there are no existing Category “A” waste facilities nor any closed or abandoned ones. The mere 10,000 tonnes of mining related waste shown in Table 9 seem to agree with that Member State’s response.

The Netherlands

The Dutch entry to Annex I of the questionnaires indicates that there are no existing Category “A” waste facilities nor any closed or abandoned ones – this corresponds to the indication that the Netherlands have no waste facilities falling under this Directive at all.

Whether or not the 270,000 tonnes of mining related waste shown in Table 9 could be considered as refuting the above information given by the Member State remains unclear.

Malta

The information in Annex I of the questionnaire provided by Malta indicates that there are no existing Category “A” waste facilities nor any closed or abandoned ones. The zero tonnes of mining related waste shown in Table 9 corroborate the Member State’s response.

In addition to the above assessments, no news or other online information could be identified refuting the above information given by the Member States. Also in relation to known relevant mining accidents there does not seem to be any information contradicting the above Member States’ indication of not having Category “A” waste facilities on their territories. Several mining accidents with severe environmental consequences have occurred in the last couple of years, particularly in Eastern and Southern European countries, for which a common reason is often seen in the shortcomings in enforcement of environmental regulations. Three examples of mining accidents with environmental damage are briefly described in the following table.

Member State	Description of the mining accident
Hungary (October 2010)	A dam holding back mining waste in the Ajkai Timfoldgyar alumina plant in Ajka, Hungary, burst, spilling about one million cubic metres of red toxic mud (a highly corrosive mixture containing toxic heavy metals such as lead, cadmium and arsenic) over six Hungarian villages, killing at least 4 people and devastating local flora and fauna. ¹⁴

¹⁴ See http://wwf.panda.org/wwf_news/press_releases/special_coverage/hungary_mud_sludge_toxic_red/, accessed 05 October 2012.

Member State	Description of the mining accident
Romania (January 2000)	The failure of a dam wall at a mine tailings reclamation facility in the Romanian Baia Mare mining site caused the spilling of 100,000 m ³ of wastewater polluting with cyanide into a nearby river leading to serious harm of a large numbers of plant and wildlife species in the river systems. ¹⁵
Spain (April 1998)	In April 1998 a dam rupture on a mining residual tank of a pyrite mine in Aznalcollar, Spain, caused the contamination of a nearby river with heavy metals such as cadmium, lead, zinc and copper, adversely affecting aquatic ecosystems, but also cultivated lands because harvests were no longer fit for consumption. ¹⁶

Table 10: Examples of environmental mining disasters in Eastern and Southern European Member States

For the Member State specific analysis, each of the five main provisions are examined in separate sections, which begin with a tabular overview of the national implementation using a colour-coding scheme for the completeness assessment. The colour-coding scheme and the criteria used for the assessment are explained in Table 5, p. 20.

Please note, however, that the main provisions as identified in section 1.1 relate to Category “A” waste facilities due to their significance for the MWD’s overall objective and their potential harm to both human health and the environment. Therefore, in all tabular summaries for the main provisions only those Member States are covered which have Category “A” waste facilities on their territory according to their questionnaire responses – the other Member States, as shown in Table 8 on p. 29, are not covered here.

4.1.1 Main provision 1: Measures in relation to Waste management plans and major-accident prevention and information

Part A, item 2, letter (b) requires Member States to describe the measures taken to identify major-accident hazards; to incorporate necessary features into facility’s design, operation and closure; and to limit the adverse consequences for human health and/or the environment.

The following table provides a summary of the information provided by the Member States on this main provision.

¹⁵ See <http://www.unep.org/geo/geo3/english/464.htm>, accessed 05 October 2012; see also Carbonez and André-Dumont 2009.

¹⁶ See <http://www.lenntech.com/environmental-disasters.htm#9>. *Spains major waste water spill*, accessed 05 October 2012; see also Carbonez and André-Dumont 2009.

MS	Part A, question 2, letter (b): For the Category "A" installations not falling within the scope of Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances (1), please describe the measures taken to:		
	identify major-accident hazards	incorporate the necessary features into the design, operation and closure of the installation	limit the adverse consequences for human health and/or the environment
BG			
CY			
CZ			
DE			
DK			
EL			
ES			
FI			
FR			
HU			
IE			
IT			
PL			
PT			
RO			
SE			
SI			
SK			
UK			

	information is considered	
Legend:	Complete (in varying detail)	Incomplete
Please note:	The textual response from Denmark shows that no national legislation (regulations, provisions, etc.) has yet been enacted to transpose the main provisions.	

Table 11: Completeness assessment of the information provided on main provision 1

See Table 5, p. 20 for the criteria used for the completeness assessment

According to Table 11, while for 16 Member States the information provided on the main provision is complete (though varying in detail), information must be considered **incomplete** for all or for some aspects of this question for **two Member States**: Portugal and Slovenia. **Denmark's** response shows lacking national transposition of this main provision.

In the following, the main focus of the assessment is on those Member States for which information is considered incomplete. For each such Member State, the respective responses to the questionnaire item will be summarised and the completeness assessment will be explained. For comparison, five exemplary Member States for which the information was considered complete will

be assessed following the same approach. The complete answers by all 27 EU Member States on main provision 1 can be found in the Annex II, p. 84.

Member States with incomplete information:

Denmark

The Danish response to all three items indicates that regulations and administrative provisions necessary to comply with this Directive have not yet been established and brought into force. Therefore, no measures have yet been taken under this main provision.

Portugal

As regards *limiting the adverse consequences for human health and/or the environment* the Portuguese response states that the operator of a Category A waste facility must prepare an adequate monitoring plan and a periodic inspections plan, which must be reviewed by an Independent Auditor. However, no measures are described to limit those consequences.

Therefore, information must be considered incomplete and an assessment of the national implementation of this main provision cannot be undertaken.

Slovenia

In relation to the *identification of major-accident hazards*, the Slovenian response indicates that all installation operators must have a protection and relief plan in place. However, no measures are described for the identification.

Similarly, as regards *limiting the adverse consequences for human health and/or the environment* the Member State's reply only states that the extractive waste management plan shall identify the necessary measures, but it does not give any indication of what such measures could be.

Therefore, information must be considered incomplete and an assessment of the national implementation of this main provision cannot be undertaken.

Examples for Member States with complete information:

Bulgaria

In relation to the *identification of major-accident hazards*, the Bulgarian response states that the measures the operator is obliged to undertake to identify the hazards and prevent major accidents are to prepare emergency plans identifying the hazards and specific measures for their prevention for Category "A" facilities. Furthermore, the identification of measures to prevent hazards is performed by means of projects, prepared in observation of the requirements of the Regulation for the scope and content of investment projects, the Rules for occupational safety during the open development of deposits and the Rules for occupational safety during the operation of tailings ponds and slurry ponds. These requirements are laid down in Article 22(e)(2)(7) of the Law on Ore and Mineral Resources and are regulated in Article 20 from the

Regulation for the specific requirements for mining waste management.

As regards the *incorporation of the necessary features into the design, operation and closure of the installation*, Article 22(i) of the above mentioned national law requires the operators to prepare an integral design for construction of a mining waste facility, integral and annual projects for operation of the facility and integral and annual projects for closure of the facility, which are approved by the competent authority. These projects and designs are inspected and compared to the integral project for prospecting, extraction or treatment, which is mandatory under Article 82 - 86 of the above-mentioned law. The operators shall report each year on the progress of the projects' implementation.

The measures for *limiting the impact on the environment and human health* are determined according to the specific conditions and in accordance with the best available techniques and practices. Depending on the activity that will be developed, i.e. the investment project, the project is subject to environmental impact assessment at its earliest stage under the Environmental Protection Act. In the course of the procedures under Chapter Six of this act, the specific measures (conditions) that guarantee the prevention or reduction of adverse impacts are determined. These measures are included in the investor's projects (integral and annual) for prospecting, extraction or primary treatment, in the mining waste management plans and in the annual projects for operation of the mining waste facilities. Under Article 90(1) of the above national law, the control on the implementation of the integral and annual projects and plans for mining waste management is exercised by the Minister for Economy, Energy and Tourism. Furthermore, the Minister for the Environment and Water, through the inspectors in the regional structures - regional inspections of environment and waters, on the basis of Article 90(2) of the above national law, exercises control, under the conditions of chapter nine of the Environmental Protection Act, on the different elements of the environment.

Altogether, the measure described in the Bulgarian response can be considered sufficiently detailed and indicating complete implementation of the MWD into national law in regards to all aspects of questionnaire item 2 b. They furthermore appear to be well outlined and very reasonable to achieve the MWD's main objectives relating to waste management plans and Category "A" waste facilities in Bulgaria.

Greece

In contrast to the Bulgarian response, the Greek response must be considered less detailed, but still complete in relation to describing measures for all aspects under questionnaire item 2 b.

The Greek response replies to all three aspects in one answer, specifying that according to Article 8 of JMD 39624/2209/A103/25-09-09 and regarding Category "A" installations that do not fall within the scope of Council Directive 96/82/EC *major accident hazards involving dangerous substances, should be identified*, in order to *integrate the most suitable measures for the construction, operation, maintenance and closure procedures of waste facilities*. In that way, major accidents will be prevented and *adverse consequences for human health and/or the environment will be limited* as well. Hence, the operators of such facilities, are obliged to: a) to draw up major-accident prevention policy for the management of extractive waste, in accordance with article 8(3) and annex I of article 24 of JMD39624/2209/A103/25-09-09 (FEK 2076N/09), b) to adopt the

safety management system, making a safety study, in accordance with article 9(1) and annex I of article 24 of JMD 39624/2209/A103/25-09-09 (OAP2076N/09), c) to draw up an internal emergency plan with the appropriate measures to be taken on site in case of accidents in waste facilities d) to specify the safety manager who will be responsible for the implementation and periodic supervision of the major-accident prevention policy as well as of the safety system management.

Altogether, the Greek response lends to believing that all MWD requirements linked to questionnaire item 2 b are sufficiently implemented into national law and the practical arrangements outlined appear appropriate to be able to support the achievement of the MWD's main objectives relating to waste management plans and Category "A" waste facilities in Greece.

Hungary

Similar to the Greek response, also the Hungarian response to questionnaire item 2 b in contrast to the Bulgarian response must be considered a lot less detailed, but still complete in relation to describing measures for all aspects under questionnaire item 2 b.

The Hungarian response also replies to all three aspects in one answer, specifying that operators shall ensure within the framework of the waste management plan that *major-accident hazards are identified* and that the *necessary features are incorporated into the design, construction, operation and maintenance, closure and after-closure of the waste facility* in order to prevent such accidents and *to limit their adverse consequences for human health and the environment*, including any transboundary impacts (Bhr. 5. § (2)). The waste management plan shall include in attachment the declaration of the operator that the major accident prevention plan, the safety system for its implementation, and the internal emergency plan are prepared, and that these documents are also attached (Bhr. 4. § (3) aa)).

Altogether, the Hungarian response can be considered sufficiently implementing the MWD requirements linked to questionnaire item 2 b into national law. **However**, while the measures outlined in the response may indicate appropriateness for supporting the achievement of the MWD's main objectives relating to waste management plans and Category "A" waste facilities in Hungary, the dramatic mining accident at Ajkai Timfoldgyar alumina plant (Ajka, Hungary – see Table 10, p. 33) may prove the contrary. According to the European Commission, this facility was not even classified as mining waste and therefore had no emergency and accident plans in place.¹⁷ This signals that the Hungarian questionnaire response may to some extent contradict national implementation practice, and that there may still be a clear need to ensure implementation into practice and effective enforcement in order to ensure that all facilities are appropriately classified and covered by appropriate measures and arrangements helping to prevent accidents and limiting adverse effects on human health and the environment.

Poland

Based on the above examples of complete information the Polish response can be considered equally well outlined and complete as the Bulgarian response in replying to all aspects of the

¹⁷ Personal communication with Michel Sponar, UNIT DG ENV.C2 Waste & Resource Management BU-9.

questionnaire item 2 b by detailing the respective measures taken.

The Polish response also replies to all three aspects in one answer stating that pursuant to Article 36(2) of the Act on extractive waste, before starting to deposit extractive waste at a Category A waste facility, an extractive waste holder who is an operator of a Category A waste facility must prepare an internal emergency plan in case of a major accident and must introduce a safety management system by implementing a policy for preventing major accidents. In order to introduce a safety management system implementing the policy for preventing major accidents, the following elements should be taken into account:

- 1) the policy for preventing major accidents, which should cover general objectives and procedures of the waste holder who is an operator of the Category A waste facility with respect to controlling the risk of major accidents,
- 2) the safety management system, which should cover a part of the general management system, which includes an organisational structure, the scope of responsibility, practices, procedures, processes and resources necessary to determine and implement the policy for preventing major accidents.

Pursuant to Article 36(6) of the Act on extractive waste, the extractive waste holder who is an operator of a Category A waste facility must employ a safety manager who is responsible for implementation of the policy for preventing major accidents and the internal emergency plan, as well as carrying out resulting tasks and duties.

Pursuant to Article 37(1) of the Act on extractive waste, the Provincial Chief of State Fire Service competent for a Category A waste facility must prepare an external emergency plan, specifying means to be applied in the case of a major accident outside the location where activity is conducted. According to Article 38(1), the competent Provincial Chief of the State Fire Service must prepare information about safety measures and about actions taken in the event of a major accident. Moreover, pursuant to Article 38(4) of the Act on extractive waste, the competent Provincial Chief of State Fire Service is obliged to analyse the external emergency plan at least once every 3 years in order to update it while taking into account, in particular, changes introduced in the technological processes of Category A waste facilities.

Altogether, the measures described in the Polish response can be considered sufficiently detailed and indicating complete implementation of the MWD into national law in regards to all aspects of questionnaire item 2 b. **However**, while the measures appear to be well outlined and very reasonable to achieve the MWD's main objectives relating to waste management plans and Category "A" waste facilities in Poland, in October 2011 the European Commission has sent a reasoned opinion urging the Member State to comply with the MWD, in particular concerning the provisions on care for after closure, on the objectives and content of the waste management plans, on public access to information and on public participation in the review of the external emergency plans, as well as on the prevention of transboundary impacts.¹⁸ This signals that the Polish questionnaire responses may to some extent contradict national implementation practice

¹⁸ See http://europa.eu/rapid/press-release_IP-11-1275_en.htm?locale=en, accessed 23 October 2012.

and that there may still be a clear need to ensure implementation into practice and effective enforcement in order to ensure preparation of waste management plans for all waste facilities. Nonetheless, since in the September infringements package the Polish case is not mentioned anymore, the requested changes may in the meantime have been accommodated.¹⁹

Romania

Based on the above examples of complete information, the Romanian response can be considered the most well outlined and most complete in replying to all aspects of the questionnaire item 2 b by detailing the respective measures taken.

In relation to the *identification of major-accident hazards*, the Romanian response states that pursuant to Chapter 4 (Major accident prevention and information) of Government Decision No 856/2008, the mine operator holding a waste management facility classified in the "A" Category, but not covered by Government Decision No 804/2007 concerning the control of major accident hazards involving dangerous substances[13], as subsequently amended and supplemented, before Commencing the operation shall be required to:

- develop a plan to prevent major accidents for extractive waste management;
- put in place a safety management system to implement the major accident prevention plan for extractive waste management, to be carried out in accordance with the provisions of Annex I (Major accident prevention plan and the information to be Communicated to the public concerned) of Government Decision No 856/2008;
- put in place an internal emergency plan including the measures to be taken on-site in case of accident.

The county inspectorates for emergency situations shall draw up an external emergency plan, specifying the measures to be taken off-site in case of accident.

The documentation through which the operator requests the non-I PPC/I PPC permit must contain the necessary information for the county inspectorates for emergency situations to draw up the external emergency plan.

As regards the *incorporation of the necessary features into the design, operation and closure of the installation*, pursuant to Article 35 of Government Decision No 856/2008, in building a new waste facility or modifying an existing waste facility, the operator shall be required to ensure, under the laws in force, that:

- the waste facility is suitably located, taking into account the national and Community obligations regarding the protected areas, the geological, hydrological, hydrogeological, seismic and geotechnical factors and is designed so as to meet the necessary short and long-term conditions for

¹⁹ See http://europa.eu/rapid/press-release_MEMO-12-708_en.htm, accessed 23 October 2012.

preventing pollution of the soil, air, groundwater or surface water, and ensure efficient collection of contaminated water and leachate as required under the permit/integrated environmental permit, and reduce erosion caused by water or wind as far as technically possible and economically viable;

- the waste facility is suitably built, managed and maintained to ensure physical stability and prevent pollution or contamination of soil, air, surface water or groundwater in the short and long-term, as well as minimise damage to landscape as far as possible;
- there are suitable plans and arrangements for regular monitoring and inspection of the waste facility by competent persons and for taking action in the event of results indicating instability or water or soil contamination;
- suitable arrangements are made for the rehabilitation of the land and the closure of the waste facility;
- suitable arrangements are made for the after-closure phase of the waste facility.

Also, the waste management plan must include, inter alia, according to Joint Order No 2042/2934/180 of 2010:

- all data related to technical construction parameters of the installation,
- a description of the process of extraction, preparation/processing of waste-generating mineral resources
- a characterization of waste and of waste quantities generated;
- the storage and treatment methods of waste;
- the waste transport system;
- the situation of the lands to be affected by the landfill;
- measures to prevent/mitigate the impact on environmental factors;
- the closure plan and after-closure procedures with aspects regarding the closure objectives, rehabilitation planning, after-closure monitoring, as well as other relevant data.

Concerning the measures for *limiting the impact on the environment and human health* chapter XI (Prevention of water quality deterioration, air and soil pollution) of Government Decision No 856/2008 establishes the conditions to be met by the operator of a waste management installation. Thus, MMP, through the local environmental protection authorities through the permit/integrated environmental permit shall ensure that:

- the operator takes the necessary measures to prevent water deterioration (Article 44);
- prevention or reduction of dust and gas emissions (Article 45);
- the extractive waste, whether in solid, slurry or liquid form, shall not be

disposed of into any receiving body of water other than the one built for the purpose of disposing that extractive waste, unless the operator ensures compliance with the relevant requirements of Water Law No 107/1996[14], as subsequently amended and supplemented, and Government Decision No 351/2005 on the approval of the phasing out of discharges, emissions and losses of priority hazardous substances[15], as subsequently amended and supplemented.

- if the extractive waste is relocated within excavation voids created either by surface or underground exploitation, which can be flooded after closure, the operator must take the necessary measures to prevent or reduce water contamination and soil pollution in accordance with Articles 44 and 46 of Government Decision No 856/2008 and is required to provide MMP, through the territorial environmental protection authorities, with the information necessary to ensure the compliance with the environmental requirements and in particular with those stipulated in Water Law No 107/1996, as subsequently amended and supplemented (Article 48).

Moreover, if an operator has a tailings pond involving the presence of cyanide, the operator shall ensure that the concentration of weak acid dissociable cyanide in the pond is reduced to the lowest possible level using best available techniques, in accordance with Article 49(2) and (3) "(2) At the waste facilities stipulated under paragraph (1), which have previously been granted a permit/integrated environmental permit or have already been in operation on 1 May 2008, the concentration of weak acid dissociable cyanide at the point of discharge of the tailings from the processing plant into the pond must not exceed:

- a) 50 ppm starting 1 May 2008;
- b) 25 ppm starting 1 May 2013;
- c) 10 ppm starting 1 May 2018.

At the waste facilities referred to under paragraph (1), which are granted a permit/integrated environmental permit after 1 May 2008, the concentration of weak acid dissociable cyanide at the point of discharge of the tailings from the processing plant into the pond must not exceed 10 ppm."

The waste management plan also requires highlighting the measures for preventing or mitigating the environmental impact and identifying accident hazards as specified in Annex 2 (The Normative of the Management Plan of Waste from Extractive Industries) of Order No 2042/2934/180 of 2010.

In Romania the waste management facilities covered by Government Decision No 856/2008 shall be subject to the authorization procedure in terms of environmental protection, either as IPPC installations or as non-IPPC installations, which requires compliance with the relevant regulations in force:

- Government Emergency Order No 152/2005, as subsequently amended and

supplemented, for IPPC installations;

- Order No 1798/2007, as subsequently amended and supplemented, for non-IPPC installations.

The drawing up of external emergency plans by county inspectorates for emergency situations, as provided by Article 16 of Government Decision No 856/2008 shall have a major role in limiting the adverse consequences on human health and/or the environment.

Altogether, the measures described in the Romanian response can be considered very detailed and indicating complete implementation of the MWD into national law in regards to all aspects of questionnaire item 2 b. They furthermore appear to be well outlined and very reasonable to achieve the MWD's main objectives relating to waste management plans and Category "A" waste facilities in Romania.

In the light of the above examples for complete information, the completeness of the responses on main provision 1 is by no means a guarantee that the actual national practical implementation and enforcement will lead to achieving the MWD's main objectives. In fact, the national implementation reporting in general only shows what Member States' national provisions are requiring operators and state institutions to do in order to comply with the MWD – but not whether the national requirements are met in reality.

4.1.2 Main provision 2: practical arrangements ensuring information transmission

Part A, item 4, letter (c) requires Member States to describe the practical arrangements taken by the operator to ensure that required information is transmitted immediately to the competent authority; to ensure that information on safety measures and on action required is provided to the public; and to ensure that information is forwarded to the other Member State in case of installation with a potential transboundary impact.

The following tables provides a summary of the information provided by the Member States on this main provision.

Part A, question 4, letter (c): For Category "A" installations, and in case of major accident, what are the practical arrangements taken to ensure that:			
MS	required information is transmitted immediately by the operator to the competent authority	information on safety measures and on action required is provided to the public	information provided by the operator is forwarded to the other Member State in case of installation with a potential transboundary impact
BG			
CY			
CZ			
DE			

MS	Part A, question 4, letter (c): For Category "A" installations, and in case of major accident, what are the practical arrangements taken to ensure that:		
	required information is transmitted immediately by the operator to the competent authority	information on safety measures and on action required is provided to the public	information provided by the operator is forwarded to the other Member State in case of installation with a potential transboundary impact
DK			
EL			
ES			
FI			
FR			
HU			
IE			
IT			
PL			
PT			
RO			
SE			
SI			
SK			
UK			

	information is considered	
Legend:	Complete (in varying detail)	Incomplete
Please note:	The textual response from Denmark shows that no national legislation (regulations, provisions, etc.) has yet been enacted to transpose the main provisions.	

Table 12: Completeness assessment of the information provided on main provision 2

See Table 5, p. 20 for the criteria used for the completeness assessment

According to Table 12, while for 16 Member States the information provided on the main provision is complete (though varying in detail), information must be considered **incomplete** for all or for some aspects of this question for **two Member States**: Portugal and Sweden. **Denmark's** response shows lacking national transposition of this main provision.

In the following, the main focus of the assessment lies on those Member States for which information is considered incomplete. For each such Member State, the respective responses to the questionnaire item will be summarised and the completeness assessment will be explained. For comparison, five exemplary Member States for which the information was considered complete will be assessed following the same approach. The complete answers by all 27 EU Member States on main provision 2 can be found in the Annex III, p. 117.

Member States with incomplete information:**Denmark**

The Danish response to all three items indicates that regulations and administrative provisions necessary to comply with this Directive have not yet been established and brought into force. Therefore, no practical arrangements have yet been taken under this main provision.

Portugal

The Portuguese response to all three items in question specifies the respective Articles of the National Law-Decree No. 10/2010, in which these requirements are stated. However, no practical arrangements are described.

Therefore, information must be considered incomplete and an assessment of the national implementation of this main provision cannot be undertaken.

Furthermore, in September 2012 the European Commission has sent a reasoned opinion asking the Member State to comply with the MWD, in particular to mitigate shortcomings on technical provisions and access to information. This signals that the Portuguese national implementation practice is incomplete and that there may still be a clear need to ensure implementation into practice and effective enforcement in order to ensure effective public participation.

Sweden

The Swedish response to all three items in question states that these requirements are regulated under Section 24 of the Ordinance on extractive waste and that it is done in accordance with the operator's procedures in consultation with the relevant supervisory authority. However, no practical arrangements are described.

Therefore, information must be considered incomplete and an assessment of the national implementation of this main provision cannot be undertaken.

Examples for Member States with complete information:**Bulgaria**

With regards to practical arrangements taken to ensure that *required information is transmitted immediately by the operator to the competent authority*, the Bulgarian response states that under Article 22(c)(5) of the Law on Ore and Mineral Resources, the operator shall, without undue delay and in any event not later than 48 hours thereafter, notify the competent authority of any events likely to affect the stability of the waste facility, human health or the environment, which they shall also do in writing within 48 hours after the event has occurred. If the event is an accident and if it is in a facility containing hazardous substances, the operator shall also notify immediately the chair of the district security council, under Article 116(1) of the Environmental Protection Act. In practice, in case of an accident, the operator shall also notify, in addition to the Minister for Economy, Energy and Tourism, the 'Fire Safety and Rescue' Directorate General of the Ministry of Interior, the respective regional inspection of environment and waters and the mayor of the

respective municipality.

Concerning practical arrangements taken to ensure *that information on safety measures and on action required is provided to the public*, Bulgaria specifies that the safety measures and actions required in case of an accident are prescribed in the Emergency Plans. Copies of the emergency plans for the facility and the mining site shall be submitted to the mayor of the respective municipality. They are taken into account in the preparation of external emergency plans (which is the obligation of the mayor of the respective municipality in the framework of the municipal disaster protection plan under the Disaster Protection Act).

Practical arrangements taken to ensure that *information provided by the operator is forwarded to the other Member State in case of installation with a potential transboundary impact* encompass that under Article 116(i) of the Environmental Protection Act, the Minister for the Environment and Water shall notify the potentially affected parties, whenever there is a hazard of a major accident with transboundary impact in a facility with high risk potential. The presence of such risk potential is established in the course of the environmental impact assessment procedure of the investment project, which any project for prospecting or extraction and primary treatment is subject to, under the requirements of the Environmental Protection Act.

Altogether, the practical arrangements described in the Bulgarian response can be considered sufficiently detailed and indicating complete implementation of the MWD into national law in regards to all aspects of questionnaire item 4 c. **However**, while the measures outlined in the response may indicate appropriateness for supporting the achievement of the MWD's main objectives relating to waste management plans and Category "A" waste facilities in Bulgaria, a parliamentary question from January 2009 indicates that the MWD's requirement for public consultation was ignored.²⁰ According to this parliamentary question, for the Chelopech copper and gold mine, where a gold mine using cyanide leaching technology is already operating, the public was not consulted even though the operation could be causing consequences for the environment and public health in Chelopech region.

This signals that the Bulgarian questionnaire responses may to some extent contradict national implementation practice and that there may still be a clear need to ensure implementation into practice and effective enforcement in order to ensure effective public participation.

Greece

In contrast to the Bulgarian response, the Greek response must be considered less detailed, but still complete in relation to describing practical arrangements for all aspects under questionnaire item 4 c.

With regards to practical arrangements taken to ensure that *required information is transmitted immediately by the operator to the competent authority*, the Greek response states that for

²⁰ The parliamentary question was written on 20 January 2009 by Dimitrios Papadimoulis (GUE/NGL) to the Commission (see <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+WQ+E-2009-0132+0+DOC+XML+Vo//EN>) and responded to by Stavros Dimas on behalf of the European Commission on 10 March 2009 (see <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2009-0132&language=EN>).

Category “A” installations, and according to the permit requirements, in the event of an accident, operators are required to provide the competent authorities with all the relevant information necessary to

- a) minimise the consequences for human health and
- b) mitigate actual or potential environmental damage. (article 10(D) of JMD 39624/2209/E103/2009).

Concerning practical arrangements taken to ensure *that information on safety measures and on action required is provided to the public*, Greece specifies that external emergency plans, among others, must contain information on safety measures and required actions, in the event of an accident. Among others, they contain information about warning and informing the public in surrounding areas, in case of major accidents. They also contain information regarding necessary measures to be taken and ways to behave in the event of an accident. (Annex I article 7(2),8 JMD##39624/2209/E103/2009).

Practical arrangements taken to ensure that *information provided by the operator is forwarded to the other Member State in case of installation with a potential transboundary impact* are that if the facility has transboundary impacts, all relative information is immediately forwarded to the concerned Member States (article 17(3) of JMD 39624/2209/E103/2009).

Altogether, the Greek response lends to believing that all MWD requirements linked to questionnaire item 4 c are sufficiently implemented into national law. **However**, while the measures outlined in the response may indicate appropriateness for supporting the achievement of the MWD’s main objectives relating to waste management plans and Category “A” waste facilities in Greece, a parliamentary question from January 2009 indicates that the MWD’s requirement for public consultation was ignored.²¹ According to this parliamentary question the Greek government (Greek Ministry of the Environment, Regional Planning and Public Works) intends to approve the establishment of gold mines in the Perama region, but inhabitants of the prefectures of Evros and Rodopi have reacted sharply to this approval because the project was sited at a distance of less than 500 metres from the inhabited area with the possibility of using explosives extraction. The Council of State where the prefectures are located has therefore already invalidated the decision taken by the ministry.

This signals that the Greek questionnaire responses may to some extent contradict national implementation practice and that there may still be a clear need to ensure implementation into practice and effective enforcement in order to ensure effective public participation.

Hungary

In contrast to the Bulgarian response, also the Hungarian response must be considered less

²¹ The parliamentary question was written on 20 January 2009 by Dimitrios Papadimoulis (GUE/NGL) to the Commission (see <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+WQ+E-2009-0132+0+DOC+XML+Vo//EN>) and responded to by Stavros Dimas on behalf of the European Commission on 10 March 2009 (see <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2009-0132&language=EN>).

detailed, but still complete in relation to describing practical arrangements for all aspects under questionnaire item 4 c.

With regards to practical arrangements taken to ensure that *required information is transmitted immediately by the operator to the competent authority*, the Hungarian response is that according to Bhr. 5. § (6), in the event of a major accident, the operator immediately provides the mining authority with all the information required to help minimize its consequences for human health and to assess and minimize the extent – actual or potential – of the environmental damage. In case of a major accident affecting an area beyond the waste facility site, the information provided by the operator should cover the followings:

- a) the circumstances of the major accident,
- b) hazardous substances involved in major accident,
- c) the information required for the assessment of the impacts on the population and the environment and
- d) the information relating to the measures taken.

Concerning practical arrangements taken to ensure that *information on safety measures and on action required is provided to the public*, Hungary specifies that according to Bhr. 5. § (13), the mining authority shall ensure that the information on safety measures relating to possible major accidents, containing at least the elements listed in Section 2 of Annex 3, is provided, free of charge to the public concerned.

Practical arrangements taken to ensure that *information provided by the operator is forwarded to the other Member State in case of installation with a potential transboundary impact* encompass according to 35. § (15) of the Vhr. that in the event of an accident related to a mining waste facility indicated in paragraph (13) the operator shall provide the emergency service and the mining authority with the information necessary to the minimization of the impacts on human health, to the assessment of the extent of the – actual and potential – environmental damage and to the minimization thereof. The mining authority shall forward this information to the minister in charge of mining affairs, who immediately forwards it to the Member States of the European Union.

Altogether, the Hungarian response indicates that all MWD requirements linked to questionnaire item 4 c are sufficiently implemented into national law and the practical arrangements outlined appear appropriate to be able to support the achievement of the MWD's main objectives relating to public participation, transboundary effects and Category "A" waste facilities in Hungary.

Italy

While the questionnaire response from Italy can be considered complete, in January 2012 the European Commission sent a reasoned opinion urging the Member State to comply with extractive mining waste rules, in particular concerning shortcomings on making information

available to the public and to other Member States in the event of accident, as well as the maintenance of after closure.²² Nonetheless, since in the September infringements package the Italian case is not mentioned anymore, the requested changes may in the meantime have been accommodated.²³

This signals that the Italian questionnaire responses may to some extent contradict national implementation practice and that there may still be a clear need to ensure implementation into practice and effective enforcement in order to ensure effective public participation.

Poland

Based on the above examples of complete information the Polish response can be considered equally well outlined and complete as the Bulgarian response in replying to all aspects of the questionnaire item 4 c by detailing the respective practical arrangements taken.

With regards to practical arrangements taken to ensure that *required information is transmitted immediately by the operator to the competent authority*, the Polish response states that pursuant to Article 264 of the Environmental Protection Law, in the event of an industrial accident, the operator of an increased-risk or high-risk plant is obliged to:

1. immediately notify the relevant unit of the State Fire Service and the Provincial Inspector for Environmental Protection about this fact;
2. immediately inform the authorities referred to in point (1) about the following:
 - a) circumstances in which the accident occurred,
 - b) dangerous substances related to the failure,
 - c) facts allowing for assessment of the accident's consequences for people and the environment,
 - d) taken rescue measures as well as measures aimed at limiting the accident's consequences and preventing its reoccurrence.
3. continuous update of the information referred to in point (2), depending on the situation development.

Moreover, according to Article 28 and Article 31 of the Act on extractive waste, a waste holder operating a waste facility, during its operation and after its closure, must notify, without undue delay, the competent Provincial Chief of the State Fire Service and the competent Provincial Inspector for Environmental Protection about any event which may affect the stability of the waste facility, as well as about any significant adverse effects on the environment found as a result of the inspection and monitoring of the waste facility, and then must confirm the

²² See http://europa.eu/rapid/press-release_IP-12-69_en.htm, accessed 23 October 2012.

²³ See http://europa.eu/rapid/press-release_MEMO-12-708_en.htm, accessed 23 October 2012.

notification in writing within 48 hours of the event, providing the following data:

1. the first and last name and the address of residence or the name and the registered office of the waste holder operating the waste facility;
2. the location of the waste facility;
3. the type of event, along with a brief description;
4. the date of the event.

Moreover, according to Article 9 of the Act of 24 August 1991 on fire protection (Journal of Laws of 2009 No 178, item 1380 as amended), whoever notices a fire, a natural disaster or other local threat is obliged to immediately notify people occupying the hazard zone and the rescue notification centre, a fire protection unit, the Police, the Commune head or the village administrator.

Concerning practical arrangements taken to ensure *that information on safety measures and on action required is provided to the public* and to ensure that *information provided by the operator is forwarded to the other Member State in case of installation with a potential transboundary impact*, Poland specifies that according to Article 38 of the Act on extractive waste, the competent Provincial Chief of the State Fire Service must prepare information about safety measures and about actions taken in the event of a major accident. The scope of information has been determined in Annex 2 to the Act on extractive waste.

Moreover, the above-mentioned information must be transmitted to the public concerned free of charge and immediately in a customary manner and published in the Public Information Bulletin on the competent authority's website.

The competent Provincial Chief of State Fire Services is obliged to analyse the external emergency plan and the above-mentioned information at least once per 3 years in order to update them, while taking into account, in particular, changes introduced in the technological process of the Category A waste facility.

At the same time, it should be emphasised that information about safety measures, required actions, as well as the manner of informing other states about a threat of transboundary impact, is covered in the external emergency plan.

The external emergency plan includes, in particular:

1. a description of the system for presenting the public with information about threats related with operation of the facility, preventive measures applied and actions which will be taken in the event of an accident;
2. procedures for notifying the population and the competent administrative authorities about the threat or occurrence of an accident;

3. population evacuation procedures;
4. procedures for providing medical aid to the injured;
5. procedures related with the possibility of transboundary effects of an accident;
6. emergency procedures;

Moreover, the Chief of the State Fire Service, upon approval of the external emergency plan, will publish appropriate information about safety measures and required actions on the website of the Headquarters. Information in writing must also be submitted to persons and entities within range of negative impact of the potential accident.

Altogether, the practical arrangements described in the Polish response can be considered very detailed and indicating complete implementation of the MWD into national law in regards to all aspects of questionnaire item 4 c. **However**, while the practical appear to be well outlined and very reasonable to achieve the MWD's main objectives relating to waste management plans and Category "A" waste facilities in Poland, in October 2011 the European Commission has sent a reasoned opinion urging the Member State to comply with the MWD, in particular concerning the provisions on care for after closure, on the objectives and content of the waste management plans, on public access to information and on public participation in the review of the external emergency plans, as well as on the prevention of transboundary impacts.²⁴ This signals that the Polish questionnaire responses may to some extent contradict national implementation practice and that there may still be a clear need to ensure implementation into practice and effective enforcement in order to ensure effective public participation. Nonetheless, since in the September infringements package the Polish case is not mentioned anymore, the requested changes may in the meantime have been accommodated.²⁵

Romania

Based on the above examples of complete information, the Romanian response can be considered the most well outlined and most complete in replying to all aspects of the questionnaire item 4 c b by detailing the respective practical arrangements taken.

With regards to practical arrangements taken to ensure that *required information is transmitted immediately by the operator to the competent authority*, the Romanian response states the competent authority in the field of preventing major accidents is the Inspectorate-General for Emergency Situations (IGSU), having authority over the County Inspectorates for Emergency Situations. Chapter IV (Prevention of major accidents and information) of Government Decision No 856/2008 lays down the conditions for preventing major accidents and responding.

Article 36 of Government Decision No 856/2006 details the conditions in which the competent authorities are notified in the event of a major accident. Thus, the operator shall notify, within three hours of the occurrence, the county inspectorates for emergency situations, the local

²⁴ See http://europa.eu/rapid/press-release_IP-11-1275_en.htm?locale=en, accessed 23 October 2012.

²⁵ See http://europa.eu/rapid/press-release_MEMO-12-708_en.htm, accessed 23 October 2012.

environmental protection authorities and the local ANRM structures with respect to any occurrence likely to affect the stability of the waste facility or any significant adverse environmental effects found in the course of monitoring and inspecting the waste facility.

Under these circumstances, the operator shall implement the internal emergency plan, and shall follow any other instructions given by the county inspectorates for emergency situations, ANRM or MMP, through the local environmental protection authorities, in order to take corrective action.

State-owned operators shall also notify such events to the Ministry of Economic Affairs, Trade and the Business Environment (MECMA) and shall also follow any instructions given by that Ministry for corrective measures.

The costs shall be borne by the operator.

In the event of a major accident, the operator shall be required to immediately provide the County Inspectorates for Emergency Situations and the local environmental protection authorities with all the information required which can contribute to minimising the consequences of such event for human health and to the assessment and minimising of the actual or potential spread of the environmental damage (Article 18).

Annex I of Government Decision No 856/2008 (Major-accident prevention plan and the information to be Communicated to the public concerned) presents the minimum requirements necessary to develop a major-accident prevention plan. Among these, the most important are:

- the objectives and principles of action for the control of major-accident hazards;
- the safety management system integrates the part of the general management system including the organisational structure, responsibilities, practices, procedures, processes and resources for determining and implementing the major-accident prevention plan;
- organisation and personnel – the roles and responsibilities of personnel involved in the management of major hazards at all levels of the organisation; identify the training needs of such personnel and provide the training so identified; and involvement of employees and, where appropriate, subcontractors;
- identification and evaluation of major hazards – adopt and put in place procedures for systematically identifying major hazards arising from normal and abnormal operations and assess the likelihood and severity of such hazards;
- operational control – adopt and put in place procedures and instructions for safe operation, including relating to installation maintenance, processes, equipment and temporary stops.

Furthermore, regular tests of the Communication and alarm system are performed.

Concerning practical arrangements taken to ensure *that information on safety measures and on action required is provided to the public*, Romania specifies that article 19 of Government Decision No 856/2008 states that the county inspectorates for emergency situations shall ensure that the public concerned is provided in a timely and effective manner with the opportunity to participate in the preparation or revision of the external emergency plan. For this purpose, the public concerned is informed of:

- any proposed external emergency plan, the relevant information being made available to it;
- the right to participate in the decision-making process;
- the details of the county inspectorates for emergency situations to which observations and questions may be submitted.

The County Inspectorates for Emergency Situations (ISU) shall provide the necessary framework for the public concerned to express their Comments within a reasonable period of time, and these Comments to be taken into account in deciding on the external emergency plan.

Also, ISU shall ensure that information on safety measures and action required in the event of an accident, containing at least the elements referring to the safety management system (as part of the general management system), which includes the organisational structure, responsibilities, practices, procedures, processes and resources for determining and implementing the major-accident prevention plan, is provided free of charge and as soon as possible to the public concerned.

Annex 2 of Government Decision No 856/2008 presents in Part 2 the information to be made available to the public concerned:

- name of operator and address of the waste facility;
- identification, by position held, of the person providing information.;
- confirmation that the waste facility is subject to the regulations and/or administrative provisions implementing this decision and, where appropriate, that the information relevant to the elements referred to in Article 14 has been submitted to the competent authority.
- an explanation in clear and simple terms of the activity or activities undertaken at the site.
- the Common or generic name or the general classification of hazardous substances and preparations involved at the waste facility, as well as the waste which could give rise to a major accident, with an indication of the main hazard characteristics;
- general information on the type of major accident hazards, including the potential effects thereof for the surrounding population and environment
- adequate information on how the surrounding population concerned are to be warned and kept informed in the event of a major accident;
- adequate information on the actions the population concerned should take,

and the behaviour they should adopt, in the event of a major accident.

- confirmation that the operator is required to make adequate on-site arrangements, in particular in relation to the emergency services, to deal with major accidents and to minimise the effects thereof;
- a reference to the external emergency plan drawn up to cope with any off-site effects of an accident. This should include a recommendation to co-operate in the case of any instructions or requests received from the county inspectorates for emergency situations at the time of an accident.
- details of how further relevant information can be obtained, provided that the confidentiality requirements provided in national legislation are met.

Pursuant to Article 20(2) of Government Decision No 856/2008, this information shall be updated every three years.

IGSU carries out regular inspections and/or demonstration exercises.

Practical arrangements taken to ensure that *information provided by the operator is forwarded to the other Member State in case of installation with a potential transboundary impact* encompass that as provided under paragraph (b), if an Category "A" waste facility is likely to significantly impact the environment or pose health risks to the population of another Member State or at the request of the competent authority of the potentially affected Member State, MMP shall submit to that Member State the information contained in the request for authorization/integrated environmental permit, issued in accordance with the regulations in force when that information is available to the national public concerned. This information serves as a basis for any consultations required in the context of bilateral relations between Romania and another Member State on a mutual and equivalent basis.

In case of an accident involving the A-class waste facility, the information provided by the operator to General Inspectorate for Emergency situations (IGSU) through the county emergency inspectorates, shall be readily submitted by IGSU to the competent authority of the other Member State in order to minimize the consequences of the accident on human health and to assess and minimize the actual or potential environmental damage. (Article 56 of Government Decision No 856/2008).

The issues of Government Decision No 856/2008 concerning the notification of the Member State on the compliance of a facility with potential transboundary impact with the provisions of Directive 85/337/EC on the assessment of the effects of certain public and private projects on the environment, transposed in the Romanian legislation by Government Decision No 445/2009.

Altogether, the practical arrangements described in the Romanian response can be considered very detailed and indicating complete implementation of the MWD into national law in regards to all aspects of questionnaire item 4 c. They furthermore appear to be well outlined and very reasonable to achieve the MWD's main objectives relating to public participation, transboundary effects and Category "A" waste facilities in Romania.

Again, in the light of the above examples for complete information, the completeness of the responses to main provision 2 is by no means a guarantee that the actual national practical implementation and enforcement will lead to achieving the MWD's main objectives. In fact, the national implementation reporting in general only shows what Member States' national provisions are requiring operators and state institutions to do in order to comply with the MWD – but not whether the national requirements are met in reality.

4.1.3 Main provision 3: number of Category "A" facilities with potential transboundary impact

Part B, question 1, letter (c) requires Member States to indicate the number of cases of waste facilities of Category "A" in operation on the Member State's territory having a potential environmental or human health impact on another Member State.

The following table provides a summary of the information provided by the Member States on the specific main provision:

MS	Part B, question 1, letter (c): (1) Administrative arrangements and general information
	(c) Please indicate the number of cases of waste facilities of Category "A" in operation on your territory having a potential environmental or human health impact on another Member State:
BG	
CY	
CZ	
DE	
DK	
EL	
ES	
FI	
FR	
HU	
IE	
IT	
PL	
PT	
RO	
SE	
SI	
SK	
UK	

Legend:	information is considered	
	Complete (in varying detail)	Incomplete

Please note: The textual response from Denmark shows that no national legislation (regulations, provisions, etc.) has yet been enacted to transpose the main provisions.

Table 13: Completeness assessment of the information provided on main provision 3

See Table 5, p. 20 for the criteria used for the completeness assessment

As indicated in Table 13, 16 Member States provided complete information on their number of Category "A" waste facilities with potential environmental or human health impact on another Member States.

Information of **one Member State** is lacking due to national transposition (DK). **Two Member States** (CZ, IT) delivered incomplete information because they did not gather the relevant information and are waiting for replies from responsible authorities.

In the following, the main focus of the assessment is on those Member States for which information is considered incomplete. For each of these Member States, the respective responses to the questionnaire item will be summarised and the completeness assessment will be explained. For comparison, five exemplary Member States for which the information was considered complete will be assessed following the same approach. The complete answers by the Member States on main provision 3 can be found in the Annex IV, p. 138.

Member States with incomplete information:

Czech Republic

The response of Czech Republic says that the information will be available later in the year 2012.

Denmark

The Danish response that regulations and administrative provisions necessary to comply with this Directive has not yet been established and brought into force, therefore it is not possible to give an accurate number of Category "A" waste facilities on the territory. But according to the nature of the Danish mining activities, the number of Category A waste facilities is estimated to be none at present.

Italy

Italy indicates to have no Category "A" waste facilities with transboundary impacts. But it is added the this data is only provisional, because up to now not all the competent authorities have replied to the request for information sent to them. Therefore, this information is incomplete.

Examples for Member States with complete information:

Bulgaria

The Bulgarian response indicates, that none of such facilities exist in Bulgaria.

Greece

In Greece there is only one licensed Category A facility, which is not operating yet. This facility has no potential transboundary impact.

Hungary

The response mentions that no Category A facility with potential transboundary impact exist.

However, the dramatic mining accident at Ajkai Timfoldgyar alumina plant (Ajka, Hungary – see Table 10, p. 33) may prove the contrary because as the toxic red sludge also entered the Danube during a period of high water flow, though gradually being diluted the toxic components may have even been carried across the borders into Croatia, Serbia, Bulgaria and Romania.²⁶ Furthermore, according to the European Commission, this facility was not even classified as a mining waste facility and therefore had no emergency and accident plans in place.²⁷ Therefore, the Hungarian questionnaire response may to some extent contradict national practice and there could in fact be Category “A” waste facilities not classified as such with potential transboundary impacts.

Poland

The Polish response says, that there are no waste facilities of Category “A” in operation which could have a potential environmental or human health impact on another Member State.

Romania

The Romanian response indicates that no Category A facilities with potential transboundary impacts exists.

Again, in the light of the above examples for complete information, the completeness of the responses to main provision 3 is by no means a guarantee that the actual national practical implementation and enforcement will lead to achieving the MWD’s main objectives. In fact, the national implementation reporting in general only shows what Member States’ national provisions are requiring operators and state institutions to do in order to comply with the MWD – but not whether the national requirements are met in reality.

4.1.4 Main provision 4: number of missing waste management plans for Category “A” facilities

Part B, question 2, letter (b) requires Member States to indicate the number of missing plans for installations not yet covered by an external emergency plan and to describe the planning for establishing these plans.

²⁶ See <http://www.bbc.co.uk/news/world-europe-11488386>, accessed 23 October 2012.

²⁷ Personal communication with Michel Sponar, UNIT DG ENV.C2 Waste & Resource Management BU-9.

The following table provides a summary of the information provided by the Member States on the specific main provision:

Part B, question 2, letter (b): (2) Waste Management Plans and Major-accident prevention and information	
MS	(b) Please provide a list of the external emergency plans referred to in Article 6(3) of the Directive: If all Category "A" installations are not yet covered by an emergency plan, please indicate the number of missing plans and the planning for establishing these plans:
BG	
CY	
CZ	
DE	
DK	
EL	
ES	
FI	
FR	
HU	
IE	
IT	
PL	
PT	
RO	
SE	
SI	
SK	
UK	

Legend:	information is considered	
	Complete (in varying detail)	Incomplete
Please note:	The textual response from Denmark shows that no national legislation (regulations, provisions, etc.) has yet been enacted to transpose the main provisions.	

Table 14: Completeness assessment of the information provided on main provision 2

See Table 5, p. 20 for the criteria used for the completeness assessment

As indicated in Table 14, 14 Member States provided complete information on their established and missing emergency plans and if they have missing plans, then their planning for establishing these emergency plans are included.

Information of **one Member State** is lacking due to missing national transposition (Denmark). Incomplete information handed in four **Member States**: Czech Republic, Italy, Slovakia and Spain.

In the following, the main focus of the assessment lies on those Member States for which information is considered incomplete. For each such Member State, the respective responses to the questionnaire item will be summarised and the completeness assessment will be explained. For

comparison, five exemplary Member States for which the information was considered complete will be assessed following the same approach. The complete answers by the Member States on main provision 4 can be found in the Annex V, p. 140.

Member States with incomplete information:

Czech Republic

The response of Czech Republic says that the information will be available later in the year 2012.

Denmark

The Danish response to all three items indicates that regulations and administrative provisions necessary to comply with this Directive have not yet been established and brought into force. Therefore, no measures have yet been taken under this main provision.

Italy

Italy indicates to have no authorized Category "A" waste facility. But it is added that the data is only provisional, because up to now not all competent authorities have replied to the request for information sent to them.

Slovakia

Slovakia states that this information is not available. Under the Directive and its subsequent transposition by Act No 514/2008 authorities in the area of extractive waste management are not able to check the preparation of external emergency plans (because the competent authority shall draw up an external emergency plan and according to Act No. 42/1994 on civil protection of population the competent authority is the appropriate district office, not the authorities in the area of extractive waste management). They are only able to check background materials provided by operators for preparing these plans. Checks found that all operators had provided background materials for preparing external emergency plans.

This gives rise to concerns that this allocation of competences could be impeding an effective implementation of the MWD in terms of emergency planning for Category "A" facilities.

Spain

The Spanish response mentions that all facilities are required to have an Emergency Plan in compliance with Royal Decree 975/2009. But the number of existing or missing plans and the concrete procedure for establishing these plans is not included as the mining competencies are transferred to the autonomous communities, which can ensure is that all facilities have approved emergency plans, according to the Royal Decree 975/2009.

Examples for Member States with complete information:

Greece

In Greece there is only one approved Category A facility, which is not operating yet. In any case, the external emergency plan will be prepared before the waste facility starts to operate.

Hungary

The response indicates that two external emergency plans are missing (deadline: 29th February 2012).

Given the dramatic mining accident at Ajkai Timfoldgyar alumina plant (Ajka, Hungary – see Table 10, p. 33) – a site that according to the European Commission was not even classified as a mining waste facility and therefore had no emergency and accident plans in place²⁸ – there may be further Category “A” waste facilities not classified as such and therefore without external emergency plans.

Poland

Pursuant to Article 19(1) of the Act on extractive waste, a waste holder operating a Category A waste facility supplements applications for issuance of a permit for waste facility operation with information necessary for the Provincial Chief of the State Fire Service to prepare an external emergency plan. Due to the fact that such an application, along with the above-mentioned information, has not been submitted, in the light of the above-mentioned provisions, it was not necessary for the competent Chief of the State Fire Service to prepare an external emergency plan for the waste facility of Category A.

Romania

By 1 May 2012, all extractive waste management facilities will have to be authorized in accordance with Article 64(1) of Government Decision No 856/2008, the external emergency plans will also be prepared within the authorization procedure.

Again, in the light of the above examples for complete information, the completeness of the responses to main provision 4 is by no means a guarantee that the actual national practical implementation and enforcement will lead to achieving the MWD’s main objectives. In fact, the national implementation reporting in general only shows what Member States’ national provisions are requiring operators and state institutions to do in order to comply with the MWD – but not whether the national requirements are met in reality.

²⁸ Personal communication with Michel Sponar, UNIT DG ENV.C2 Waste & Resource Management BU-9.

4.1.5 Main provision 5: number of inspections for Category "A" facilities

Part B, question 5, letter (a) requires Member States to indicate the number of inspections achieved for the reporting period in Category "A" and the other installations.

The analysis of this main provision shows also Member States with no Category "A" facilities due to the inclusion of further waste categories, like inert waste and non-inert waste. Member States replying that they have no waste facilities at all (and therefore including no Category A waste facilities) falling under the MWD are not included (Netherlands and Latvia).

The following table provides a summary of the information provided by the Member States on the specific main provision:

MS	Part B, question 5, letter (a): (5) Inspections: (a) Please indicate the number of inspections achieved for the reporting period with, if possible, distinguishing inspections achieved in:		
	Category "A" and the other installations:	Inert waste installations:	Non inert, non hazardous installations:
AT			
BE			
BG			
CY			
CZ			
DE			
DK			
EE			
EL			
ES			
FI			
FR			
HU			
IE			
IT			
LT			
LU			
MT			
PL			
PT			
RO			
SE			
SI			
SK			
UK			

	information is considered	
Legend:	Complete (in varying detail)	Incomplete
Please note:	The textual response from Denmark shows that no national legislation (regulations, provisions, etc.) has yet been enacted to transpose the main provisions.	

Table 15: Completeness assessment of the information provided on main provision 5

See Table 5, p. 20 for the criteria used for the completeness assessment

As indicated in Table 15, 18 Member States provided complete information on their number of inspections achieved in the reporting period.

Information of **one Member State** is lacking due to missing national transposition (Denmark). Incomplete information was delivered by **six Member States**: Bulgaria, Czech Republic, Greece, Italy, Sweden and Spain. Both the Netherlands and Latvia stated in their questionnaire responses that they do not have any waste facilities on their territories falling under the MWD – they are therefore excluded from the analysis.

In the following, the main focus of the assessment lies on those Member States for which information is considered incomplete. For each such Member State, the respective responses to the questionnaire item will be summarised and the completeness assessment will be explained. For comparison, five exemplary Member States for which the information was considered complete will be assessed following the same approach. The complete answers by the Member States on main provision 5 can be found in the Annex VI, p. 143.

Member States with incomplete information:	
Bulgaria	The Bulgarian response explains the procedures and responsibilities for inspections very detailed, but the number of achieved inspections is not indicated for Category "A" waste facilities.
Czech Republic	The response of Czech Republic says that the information is not yet available.
Denmark	The Danish response to all three items indicates that regulations and administrative provisions necessary to comply with this Directive have not yet been established and brought into force. Therefore, no inspections have yet been taken under this main provision.
Greece	Greece responses that the precise number of inspections is not available. A programme of inspection has not been yet drawn up.
Italy	

Italy includes the number of inspections conducted. But it is added that the data is only provisional, because up to now not all the competent authorities have replied to the request for information sent to them. Because Italy had no Category A facilities in the reporting period no inspections are reported.

Sweden

The Swedish response points out that these questions have been sent to the supervisory authorities and their replies have not been received.

Spain

Spain indicates that this information is in consultation with the Autonomous Communities and will be sent as soon as possible.

Examples for Member States with complete information:

Hungary

The response mentions inspections in:

- Category A facilities: 10.
- Inert waste installations: none
- Non-inert, non hazardous installations: 6.

Poland

The response includes the amount of inspections:

During the reporting period, 9 inspections of waste facilities were conducted, including 4 inspections of waste facilities other than of Category A.

Romania

The response includes the amount of inspections: 598 inspections were conducted for a total of 200 waste management facilities.

Again, in the light of the above examples for complete information, the completeness of the responses to main provision 5 is by no means a guarantee that the actual national practical implementation and enforcement will lead to achieving the MWD's main objectives. In fact, the national implementation reporting in general only shows what Member States' national provisions are requiring operators and state institutions to do in order to comply with the MWD – but not whether the national requirements are met in reality.

4.2 National implementation of further relevant provisions of the MWD

The following chapter analyses the completeness for further relevant provisions which are important for achieving the Directive's objective. It was focused on following questions concerning:

- approval of Waste Management Plans,
- measures taken to ensure that all facilities are covered with a permit,
- procedures established for financial guarantees,
- public participation,
- procedures set out for authority notification in case of any event (within 48 hours),
- procedures established after closure controls and measures taken to reduce environmental effects and
- planning for inspection activities.

The following analysis concentrates on Member States with incomplete information. The following two tables show Member States which delivered incomplete information.

Questionnaire context	Question	Incomplete MS responses
Part A, question 2, letter (a)	Please describe in brief the procedures set up for the approval of the waste management plans as referred to in Article 5(6) of the Directive:	BE, CZ, LT, LU, NL
Part A, question 3, letter (a)	Please indicate the measures taken to ensure that all facilities in operation will be covered by a permit in conformity with the Directive before 1 May 2012:	FR (HU)
Part A, question 3, letter (e)	Please detail the procedure referred to in Article 14(1) of the Directive and set up for the establishment of the financial guarantee and its periodical adjustment: How many installations are already covered by a guarantee in accordance with the provisions of the Directive? How will it be ensured that all installations will be covered by a guarantee before the 1 May 2014?	FR, LU

Part A, question 4, letter (a)	Please explain how the public opinion and comments are analysed and taken into account before making a decision on permits and for the preparation of the external emergency plans:	BE, LV, PT, SI
Part A, question 5, letter (b)	Please describe in brief the procedure set out for the notification to the authority in the 48 hours of any event likely to affect the stability of the facility and any significant environmental effects revealed by the monitoring	LV, MT, PT
Part A, question 6, letter (a)	Please explain in brief the procedure set out to ensure that after the closure of the facilities and when considered necessary by the authority, regular controls of the stability are achieved as well as measures to reduce environmental effect are taken	BE, LT, LV, MT, SE
Part A, question 7, letter (b)	Please briefly describe how inspection activities are planned: Are the priority installations for inspection identified and according to which criteria? Please briefly describe how inspection activities are planned: Are the frequency and the type of inspection adapted to the risks associated with the installation and its environment?	MT, SK

Table 16: Member States with incomplete information regarding Part A, questions 2 (a); 3 (a); 3 (e); 4 (a); 5 (b); 6 (a); 7 (b)

For establishing **“Waste Management Plans”** question 2, letter (a) was included in the detailed analysis. Here, five Member States delivered incomplete information (BE, CZ, LT, LU, NL). All these countries included only the link to the national regulation or a very broad explanation. For BE, information for the Flemish Region is lacking.

Regarding **“Permit and Financial Guarantee”** question 3, letter (a) and letter (e) are especially relevant. Letter (a) regarding covering of permits one Member State (FR) delivered incomplete information. The delivered information focuses on financial guarantees and not permits. Letter (e) focuses on explaining the procedure for financial guarantee. Two Member States handed in incomplete information (FR, LU). FR did not explain how it will ensure that all installations will be covered by a guarantee before the 1 May 2014. The response by LU does not point out the number of installations already covered by a guarantee and also procedures how will it be ensured that all installations will be covered by a guarantee before the 1 May 2014. In addition, while for HU the questionnaire response can be considered complete, in October 2011 the European Commission

sent a reasoned opinion²⁹ to Hungary urging the Member State to comply with extractive mining waste rules, in particular concerning crucial shortcomings regarding the Directive's definitions of 'treatment' and 'extractive industries'.³⁰ The Commission reasoned that this limits the Directive's scope of application and hinders its full implementation in Hungary. This signals that the Hungarian questionnaire responses may to some extent contradict national implementation practice and that there may still be a clear need to ensure correct definitions and therefore also to ensure that all waste facilities are covered by a permit. Nonetheless, since in the September infringements package the Hungarian case is not mentioned anymore, the requested changes may in the meantime have been accommodated.³¹

For **“public participation”** question 4, letter (a) has a high relevance, it includes the procedures to analyse and integrating public opinion and comments in licensing an installation. While BE only provides information for the Flemish region, LV, PT and SI only refer to the national law and include no further detailed information.

For the **“Construction and management of waste facilities”** question 5, letter (b) on procedures for notification to the authority in case of any event have a high relevance. Three Member States delivered incomplete information (LV, MT, PT). LV only links to national regulation, no further detailed information is included. MT and PT do not at all refer to the 48 hours timeline.

For **“Closure and after closure procedures”** question 6, letter (a): after closure controls if necessary and measures taken to reduce environmental effects are analysed here, due to their high relevance for the Directive's objectives. Five Member States handed in incomplete information (BE, LT, LV, MT, SE). BE (only for the Flemish region), LT, LV and SE only refer to the national law and no further detailed information are included. In the response of MT information on the measures taken to reduce environmental effects are missing.

For the **planning of inspections** the question 7, letter (b) on planning of inspections was analysed. Two Member States handed in incomplete information: MT and SK. The response of MT does not include how far the frequency and type of inspection is adapted to the risks associated with the installation and its environment. SK does not explain the criteria along which the priority installations for inspections are chosen.

4.3 Summary of implementation of the Directive in the EU-27

The following Table 17 provides an overview of the level of implementation of the Directive in the 27 Member States based on the colour-coding scheme introduced in section 3.2.

²⁹ A reasoned opinion is the second stage in EU infringement procedures.

³⁰ See http://europa.eu/rapid/press-release_IP-11-1289_en.htm?locale=fr, accessed 23 October 2012.

³¹ See http://europa.eu/rapid/press-release_MEMO-12-708_en.htm, accessed 23 October 2012.

Response Overview Part A																															
Country	1.a	1.b	1.c	1.d	2.a	2.b1	2.b2	2.b3	3.a	3.b	3.c	3.d	3.e	4.a	4.b	4.c1	4.c2	4.c3	5.a	5.b	5.c1	5.c2	6.a	6.b	7.a	7.b	7.b1	7.b2	7.c	7.d	7.e
AT																															
BE																															
BG																															
CY																															
CZ																															
DE																															
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MT																															
NL																															
PL																															
PT																															
RO																															
SE																															
SI																															
SK																															
UK																															

Response Overview Part B																
Country	1.a	1.b	1.c	2.a1	2.a2	2.b	2.c	3	4.a	4.b	5.a1	5.a2	5.a3	5.b	6.a	6.b
AT																
BE																
BG																
CY																
CZ																
DE																
DK																
EE																
EL																
ES																
FI																
FR																
HU																
IE																
IT																
LT																
LU																
LV																
MT																
NL																
PL																
PT																
RO																
SE																
SI																
SK																
UK																

information is considered					
Legend:	<table border="1"> <tr> <td>Complete (in varying detail)</td> <td>Incomplete</td> <td>complete, but indicating no Category "A" waste facilities</td> <td>complete, but indicating no waste facilities falling under this Directive</td> </tr> </table>	Complete (in varying detail)	Incomplete	complete, but indicating no Category "A" waste facilities	complete, but indicating no waste facilities falling under this Directive
Complete (in varying detail)	Incomplete	complete, but indicating no Category "A" waste facilities	complete, but indicating no waste facilities falling under this Directive		
Please note:	The textual response from Denmark shows that no national legislation (regulations, provisions, etc.) has yet been enacted to transpose the main provisions.				

Table 17: Overview of the implementation of the Directive in the EU 27 according to questionnaire responses

See Table 5, p. 20 for the criteria used for the completeness assessment

Taking into account the information for each Member State on the implementation of the main provisions of the MWD, the following summary can be provided.

Based on the available information and on the analyses undertaken, **transposition** of the MWD into national law appears **complete** in the **14 Member States**, where no incomplete questionnaire

responses were obtained or remained after having requested the Member States to clarify outstanding questions: AT, BG, CY, DE, FI, FR, HU, IE, LU, MT, NL, PL, RO and UK.

For **13 Member States**, the **transposition** into national law is **incomplete** given that some information is still incomplete even after requesting the Member States to clarify outstanding questions due to having received only incomplete or no clarifications at all: BE, CZ, EE, EL, ES, IT, LT, LV, PT, SE, SI and SK. In addition, the Danish response shows that no national legislation (regulations, provisions, etc.) has yet been enacted to transpose the MWD.

In particular, for Member States with incomplete information, the MWD could be considered not implemented correctly in practice, because based on the analyses in this report there is

- lacking detailing of measures for Waste management plans and major-accident prevention and information (ES, PT, SI);
- lacking practical arrangements for public participation, transboundary effects (PT, SE);
- only provisional information on the number of Category “A” installations with transboundary impacts (CZ, IT);
- lacking or incomplete indication of established or missing external emergency plans (CZ, ES, IT, SK);
- lacking or incomplete indication of the number of inspections achieved for Category “A” waste facilities (CZ, EL, ES, IT, SE).

This indicates that the MWD’s main provisions might not be implemented and that therefore the MWD’s main aim will not be achieved in those Member States. However, as stated above, assessing the completeness of the national implementation reports alone does not enable an assessment of the MWD’s actual implementation in the Member States.

Based on the documents and information analysed in the context of this study, the following table contrasts the completeness assessment of the questionnaire responses per Member State with any relevant available information and helps indicating those Member States, where practical implementation seems incomplete (please note that while the colour-coding scheme is the same, the colours for the rightmost column were selected based on any further relevant information found and analysed).

Member State	Level of implementation of the MWD in the Member States according to	
	questionnaire responses	further relevant information analysed
AT		no further relevant information identified, therefore no revision of assessment possible
BE		no further relevant information identified, therefore no revision of assessment possible
BG		Chelopech copper and gold mine concerns
CY		no further relevant information identified, therefore no revision of assessment possible
CZ		no further relevant information identified, therefore no revision of assessment possible
DE		no further relevant information identified, therefore no

Member State	Level of implementation of the MWD in the Member States according to	
	questionnaire responses	further relevant information analysed
		revision of assessment possible
DK		no further relevant information identified, therefore no revision of assessment possible
EE		potential failure to classify oil shale mining waste facilities as Category "A" waste facilities
EL		Perama region gold mining concerns
ES		no further relevant information identified, therefore no revision of assessment possible
FI		accident in Talvivaara mine in Eastern Finland
FR		no further relevant information identified, therefore no revision of assessment possible
HU		dramatic accident at Ajkai Timfoldgyar alumina plant reasoned opinion from the European Commission
IE		no further relevant information identified, therefore no revision of assessment possible
IT		reasoned opinion from the European Commission
LT		no further relevant information identified, therefore no revision of assessment possible
LU		no further relevant information identified, therefore no revision of assessment possible
LV		reasoned opinion from the European Commission
MT		no further relevant information identified, therefore no revision of assessment possible
NL		no further relevant information identified, therefore no revision of assessment possible
PL		reasoned opinion from the European Commission
PT		reasoned opinion from the European Commission
RO		no further relevant information identified, therefore no revision of assessment possible
SE		no further relevant information identified, therefore no revision of assessment possible
SI		no further relevant information identified, therefore no revision of assessment possible
SK		no further relevant information identified, therefore no revision of assessment possible
UK		no further relevant information identified, therefore no revision of assessment possible

Table 18: Assessment of the level of implementation of the MWD in the EU 27

While for 19 Member States there was no further relevant information identified to revise the assessment of the level of implementation in relation to the completeness assessment, for 8 Member States (BG, EE, EL, HU, IT, LV, PL and PT) further relevant information was found which supported the completeness assessment (EE, EL, IT, LV and PT) or led to assessing the level of implementation as incomplete in contrast to the completeness assessment (BG, HU and PL).

For **Bulgaria** and **Greece** implementation is not considered complete because of the concerns with regards to lacking public consultation of the Chelopech copper and gold mine (BG) and the gold mines in the Perama region (EL). For **Estonia**, in addition to incomplete questionnaire responses, it may be the case that waste facilities for oil shale mining waste were mistakenly not classified as

Category “A” facilities, so that the MWD is therefore not implemented correctly in practice. For **Hungary**, in particular the dramatic accident at Ajkai Timfoldgyar alumina plant in October 2010 led to assessing the actual implementation as incomplete. For **Italy, Poland and Portugal**, reasoned opinions sent by the Commission consider the level of implementation incomplete and urge the MS to comply in particular with the requirements to making information available to the public and to other Member States in the event of accident (IT, PL and PT), as well as concerning the requirement to prepare waste management plans for all waste facilities (PL).

For **Finland**, the recent accident in the Talvivaara mine in Eastern Finland may indicate that despite complete transposition and typically good environmental practice, the MWD is not applied correctly. Since November 4th, poisonous chemicals including high levels of aluminium, cadmium, uranium and zinc leaked from the mine’s gypsum waste pond- for which there had not been issued any permit – into surrounding rivers and lakes endangering fish and plant life and bottom-dwelling organisms and also potentially constituting a health risk when making its way into drinking water.³²

These two rather recent examples of dramatic mining accidents in Hungary and Finland seem to prove that while Member States may have transposed the MWD fully into national laws, they are still not able to correctly implement and enforce it.

For **Latvia**, in May 2011 the European Commission sent a reasoned opinion urging the Member State to comply with extractive mining waste rules, in particular concerning the obligation to issue permits for mining waste facilities, to prepare waste management plans, to prevent water and soil contamination, and to ensure public consultation.³³ While some of the original problems had been resolved in the meantime, in September 2012 the Commission reminded Latvia of its obligation to correctly transpose the MWD in particular in relation to drawing up external emergency plans, which are vital for civil protection, to guaranteeing that the public is sufficiently informed about decisions on permits, and that comments and opinions are taken into account by the competent authority before decisions on permits are taken.³⁴

While the completeness assessment of the national questionnaire responses cannot replace an assessment in detail of the implementation and enforcement of the MWD and its main objectives in the Member States, the above analyses signals that although national transposition may be complete in some of the Member States, there may still be a clear need to ensure implementation in practice in order to ensure that all facilities are appropriately classified and covered by appropriate measures and arrangements helping to prevent accidents and limiting adverse effects on human health and the environment including the effective means of informing and consulting the public.

However, a more in-depth analyses requires to go much beyond the national implementation reports, because in fact they in general only show what Member States’ national provisions are requiring operators and state institutions to do in order to comply with the MWD – but not whether the national requirements are met in reality. Such an analysis would require

- a) in-depth investigation of the national administrative, legal and enforcement practices, and therefore

³² See http://www.nuclear-heritage.net/index.php/Talvivaara_mine:_environmental_disaster_in_Finland, accessed 3 December 2012.

³³ See http://europa.eu/rapid/press-release_IP-11-594_en.htm?locale=en, accessed 23 October 2012.

³⁴ See http://europa.eu/rapid/press-release_MEMO-12-708_en.htm, accessed 23 October 2012.

- b) analyses of various different sources of information including academic and civil society knowledge (NGOs) by means of literature and document review as well as interviews

– such an analysis would be beyond the scope of this project.

Chapter 5: References

Carbonez, G. and André-Dumont, H. (2009). The European Directive 2006/21/EC on the management of waste from extractive industries – scope, requirements and implementation status. newsletter of the International Bar Association's section on Energy, Environment, Natural Resources, and Infrastructure Law, Vol 3(2), 7 - 8

DHI Water Environment Health (2007). Classification of mining waste facilities. Final Report, December 2007. No. 07010401/2006/443229/MAR/G4. Report prepared by DHI Water-Environment-Health in cooperation with SGI, Swedish Geotechnical Institute and AGH, University of Science and Technology, Krakow URL http://ec.europa.eu/environment/waste/mining/pdf/mwfs_report_dec_07.pdf

European Commission (2009a). Commission Decision of 20 April 2009 on the definition of the criteria for the classification of waste facilities in accordance with Annex III of Directive 2006/21/EC of the European Parliament and of the Council concerning the management of waste from extractive industries, 2009/337/EC. URL <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:102:0007:0011:EN:PDF>

European Commission (2009b). Study on the feasibility of the establishment of a Waste Implementation Agency, Final Revised Study 7 December 2009. URL http://ec.europa.eu/environment/waste/pdf/report_waste_dec09.pdf

European Commission (2004). Hazardous and Industrial Waste Management in accession Countries. European Communities, Luxembourg. URL <http://www.uni-mannheim.de/edz/pdf/eurostat/03/KS-54-03-954-EN.pdf>

National Implementation reports as provided by the respective Permanent Representation (Environmental Attaché) of the Member State in question

UN CSD (Commission on Sustainable Development) (2009). National Reporting on Waste management – Estonia. URL http://www.un.org/esa/dsd/dsd_aofw_ni/ni_pdfs/NationalReports/estonia/CSD18_ESTONIA_Waste_Management.pdf.

Annex I – Information provided in Annex I to the questionnaire

MS		In Operation	In Operation with Permit	in transition	in closure phase	closed or abandoned	Inspections achieved	Waste Management Plans	Emergency Plans
AT	Category A - total						49	??	??
	Category A - of Which "Seveso Installations								
	Not Category A- total	24	2		3				
	Not Category A – of which inert Waste								
	Not Category A – of which non hazardous-non inert Waste								
	Total	24	2		3				
BE	Empty Annex or no Annex attached						none at all	None approved or rejected	No Category A facility
BG	Empty Annex or no Annex attached						12 for Category A 280 for Not Category A -	59 submitted, 9 approved, other have been sent back and asked for	4

MS		In Operation	In Operation with Permit	in transition	in closure phase	closed or abandoned	Inspections achieved	Waste Management Plans	Emergency Plans
							total	elimination of omissions or additional data	
CY	Category A - total	5	0	0	2	35	5 25 0	No plan rejected	5 missing
	Category A - of Which "Seveso Installations"								
	Not Category A- total	25				5			
	Not Category A – of which inert Waste	25				1			
	Not Category A – of which non hazardous-non inert Waste					4			
	Total	30	0		2	40			
CZ	Empty Annex or no Annex attached						Not yet applicable	No data.	No data.
DE	Category A - total	3	0	0	2	0	12 155	33 aproved, no rejected	Will be prepared until end 2012.
	Category A - of Which "Seveso Installations"	0	0	0	0	0			
	Not Category A- total	46	48	24	63	0			
	Not Category A – of which inert Waste	32	25	11	2	0			

MS		In Operation	In Operation with Permit	in transition	in closure phase	closed or abandoned	Inspections achieved	Waste Management Plans	Emergency Plans
	Not Category A – of which non hazardous-non inert Waste	14	23	13	61	0	266		
	Total	49	48	24	65	0			
DK	Category A - total	None	None	None	None	None	None	No plan approved or rejected.	No.
	Category A - of Which "Seveso Installations"	None							
	Not Category A- total								
	Not Category A – of which inert Waste	Very limited							
	Not Category A – of which non hazardous-non inert Waste	Very limited							
	Total								
EE	Category A - total	0	0	0	0	11 ¹		73 approved, no rejected	No
	Category A - of Which "Seveso Installations"								
	Not Category A- total								
	Not Category A – of which inert Waste	N/A	2	0	0	26 ¹			
	Not Category A – of which	11	0	0	0	0			

MS		In Operation	In Operation with Permit	in transition	in closure phase	closed or abandoned	Inspections achieved	Waste Management Plans	Emergency Plans
	non hazardous-non inert Waste						44		
	Total								
EL	Category A - total	-	-	-	-	-	Not available	69 approved, no rejected	No
	Category A - of Which "Seveso Installations"	-	-	-	-	-			
	Not Category A- total								
	Not Category A – of which inert Waste	254 ²	62	7	52				
	Not Category A – of which non hazardous-non inert Waste	7	7	-	1				
	Total	261	69	7	53	18 ³			
ES	Empty Annex or no Annex attached						not available	No data.	No data.
FI	Category A - total						42	28 approved (7 Category A, 16 non-inert, non-hazardous, 7 inert)	4 prepared, 4 missing
	Category A - of Which "Seveso Installations"	1	7	-	-	0			
	Not Category A- total								
	Not Category A – of which inert Waste	4	8	-	-	2	37		

MS		In Operation	In Operation with Permit	in transition	in closure phase	closed or abandoned	Inspections achieved	Waste Management Plans	Emergency Plans
	Not Category A – of which non hazardous-non inert Waste	4	12	-	-	29	77		
	Total	9	27	-	-	31			
FR	Category A - total	3	3			24	1	800 plans received, 2 refused	3 missing
	Category A - of Which "Seveso Installations"								
	Not Category A- total								
	Not Category A – of which inert Waste	800	800	-	-	-			
	Not Category A – of which non hazardous-non inert Waste	31	31	17	0	-			
	Total	834	834	17	0	24			
HU	Category A - total	2	1	2	2	0	10	9 approved, 4 rejected	2 missing
	Category A - of Which "Seveso Installations"	0	0	0	0	0			
	Not Category A- total	409	0	12	6	7			
	Not Category A – of which inert Waste	409	0	2	4	0			
	Not Category A – of which	0	0	10	2	7			
						6			

MS		In Operation	In Operation with Permit	in transition	in closure phase	closed or abandoned	Inspections achieved	Waste Management Plans	Emergency Plans
	non hazardous-non inert Waste								
	Total	411	0	14	8	7			
IE	Category A - total	2	0	0	2	0	9	0	4 prepared
	Category A - of Which "Seveso Installations"	0	0	0	0	0			
	Not Category A- total						69		
	Not Category A – of which inert Waste	20	1	0	0	0			
	Not Category A – of which non hazardous-non inert Waste	0	0	0	0	0	Not applicable		
	Total	22	1	0	2	0			
IT	Category A - total	4 ⁴				622	1	216 approved, ca. 300 under review, 1 rejected (provisional data)	No (provisional data)
	Category A - of Which "Seveso Installations"								
	Not Category A- total								
	Not Category A – of which inert Waste	632	11	1	5		425		
	Not Category A – of which non hazardous-non inert	3					0		

MS		In Operation	In Operation with Permit	in transition	in closure phase	closed or abandoned	Inspections achieved	Waste Management Plans	Emergency Plans
	Waste								
	Total	639	11	1	5	622			
LT	Empty Annex or no Annex attached						None	163 approved, no rejected	No Category A facilities
LU	Category A - total						None	-	-
	Category A - of Which "Seveso Installations"								
	Not Category A- total								
	Not Category A – of which inert Waste		16				None		
	Not Category A – of which non hazardous-non inert Waste						None		
	Total								
LV	Category A - total	0	0	0	0	0	0	0	No Category A facility
	Category A - of Which "Seveso Installations"								
	Not Category A- total	0	0	0	0	0			
	Not Category A – of which inert Waste						0		
	Not Category A – of which						0		

MS		In Operation	In Operation with Permit	in transition	in closure phase	closed or abandoned	Inspections achieved	Waste Management Plans	Emergency Plans
	non hazardous-non inert Waste								
	Total								
MT	Category A - total	N/A	N/A	N/A	N/A	N/A	Not applicable	6 approved	No Category A facility
	Category A - of Which "Seveso Installations								
	Not Category A- total	4	4	39 ⁵	N/A	N/A	236		
	Not Category A – of which inert Waste								
	Not Category A – of which non hazardous-non inert Waste	N/A	N/A	N/A	N/A	N/A	Not applicable		
	Total	4	4	39 ⁵	N/A	N/A			
NL	Category A - total						None	0	No Category A facility
	Category A - of Which "Seveso Installations								
	Not Category A- total								
	Not Category A – of which inert Waste						None		
	Not Category A – of which						None		

MS		In Operation	In Operation with Permit	in transition	in closure phase	closed or abandoned	Inspections achieved	Waste Management Plans	Emergency Plans
	non hazardous-non inert Waste								
	Total	0	0	0	0	0			
PL	Category A - total						5	46 approved, no rejected	No permit application.
	Category A - of Which "Seveso Installations"	1	0	0	0	0	4		
	Not Category A- total								
	Not Category A – of which inert Waste	0	0	0	6	0			
	Not Category A – of which non hazardous-non inert Waste	6	2	3	3	7			
	Total	7	2	3	9	7			
PT	Category A - total	3	3		1	List attached	4	4 approved (1 Category A, 3 non-inert)	3 missing
	Category A - of Which "Seveso Installations"						5		
	Not Category A- total								
	Not Category A – of which inert Waste	5	5						
	Not Category A – of which non hazardous-non inert								

MS		In Operation	In Operation with Permit	in transition	in closure phase	closed or abandoned	Inspections achieved	Waste Management Plans	Emergency Plans
	Waste								
	Total	8	8		1				
RO	Empty Annex or no Annex attached						598 altogether	2 endorsed	No.
SE	Empty Annex or no Annex attached						Not yet available	No data.	No data.
SI	Empty Annex or no Annex attached						None	0	No.
SK	Category A - total	4	-	-	-	3	8	93 approved, no rejected	No.
	Category A - of Which "Seveso Installations"	-	-	-	-	-			
	Not Category A- total	43	-	-	1	75	84		
	Not Category A – of which inert Waste	95	-	-	-	10			
	Not Category A – of which non hazardous-non inert Waste	-	-	-	-	-	2		
	Total	142	-	-	1	-			
UK	Category A - total	Separate reporting for England/Wales, Scotland and Northern Ireland Verbal description of non-numeric values, therefore simple addition was not possible. Please refer to Annexed scan of the table					0	27 approved (provisional data)	No.
	Category A - of Which "Seveso Installations"								
	Not Category A- total								

MS		In Operation	In Operation with Permit	in transition	in closure phase	closed or abandoned	Inspections achieved	Waste Management Plans	Emergency Plans
	Not Category A – of which inert Waste						0		
	Not Category A – of which non hazardous-non inert Waste						0		
	Total								

¹ number is based on pre-selection study of the closed waste facilities inventory. It may change depending on final results of the study.

² number based on the number from the in-operation marble and slates quarries. This means that the majority of these facilities refer to marble and slates quarries

³ The number of the estimated areas, wherein there are facilities potential harmful is provided. For a few of these areas, rehabilitation and restoration projects have already been prepared and approved.

⁴ such facilities in Sardinia are inactive. The competent authority is in the process of considering whether to grant a renewal or to order closure

⁵ Permit applications are being processed

Annex II – Complete responses to main provision 1

Part A, Question 2, letter (b) For the Category "A" installations not falling within the scope of Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances (1), please describe the measures taken to:			
MS	- identify major-accident hazards,	- incorporate the necessary features into the design, operation and closure of the installation	- limit the adverse consequences for human health and/or the environment.
AT	<i>German response - waiting for the English translation to be provided by the Commission</i>	<i>German response - waiting for the English translation to be provided by the Commission</i>	<i>German response - waiting for the English translation to be provided by the Commission</i>

Part A, Question 2, letter (b) For the Category "A" installations not falling within the scope of Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances (1), please describe the measures taken to:			
MS	- identify major-accident hazards,	- incorporate the necessary features into the design, operation and closure of the installation	- limit the adverse consequences for human health and/or the environment.
BE	<p>Walloon Region: The Recommendations of the Decision of 20 April 2009 of the European Commission on the definition of the criteria for the classification of waste facilities have been fully integrated in the Executive Decision of the Walloon Government of 27 May 2009 called "Arrêté[5] du Gouvernement wallon modifiant l'arrêté du Gouvernement wallon du 4 juillet 2002 arrêtant la liste des projets soumis à étude d'incidences et des installations et activités classées, pour ce qui concerne les installations de gestion de déchets d'extraction (Executive Decision of the Walloon Government modifying the Executive Decision of the Walloon Government dated 4 July 2002 listing the projects for which an environmental impact assessment has to be performed and the permitted plants and activities, concerning mining waste management facilities)" (M.B. of 20/08/2009, p. 55149). On the basis of these reCommendations and of a risk assessment study, mining/quarrying operators propose a classification for their mining waste facilities. The risk assessment study is verified by the competent officer aided by independent experts (ISSeP, University departments,...). Guidelines for identifying major accidents and assessing risks have also been supplied. The final decision on the classification is up to the competent officers of the DPA.</p>	<p>Walloon Region: ReCommendations are described in Chapter V "Construction et gestion des installations de gestion de déchets (Building and management of mining waste facilities)" and Chapter VI "Fermeture et suivi après fermeture (Closure and post-closure monitoring)" of AGW 27 May 2009 "Sectorial and general conditions for mining waste management facilities". On the basis of these reCommendations, mining/quarrying operators propose management plans which incorporate the description of the design, the exploitation method and the closure measures of the mining waste management facilities. These plans are controlled by competent officers of the DPA aided by external experts (ISSeP, University departments,...). The officer establishes the requirements of the final design, the exploitation and the closure.</p>	<p>Walloon Region: ReCommendations are described in Chapter VII "Prévention de la détérioration de la qualité de l'eau et de la pollution de l'air et du sol (Prevention of water, air and soil pollution" of AGW 27 May 2009 "Sectorial and general conditions for mining waste management facilities". On the basis of these reCommendations, mining/quarrying operators propose management measures to prevent water, air and soil pollution. The measures are assessed by competent officers of the DPC aided by external experts (ISSeP, University departments,...). The officer establishes the final requirements to prevent any water, air or soil pollution.</p>

Part A, Question 2, letter (b) For the Category "A" installations not falling within the scope of Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances (1), please describe the measures taken to:			
MS	- identify major-accident hazards,	- incorporate the necessary features into the design, operation and closure of the installation	- limit the adverse consequences for human health and/or the environment.
BG	<p>The measures the operator is obliged to undertake to identify the hazards and prevent major accidents are required under Article 22(e)(2)(7) from the Law on Ore and Mineral Resources and are regulated in Article 20 from the Regulation for the specific requirements for mining waste management (hereinafter referred to as the Regulation). For Category "A" facilities, emergency plans, which identify the hazards and specific measures for prevention of these hazards, shall be prepared. The identification of measures to prevent hazards is performed by means of projects, prepared in observation of the requirements of the Regulation for the scope and content of investment projects, the Rules for occupational safety during the open development of deposits and the Rules for occupational safety during the operation of tailings ponds and slurry ponds.</p>	<p>Under Article 22(i) of the Law on Ore and Mineral Resources and Article 14 from the Regulation, the operators shall prepare an integral design for construction of a mining waste facility, integral and annual projects for operation of the facility and integral and annual projects for closure of the facility, which are approved by the competent authority. These projects and designs are inspected and compared to the integral project for prospecting, extraction or treatment, which is mandatory under Article 82 - 86 from the Law on Ore and Mineral Resources. The operators shall report each year on the progress of the projects implementation.</p>	<p>The measures for limiting the impact on the environment and human health are determined according to the specific conditions and in accordance with the best available techniques and practices. Depending on the activity that will be developed, i.e. the investment project, the project is subject to EIA at its earliest stage under the Environmental Protection Act. In the course of the procedures under Chapter Six of this act, the specific measures (conditions) that guarantee the prevention or reduction of adverse impacts are determined. These measures are included in the investor's projects (integral and annual) for prospecting, extraction or primary treatment, in the mining waste management plans and in the annual projects for operation of the mining waste facilities. Under Article 90(1) of the Law on Ore and Mineral Resources, the control on the implementation of the integral and annual projects and plans for mining waste management is exercised by the Minister for Economy, Energy and Tourism. The Minister for the Environment and Water, through the inspectors in the regional structures - regional inspections of environment and waters, on the basis of Article 90(2) of the Law on Ore and Mineral Resources, exercises control, under the conditions of chapter nine of the Environmental Protection Act, on the different elements of the environment.</p>

Part A, Question 2, letter (b) For the Category "A" installations not falling within the scope of Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances (1), please describe the measures taken to:			
MS	- identify major-accident hazards,	- incorporate the necessary features into the design, operation and closure of the installation	- limit the adverse consequences for human health and/or the environment.
CY	The Department of Labour Inspection has a system of inspections in place and carries out inspections to identify installations with major-accident hazards.	The Department of Labour Inspection has a system of inspections in place and carries out inspections for a planned and systematic examination of the systems being employed at the establishment, whether of a technical, organisational or managerial nature, so as to ensure in particular that the operator can demonstrate that the appropriate measures have been taken in connection with the various activities involved in the establishment, for the prevention of major accidents.	The employer shall demonstrate to the Inspectors that the appropriate means for limiting the consequences of major accidents have been provided, on site and off site.
CZ	According to Art. 14(1) of the Act. No157/2009 Coll. the operator shall draw up a safety management system for waste facilities Category A and this system according to Art. 14(2) shall address identification and evaluation of major accident hazards Risk assessment according to Art. 4 of the Decree No 429/2009 Coll. is the part of the request for proposed classification for the waste facility	According to Art. 5 (2) letter b) of the Act waste management plan shall contain conditions for ensuring safe disposal of the extractive waste, in particular by considering, during the design phase, management during the operation and after-closure of waste facility and by choosing a design, which - requires minimal and, if possible, ultimately no monitoring, control and management of the closed waste facility; - prevents or at least minimises any long-term negative effects, for example attributable to migration of airborne or aquatic pollutants from the waste facility; and - ensures the long-term geotechnical stability of any waste facility.	According to Art. 14 (3)of the Act, the operator shall be required in the processing of emergency plan and when terms are changed, but at least once a year, assess the risks of serious accidents and on the basis of process measures necessary to prevent such accidents, in particular, the organisational structure, responsibilities, practices, procedures, processes and resources for determining and implementing the principles for the prevention of serious accidents and limit their adverse consequences for human health or the environment, including any transboundary impact, to be taken during the operation, maintenance, closure and after-closure procedures for waste facilities.

Part A, Question 2, letter (b) For the Category "A" installations not falling within the scope of Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances (1), please describe the measures taken to:			
MS	- identify major-accident hazards,	- incorporate the necessary features into the design, operation and closure of the installation	- limit the adverse consequences for human health and/or the environment.
DE	<p>Not applicable to extractive undertakings not governed by mining law because there are no Category A facilities in this sector in Germany. For extractive undertakings governed by mining law, under Section 22a(5) ABergV the emergency plan for Category A waste facilities not falling within the scope of Directive 96/82/EC must meet the additional requirements in accordance with Section 1 of Annex I to Directive 2006/21/EC. Before starting up any such Category A waste facility, the undertaking must forward to the competent authority the information required for drawing up external emergency plans. Where the territory of another country may be affected by an accident, the undertaking must make available to the competent authority an appropriate number of copies of the information required for drawing up external emergency plans for forwarding to the competent authority of the other country. The information must contain at least the details in accordance with Section 2 of Annex I to Directive 2006/21/EC. The undertaking must make the details referred to in Section 2 of Annex I to Directive 2006/21/EC accessible to the public. The information must be verified every three years. Where verification reveals changes</p>	<p>Not applicable to extractive undertakings not governed by mining law because there are no Category A facilities in this sector in Germany. For extractive undertakings governed by mining law, under Section 22a(5) ABergV the emergency plan for Category A waste facilities not falling within the scope of Directive 96/82/EC must meet the additional requirements in accordance with Section 1 of Annex I to Directive 2006/21/EC. Before starting up any such Category A waste facility, the undertaking must forward to the competent authority the information required for drawing up external emergency plans. Where the territory of another country may be affected by an accident, the undertaking must make available to the competent authority an appropriate number of copies of the information required for drawing up external emergency plans for forwarding to the competent authority of the other country. The information must contain at least the details in accordance with Section 2 of Annex I to Directive 2006/21/EC. The undertaking must make the details referred to in Section 2 of Annex I to Directive 2006/21/EC accessible to the public. The information must be verified every three years. Where verification reveals changes that could have a significant impact as regards the accident hazards, the undertaking must update the information without delay. The obligations set out in the preceding sentences then apply accordingly.</p>	<p>Not applicable to extractive undertakings not governed by mining law because there are no Category A facilities in this sector in Germany. For extractive undertakings governed by mining law, under Section 22a(5) ABergV the emergency plan for Category A waste facilities not falling within the scope of Directive 96/82/EC must meet the additional requirements in accordance with Section 1 of Annex I to Directive 2006/21/EC. Before starting up any such Category A waste facility, the undertaking must forward to the competent authority the information required for drawing up external emergency plans. Where the territory of another country may be affected by an accident, the undertaking must make available to the competent authority an appropriate number of copies of the information required for drawing up external emergency plans for forwarding to the competent authority of the other country. The information must contain at least the details in accordance with Section 2 of Annex I to Directive 2006/21/EC. The undertaking must make the details referred to in Section 2 of Annex I to Directive 2006/21/EC accessible to the public. The information must be verified every three years. Where verification reveals changes that could have a significant impact as regards the accident hazards, the undertaking must update the information without delay. The</p>

	that could have a significant impact as regards the accident hazards, the undertaking must update the information without delay. The obligations set out in the preceding sentences then apply accordingly.		obligations set out in the preceding sentences then apply accordingly.
DK	Regulations and administrative provisions necessary to comply with this Directive has not yet been established and brought into force, therefore no measures have yet been taken to identify major-accident hazards.	Regulations and administrative provisions necessary to comply with this Directive has not yet been established and brought into force, therefore no measures have yet been taken incorporate the necessary features into the design, operation and closure of installations.	Regulations and administrative provisions necessary to comply with this Directive has not yet been established and brought into force, therefore no measures have yet been taken to limit the adverse consequences for human health and/or the environment.

Part A, Question 2, letter (b) For the Category "A" installations not falling within the scope of Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances (1), please describe the measures taken to:			
MS	- identify major-accident hazards,	- incorporate the necessary features into the design, operation and closure of the installation	- limit the adverse consequences for human health and/or the environment.
EE	<p>According to Waste Act § 27² (2) major-accident is an occurrence on site in the course of an operation involving the management of extractive waste leading to a serious danger to human health and/or the environment, whether immediately or over time, on-site or off-site;</p> <p>Main hazards from mining waste in Estonia may accrue from oil shale minings – from enrichment process the waste rock. In waste rock facilities main concern is self-ignition if the rock is not landfilled correctly. The combustion cause contamination to soil and water therewith it is difficult to predict how high pollution and how large may be possible contaminated area.</p> <p>Together with the application for operation of waste facility waste management plan must be included. Waste management plan must describe the type of waste, expected amounts, hazardousness, control and supervision measures taken during operation of the facility, preventive and protective measures taken to preserve or achieve groundwater good condition and against air and soil pollution. Waste management plan also includes the proposed plan for closure, including rehabilitation, after-closure procedures and monitoring. Environmental</p>	<p>According to Waste Act § 33¹: (1) The operator of the waste facility must ensure: a) the waste facility must be suitably located, taking into account in particular obligations relating to protected areas, and geological, hydrological, hydrogeological, seismic and geotechnical factors; b) the waste facility is designed so as to meet the necessary conditions for, in the short and long-term perspectives, preventing pollution of the soil, air, groundwater or surface water; c) efficient collection of contaminated water and leachate as and when required under the permit; d) reducing erosion caused by water or wind as far as it is technically possible and economically viable; e) constructing, managing and maintaining the waste facility to ensure its physical stability and to prevent pollution or contamination of soil, air, surface water or groundwater in the short and long-term perspectives as well as to minimise as far as possible damage to landscape; f) there are suitable plans and arrangements for regular monitoring and inspection of the waste facility by competent persons and for taking action in the event of results indicating instability or water or soil contamination; g) suitable arrangements are made for the rehabilitation of the land and the closure of the waste facility; h) suitable arrangements are made for the after-closure phase of the waste facility. i) in the case of a pond involving the presence of cyanide, the operator shall ensure that the concentration of weak acid dissociable cyanide in the pond is reduced to the lowest possible</p>	<p>if the intensity of contaminants have increased over certain limits in soil, air, surface or groundwater;</p> <p>- if the affected environment cannot be restored through minor clean-up and restoration efforts;</p> <p>According to Environmental Liability Act § 2 (1) an environmental damage is:</p> <ol style="list-style-type: none"> 1) substantial adverse effect on reaching or maintaining a favourable conservation status of a habitat or species; 2) substantial adverse effect on a protected area, a special conservation area, a species protection site, a protected individual natural object; 3) substantial adverse effect on the ecological or chemical status of a surface water body or coastal waters or on ecological potential or on the chemical or quantitative status of a groundwater body; 4) land damage caused by direct or indirect introduction of substances, preparations, organisms or micro-organisms into the environment which results in a significant risk of human health being adversely affected <p>See answer to question 2.b.1.Environmental Board as well as Environmental Inspectorate control if the requirements set in waste permit are met and if results in annual reporting meet the environmental limits.</p>

<p>Board grants the waste management plan together with the permit. Waste permit sets technical and environmental requirements (includes after-care, supervision, safety measures etc) and the obligation to the operator once a year report, on the basis of aggregated data, all monitoring results for the purposes of demonstrating compliance with permit conditions and increasing knowledge of waste and waste facility behaviour.</p>	<p>level using best available techniques; - A waste facility shall only start the closure procedure if the relevant conditions stated in the permit are met and authorisation is granted by the competent authority</p> <p>See answer to question 2.b.1. Environmental Board as well as Environmental Inspectorate control if the requirements set in waste permit are met and if results in annual reporting meet the environmental limits.</p>	
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Part A, Question 2, letter (b) For the Category "A" installations not falling within the scope of Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances (1), please describe the measures taken to:

MS	- identify major-accident hazards,	- incorporate the necessary features into the design, operation and closure of the installation	- limit the adverse consequences for human health and/or the environment.
EL	<p>According to Article 8 of JMD 39624/2209/A103/25-09-09 and regarding Category "A" installations that do not fall within the scope of Council Directive 96/82/EC - major accident hazards involving dangerous substances, should be identified, in order to integrate the most suitable measures for the construction, operation, maintenance and closure procedures of waste facilities. In that way, major accidents will be prevented and adverse consequences for human health and/or the environment will be limited as well. Hence, the operators of such facilities, are obliged to: a) to draw up major-accident prevention policy for the management of extractive waste, in accordance with article 8(3) and annex I of article 24 of the above JMD (FEK 2076N/09), b) to adopt the safety management system, making a safety study, in accordance with article 9(1) and annex I of article 24 of JMD 39624/2209/A103/25-09-09 (OAP 2076N/09), c) to draw up an internal emergency plan with the appropriate measures to be taken on site in case of accidents in waste facilities d) to specify the safety manager who will be responsible for the implementation and periodic supervision of the major-accident prevention policy as well as of the safety system management.</p>	<p>-According to Article 8 of JMD 39624/2209/A103/25-09-09 and regarding Category "A" installations that do not fall within the scope of Council Directive 96/82/EC - major accident hazards involving dangerous substances, should be identified, in order to integrate the most suitable measures for the construction, operation, maintenance and closure procedures of waste facilities. In that way, major accidents will be prevented and adverse consequences for human health and/or the environment will be limited as well. Hence, the operators of such facilities, are obliged to: a) to draw up major-accident prevention policy for the management of extractive waste, in accordance with article 8(3) and annex I of article 24 of JMD 39624/2209/A103/25-09-09 (FEK 2076N/09), b) to adopt the safety management system, making a safety study, in accordance with article 9(1) and annex I of article 24 of JMD 39624/2209/A103/25-09-09 (OAP 2076N/09), c) to draw up an internal emergency plan with the appropriate measures to be taken on site in case of accidents in waste facilities d) to specify the safety manager who will be responsible for the implementation and periodic supervision of the major-accident prevention policy as well as of the safety system management.</p>	<p>-According to Article 8 of JMD 39624/2209/A103/25-09-09 and regarding Category "A" installations that do not fall within the scope of Council Directive 96/82/EC - major accident hazards involving dangerous substances, should be identified, in order to integrate the most suitable measures for the construction, operation, maintenance and closure procedures of waste facilities. In that way, major accidents will be prevented and adverse consequences for human health and/or the environment will be limited as well. Hence, the operators of such facilities, are obliged to: a) to draw up major-accident prevention policy for the management of extractive waste, in accordance with article 8(3) and annex I of article 24 of JMD 39624/2209/A103/25-09-09 (FEK 2076N/09), b) to adopt the safety management system, making a safety study, in accordance with article 9(1) and annex I of article 24 of JMD 39624/2209/A103/25-09-09 (OAP 2076N/09), c) to draw up an internal emergency plan with the appropriate measures to be taken on site in case of accidents in waste facilities d) to specify the safety manager who will be responsible for the implementation and periodic supervision of the major-accident prevention policy as well as of the safety system management.</p>

Part A, Question 2, letter (b) For the Category "A" installations not falling within the scope of Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances (1), please describe the measures taken to:			
MS	- identify major-accident hazards,	- incorporate the necessary features into the design, operation and closure of the installation	- limit the adverse consequences for human health and/or the environment.
ES	<p>ART. 37 OF ROYAL DECREE 975/2009 ESTABLISHES THE POLICY FOR THE PREVENTION OF MAJOR ACCIDENTS: before the restoration plan is authorised, the operator shall prepare a major-accident prevention policy which shall apply in its management of mining waste, for which it shall institute a safety management system pursuant to Article 38, and shall also implement an internal emergency plan, specifying the measures that must be taken on the mining site in the event of an accident. The major-accident prevention policy document should cover the objectives and general operating principles established by the operator in relation to the control of major-accident hazards. Accordingly, in the aforementioned document the operator must determine the major-accident hazards and incorporate into the design, construction, operation, maintenance, closure, deCommissioning and subsequent monitoring of the mining waste facilities, the necessary features for preventing such accidents and limiting their negative consequences for human health or the environment, including possible transboundary impacts. The operator's major-accident prevention policy and safety management system must be proportionate to the major-accident hazards presented by the mining waste facility.</p>	Answered in the previous section.	<p>COMPLIANCE WITH ART. 39 OF ROYAL DECREE 975/2009, BY WHICH SAFETY IS INTEGRATED INTO THE GENERAL MANAGEMENT SYSTEM</p> <p>Be prepared by the developer a emergency plan to be prepared by the operator shall have the following objectives: a) to contain and control major accidents and other incidents to minimize their effects, and in particular to limit the damage to health people and the environment. b) Apply the necessary measures to protect the health of people and the environment from the effects of major accidents and other incidents. c) Communicate the necessary information and services to the public or authorities in the area. d) to provide for the rehabilitation and cleaning of the environment following a major accident.</p>

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MS	- identify major-accident hazards,	- incorporate the necessary features into the design, operation and closure of the installation	- limit the adverse consequences for human health and/or the environment.
FI	<p>Mainland Finland: The classification of a waste facility as a major-accident hazard facility is made according to the criteria specified in Annex 2 of the Government Decree on Extractive wastes (379/2008). This Annex sets procedures and limit values that have to be obeyed when classifying a waste facility based on: the hazards related to the structural stability or mismanagement of the facility, and the amount of hazardous waste and/or hazardous chemicals to be deposited into the facility. A declaration on the classification of the waste facility has to be included into waste management plan of the facility. The classification has to be re-evaluated if there are significant changes in the operation of the facility as well as at the time of closure of the facility. The Government Decree on Extractive wastes, Section 5 and Annex 4, stipulates the principles and requirements for drawing up and putting into effect a major-accident prevention policy document, safety management system and an internal emergency plan. According to Annex 4 of the Government Decree on Extractive wastes, the safety management system of the facility has to cover the identification of major accident hazards. It has to verify and put in</p>	<p>The Environmental Protection Act, Section 45 a, requires that the environmental permit authority (AVI Agency) gives in its permit decision necessary stipulations concerning the construction, management, closure and after-care of the waste facility, as well as stipulations on internal emergency plan if the waste facility can cause major-accident hazard. Section 103 b of the Environmental Protection Act requires that the operator of the waste facility has to be aware of the potential major-accident hazard and take care of the design, construction, management, closure and after-care in a manner that prevents major-accident hazards. The risk for major-accident hazard has to be taken into account when establishing major-accident prevention policy document, safety-management system and internal emergency plan. The internal emergency plan has to be re-evaluated at least within every three years, and the supervising regional ELY Centre has to be notified of the revision. The operation of the facility is guided by the safety management system in place. According to Annex 4 of the Government Decree on Extractive</p>	<p>Mainland Finland: The measures to limit the adverse consequences for human health and the environment are included into the safety plans and the permit of the facility. The external emergency plan, which is drawn up by the local rescue department together with the plant operator, defines the measures which allow for the accidents and their consequences to be limited and managed with maximum efficiency (Rescue Act 379/2011, Section 48). The external emergency plan shall, among other things, have stipulations on organizing exercises in order to test the actions that have to be taken in case of a major accident. (Ministry of the Interior Decree concerning External Emergency Plans for Sites Posing a Particular Hazard 406/2011). The Government Decree on Extractive wastes (379/2008), Section 5 and Annex 4, stipulates the principles and requirements for drawing up and putting into effect a major-accident prevention policy document, safety management system and an internal emergency plan. According to the Environmental Protection Act, Section 45a, the environmental permit of the waste facility has to contain stipulations on the internal emergency plan. The internal emergency plan must take into account the accident hazard studies and other studies performed in accordance with the Dam Safety Act (494/2009). The emergency plan has to be updated as necessary to meet the requirements of changed circumstances. The environmental permit also has to contain stipulations how the internal emergency plan has to be updated and how these updates have to be delivered to the supervising</p>

<p>place such procedures that systematically recognize major accident hazards in the normal operation of the facility as well as in circumstances that deviate from the normal operation. The likelihood and severity of such accidents has to be evaluated as part of the safety management system. The Åland Islands: The same procedure as on the mainland, see the answer above. Regulation: the Government Decree on Extractive wastes (2008:108, Section 1).</p>	<p>wastes, the safety management system of the facility has to cover the aspects specified in Annex I (paragraph 1, sub-point 3) of Directive 2006/21/EC. As regards dam safety, the Dam Safety Act (494/2009) and Dam Safety Decree (319/2010) set the general requirements concerning dam design, maintenance and safety measures as well as supervision and monitoring. In a permit application concerning the construction of a dam the owner of the dam must describe sufficiently the dam hazard and its impact on the dam dimensioning and design criteria. The permit authority shall request a statement from the dam safety authority concerning the fulfilment of the dam safety requirements. In the statement the dam safety authority shall, where necessary, present an estimation of the design criteria from the dam safety perspective. The Åland Islands: According to the Government Decree on Extractive wastes (2008:108, Section 3) the environmental permit authority shall submit conditions about design, operations and closure of the installation.</p>	<p>authority (regional ELY Centre). The environmental permit authority (AVI Agency) has to request an expert evaluation of the internal emergency plan from the rescue and dam safety authorities before taking its decision on the permit application. The environmental permit and relevant documents concerning the emergency plan have to be submitted from the permit authority to the rescue and dam safety authorities to ensure coherence in safety planning. In case the internal emergency plan is changed at a further stage the ELY Centre responsible for supervising the facility has to submit the amendments to the rescue and dam safety authorities. The relevant information on the operation of the facility, the potential hazards as well as emergency plans and instructions on necessary precautions and measures have to be submitted to the public. In order to limit the adverse effects to human health and the environment the permit authority has to give necessary stipulations in the environmental permit on: · emissions, emission limit values, the prevention and limitation of emissions and the location of the site of emission · amount of wastes and reduction of their quantity and harmfulness · action to be taken in case of a disturbance or in other exceptional situations · measures to be taken after cessation of operation such as remediation of the area and prevention of emissions · on other measures to prevent, reduce or evaluate pollution, the risk thereof and harm caused by it. When permit regulations are issued, the nature of the activity, the properties of the area where the impact of the activity appears, the impact of the activity on the environment as a whole, the significance of measures intended to prevent pollution of the environment as a whole and the technical and financial feasibility of this action shall be taken into account. Permit regulations concerning emission limit values and the prevention and</p>
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limitation of emissions must be based on the best available technology. Additionally, necessary regulations on the operative monitoring of the activity, and on the monitoring of emissions, the impact of the activity and on monitoring the state of the environment following the cessation of the activity, must be issued as part of the permit. (Environmental Protection Act, Section 43, 46). After the environmental permit is issued the operation of the facility is supervised and monitored regularly by the supervising authority (the regional ELY Centre), in order to ensure that the facility operates in accordance with the permit as well as that no unexpected adverse effects occur. Also the dam safety is monitored regularly. According to the Dam Safety Act and the Dam Safety Decree, the dam owner is obliged to check the condition and safety of major-accident hazard dam at least once a year. Additionally, the owner is obliged to organize a periodic inspection at least every five years and, where necessary, more frequently, to which the dam safety authority and rescue authority has the right to participate. A summary of the dam monitoring data from the past five years and a preliminary assessment of the condition of the dam by an expert who fulfils the competence requirements must be presented to the dam safety authority in good time before the inspection. In the periodic inspection changes in the conditions of the dam and factors which impact on its safety are studied, with due account for the changes in land use and weather and hydrological conditions. If in the periodic inspection it cannot be established with sufficient certainty that the dam fulfils the safety requirements set for it, the owner of the dam must prepare a thorough study of the condition of the dam or its part (condition study). The owner of a dam must notify the written report prepared on the inspection to the dam safety authority. If a major-hazard accident occurs the

		<p>operator has the legal obligation to give immediately the supervising authority and rescue authorities all information that is necessary for minimising the hazards to human health and evaluating and minimising the extent of the already occurred or potential environmental damages. The Åland Islands: The operator should, according to the Government Decree on Extractive wastes (2008:108, Section 5) and the Environmental Protection Act (2008:124 Chapter 6), have safety and emergency plans as well as a safety management system to prevent consequences for human health and/or the environment.</p>
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MS	- identify major-accident hazards,	- incorporate the necessary features into the design, operation and closure of the installation	- limit the adverse consequences for human health and/or the environment.
FR	<p>When applying for a permit, the operator of a mine or quarry must submit a hazards study specifying the direct or indirect risks to persons and the environment that may ensue from the installation. It also defines and justifies the measures required to reduce the probability and impact of such accidents (Articles L.512-1, R.512-6 and R.512-9 of the Environment Code for quarries, Article 6 of Decree No°2006-649 of 2 June 2006 on mining and underground storage operations and the regulations governing mining and underground storage). The operator must in addition carry out an analysis of the risks arising from the waste stockpiles, with a view: - on the one hand, to identifying all risks and assessing the impact of potential failures in his installation; - on the other hand, to determining whether the waste management installation is classified under Category A as laid down in Annex III, first indent, of Directive 2006/21/EC. The risk analysis must therefore take particular note of the risks of a slag-heap collapsing or a dam bursting which could give rise to a major accident (Annex VII of the Decree of 19 April 2010 on extractive industry waste management and Annexe 2 of Decree No°2010-1394 of 12 November 2010 on the requirements for certain mines and for stockpiling inert waste and non-polluted soil resulting from their operation).</p>	<p>A safety management system must be put in place for Category A installations by the operator (Article 7 of the Decree of 19 April 2010 for non-inert mine and quarry waste, Article 11 of the Decree of 22 September 1994 for inert quarry waste, and Article 4(2) of Decree No 2010-1394 for inert mine waste). This system in particular defines: - staff organisation: staff function, role and responsibilities as regards the prevention and handling of major accidents, identifying training needs, etc, ...; - the identification and evaluation of the risks of major accidents, assessing their likelihood and severity; - safe operation and operational control: procedures and instructions for the operation of the installations in optimum safety; - change management: procedures for planning modifications to new waste management installations or for their design; - emergency planning: identification of foreseeable emergencies, elaboration and review of emergency procedures, link with the emergency plan, specific training; - feedback management: detection and notification of accidents and near-misses, organisation of inquiries, remedying failures and taking corrective action; - performance monitoring: assessment of the safety management system, audits and management reviews.</p>	<p>Article R.512-9 of the Environment Code states that the hazards study must clarify, in particular, the nature and organisation of the safety means which the operator has at his disposal or which he has secured in order to minimise the effects of a possible accident. The safety management system described above also helps limit the consequences of a major accident for human health and the environment. In particular, the internal operating plan for Category A non-inert mines and quarry waste (Article 9 of the Decree of 19 April 2010 and Article 11 of the Decree of 22 April 1994) and the emergency plan for Category A inert mine waste installations (Article 4(3) of Decree No 2010-1394) call for organisational measures, intervention methods and the operator's means in place aimed at protecting staff, populations and the environment.</p>

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MS	- identify major-accident hazards,	- incorporate the necessary features into the design, operation and closure of the installation	- limit the adverse consequences for human health and/or the environment.
HU	Operators shall ensure within the framework of the waste management plan that major-accident hazards are identified and that the necessary features are incorporated into the design, construction, operation and maintenance, closure and after-closure of the waste facility in order to prevent such accidents and to limit their adverse consequences for human health and the environment, including any transboundary impacts (Bhr. 5. § (2)). The waste management plan shall include in attachment the declaration of the operator that the major accident prevention plan, the safety system for its implementation, and the internal emergency plan are prepared, and these documents are also attached (Bhr. 4. § (3) aa).	see answer above	see answer above

Part A, Question 2, letter (b) For the Category "A" installations not falling within the scope of Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances (1), please describe the measures taken to:			
MS	- identify major-accident hazards,	- incorporate the necessary features into the design, operation and closure of the installation	- limit the adverse consequences for human health and/or the environment.
IE	<p>The licensee is required to develop a Major Accident Prevention Policy for the management of extractive waste. The Policy shall be consistent with the provisions of Section 1 of Schedule 1 of the Waste Management (Management of Waste from the Extractive Industries) Regulations, 2009 (SI no. 566 of 2009). The licensee is required to appoint a safety manager responsible for implementation and supervision of the Major Accident Prevention Policy. The licensee shall inform the Agency, the Local Authority and the Principal Response Agencies of any changes in the contact details for the safety manager for the site.</p> <p>The licensee is required to develop a Safety Management System to implement the Major Accident Prevention Policy. The Safety Management System shall be consistent with the provisions of Section 1 of Schedule 1 of the Waste Management (Management of Waste from the Extractive Industries) Regulations 2009 (SI no. 566 of 2009).</p> <p>o Risk assessment and identification of hazards at EIS/Application assessment</p>	<p>The licence requires that the above Major Accident Prevention Policy shall ensure that major accident hazards are identified and that the necessary features are incorporated into the design, construction, operation and maintenance, closure and after-closure of the waste facility in order to prevent such accidents and to limit their adverse consequences for either human health or the environment or both.</p> <p>o The following Design features have been in place for many years:</p> <p>§ The embankment walls or dam walls are engineered as water retaining structures, constructed with compacted fill. Installation of internal drainage in the form of 'chimney drains' and 'toe drains' were engineering safety features.</p> <p>§ requirement to place tails in the underground workings as backfill to reduce footprint of TMF Dam walls built to a high engineering standard with a high factor of safety. Hdpe liner installed waste storage facilities in the modern mines (1990s onward).</p> <p>§ Risk assessment based on topography of the area and external embankment put in place to reduce the velocity of a breakout and limit damaged area</p> <p>§ The licences require all basal and side wall containment engineering works proposed must carried out under an</p>	<p>The licensee is required to ensure that the necessary features are incorporated into the design, construction, operation and maintenance, closure and after-closure of the waste facility in order to prevent such accidents and to limit their adverse consequences for either human health or the environment or both.</p> <p>o The licences require internal Emergency Response Procedures to be developed within a short time of the licence issuing. These have been in place for many years.</p> <p>o These Plans will be updated to bring them into compliance with the Extractive Waste Directive.</p> <p>o In addition external emergency plans have been in place for many years and were developed the principal emergency response agencies under a national Major Accident Planning Framework. Local authority provided with risk assessment, maps, drawings, names, contact numbers and address of residents potentially at risk in an emergency breakout situation . Where these plans relate to the location of Category A facility they are currently being updated to bring them in compliance in the Extractive Waste Directive.</p>

<p>stage including</p> <ul style="list-style-type: none"> § geotechnical assessment of the planned waste storage facilities § submittal of a dam failure risk assessments. <ul style="list-style-type: none"> o Risk assessment, identification of hazards and mitigation measures proposed as part of the EPA's requirement for Environmental Liability Risk Assessment Reports. These reports are to be submitted shortly after licence is issued o There is a requirement in the licence to develop an Accident Prevention Policy. The policy must be developed within a short time of the licence issuing. The policy must identify and address hazards on site particularly in relation to the prevention of accidents with a possible impact on the environment and human health. These have been in place for many years at all Category A facilities. o These Policies will be updated to bring them into compliance with the Extractive Waste Directive. 	<p>EPA agreed Construction Quality Assurance Plan (CQA). This plan must comprise the following elements:</p> <ul style="list-style-type: none"> · QA Inspection personnel, roles responsibilities, · QA of the design · QA of the materials supply/manufacturing/testing · QA of placement/installation · QA of covering · QA Documentation , including a final validation report <p>§ All final design elements of the TMF must be certified by an independent 'All Reservoir Panel Engineer' (UK reservoirs Act 1975) or equivalent and submitted to the Agency for agreement prior to construction.</p> <p>§ All developments must have regard to relevant published national Best Available Technology and EU Bref guidance.</p> <p>o Operation:</p> <p>§ The licence requires specific monitoring of certain parameters and features. Perimeter and embankment monitoring of integrity at the TMFs includes the following:</p> <ul style="list-style-type: none"> · Observation boreholes and piezometers in the dam walls for water levels, pH, conductivity, sulphate and 	
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metals to detect seepage

- Assessment of groundwater in vicinity of TMF during and post operation to assess integrity of TMF
- Physical assessments including checks for settlement, movement and other indicator

§ In each of the licences there is a three tiered inspection regime where there is an onus on each tier to carry out inspections but also to review results and trends.

§ The onus in the first instance is on the operator to comply with licence requirements on inspection of the tailings facility (daily, weekly, monthly checks as specified in licence schedules.). Secondly there are annual reporting requirements to the EPA for waste facility safety inspections. This is required to be an independent audit by a qualified dam engineer. The engineer must assess against design, construction and operational parameters of each phase or of the entire structure. The EPA's role is to ensure compliance with these requirements by carrying out physical checks on the facility, cross checks on monitoring systems, inspection of records kept and interviewing personnel. These standards are to ensure that the risk of dam failure or development of serious leaks should be minimised. Any future tailings facilities will have to meet similar standards for safety.

§ In support to this regime there is a structured notification protocol in the case of observations or results which indicate inter alia the following:

- Pollution or damage

- Loss of control of equipment or processes
- Exceedance of licence limits
- Exceedance of internally set trigger value
- In the event of the occurrence of any of the above the company must instigate Incident Response Protocols and, depending on the Category of the incident, must notify the Agency and/or other first response agencies.
- o Closure
 - The EPA has taken the view that a closure and aftercare plan is more than a document – it is a process which is pursued throughout the life of the mine and beyond. The process and licence requirements can be viewed as comprising:
 - Initial Closure Restoration and Aftercare Management Plan (CRAMP)
 - Investigations and monitoring to derive parameters and success criteria needed for final CRAMP
 - Modelling, validation, trials for CRAMP
 - Periodic review - Interim CRAMP(s) or amended CRAMPs
 - Final CRAMP
 - Implementation of Closure and Restoration element

of CRAMP

- Periodic Review
- Validation of Closure and Restoration
- Implementation of an Aftercare Plan
- Periodic review
- In developing the CRAMP a Mine CRAMP must have regard to the EPA Guidance document on 'Environmental Liability Risk Assessment, Residuals Management Plans and Financial Provision'. The licensee must maintain a fund or other approved security that is adequate to assure the EPA that the licensee is at all times financially capable of implementing the CRAMP
- Features include
 - o 1. Progressive rehabilitation works should be implemented during the life of the mine (LOM).
 - o 2. Progressive rehabilitation/restoration plans that eliminate or significantly reduce liabilities associated with tailings impoundments to be provided for at design stage and updated at intervals during the LOM.
 - o 3. Local and regional setting for a given facility e.g. climate, ground conditions etc, to be considered at design stage.
 - o Pozi drains placed on floor of dam above liner to aid dewatering at closure
 - o At closure, dry capping limits the long term liability of storing large quantities of water e.g. if an uncontrolled event took place (damage to wall or overspill)

Part A, Question 2, letter (b) For the Category "A" installations not falling within the scope of Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances (1), please describe the measures taken to:			
MS	- identify major-accident hazards,	- incorporate the necessary features into the design, operation and closure of the installation	- limit the adverse consequences for human health and/or the environment.
IT	Article 6 of Legislative Decree No 117/08 provides that the operator must include the health and safety document drawn up as required by Decree No 624 of 1996 with the information required under Part I of Annex III to the Legislative Decree. The Annex provides that the safety management system should deal with: the organisation of the staff involved in risk management, the identification and evaluation of major hazards, operational supervision, change management, emergency planning, performance monitoring and audit and analysis. The health and safety document must be completed before operations commence and enclosed with the extractive waste management plan.	According to Article 6(2) of Legislative Decree 117/08, the operator must ensure that major-accident hazards are identified and that the necessary measures are incorporated into the design, construction, operation and maintenance, closure and after-closure of the waste facility in order to prevent such accidents and to limit their adverse consequences for human health and the environment, including any transboundary impacts.	Under Article 6(6) of Legislative Decree 117/08, the operator must draw up an internal emergency plan and provide all the necessary information to the competent authority to allow it to draw up the external emergency plan. Where there is a major accident, the operator must adopt the measures laid down in the internal emergency plan and transmit to the competent authority all the information as required in Article 6(15). The competent authority must immediately put in motion all the procedures provided for in the external emergency plan and provide the public concerned with information regarding the accident.
LT	During the reporting period there weren't any Category "A" installations in the Lithuanian mining sector.	During the reporting period there weren't any Category "A" installations in the Lithuanian mining sector.	During the reporting period there weren't any Category "A" installations in the Lithuanian mining sector.
LU	There are no Category "A" installations in Luxembourg.		

Part A, Question 2, letter (b) For the Category "A" installations not falling within the scope of Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances (1), please describe the measures taken to:			
MS	- identify major-accident hazards,	- incorporate the necessary features into the design, operation and closure of the installation	- limit the adverse consequences for human health and/or the environment.
LV	There are no extractive waste facilities on the territory of Latvia. All measures are stated in Regulations of the Cabinet of Ministers Nr. 470 (21 June 2011) "Procedures for the Management of Waste from the Extraction of Mineral Resources".	installation: There are no extractive waste facilities on the territory of Latvia. All measures are stated in Regulations of the Cabinet of Ministers Nr. 470 (21 June 2011) "Procedures for the Management of Waste from the Extraction of Mineral Resources".	There are no extractive waste facilities on the territory of Latvia. All measures are stated in Regulations of the Cabinet of Ministers Nr. 470 (21 June 2011) "Procedures for the Management of Waste from the Extraction of Mineral Resources".
MT	N/A. Although no Category A installations exist in Malta, Regulation 8 of The Waste Management (Management of waste from extractive industries and backfilling) Regulations (LN22/09, as amended) provides measures to be followed in major accidents hazard from such facilities.	N/A. Although no Category A installations exist in Malta, Regulations 11 and 12 of The Waste Management (Management of waste from extractive industries and backfilling) Regulations (LN22/09, as amended) provides measures to be followed in the construction and management in a Category A installation and closure and after closure procedures respectively.	N/A. Although no Category A installations exist in Malta, Regulation 13 of The Waste Management (Management of waste from extractive industries and backfilling) Regulations (LN22/09, as amended) provides measures to limit the adverse consequences for human health and/or the environment.

Part A, Question 2, letter (b) For the Category "A" installations not falling within the scope of Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances (1), please describe the measures taken to:			
MS	- identify major-accident hazards,	- incorporate the necessary features into the design, operation and closure of the installation	- limit the adverse consequences for human health and/or the environment.
NL	<p>Persons operating or wishing to operate such waste facilities must meet a number of requirements to prevent major accidents and, where such accidents do occur, limit the impact on public health and the environment as far as possible. To that end, operators of waste facilities must: – draw up and implement a major-accident prevention policy, – draw up an internal emergency plan on the basis of which they are able to take measures immediately in the event of such an accident to prevent or limit adverse effects on public health and the environment as far as possible, and – appoint a safety manager. The documents referred to above are part of the extractive waste management plan (Article 3 of the Extractive Waste Management Decree – Besluit beheer winningsafval) and must be submitted together with applications for approval. Under the Facility Contingency Plans Decree (Besluit rampbestrijdingsplannen inrichtingen), Category A waste facilities must provide the mayor and municipal executive and the fire service with the information they require to properly perform their duties in preparing for and responding to disasters and major accidents. On the basis of that Decree, the mayor must draw up a contingency plan for disasters and major accidents in waste facilities.</p>	<p>Article 8 of the Extractive Waste Management Decree sets out the specific provisions to be complied with in order to obtain a permit. In addition, the Environmental Management Act (wet milieubeheer) and the Environmental Law Regulation (regeling omgevingsrecht – Article 4.10) lay down general rules with which 'all facilities' must comply.</p>	<p>This aspect is governed by Article 4.10 of the Environmental Law Regulation.</p>

Part A, Question 2, letter (b) For the Category "A" installations not falling within the scope of Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances (1), please describe the measures taken to:

MS	- identify major-accident hazards,	- incorporate the necessary features into the design, operation and closure of the installation	- limit the adverse consequences for human health and/or the environment.
PL	<p>Pursuant to Article 36(2) of the Act on extractive waste, before starting to deposit extractive waste at a Category A waste facility, an extractive waste holder who is an operator of a Category A waste facility must prepare an internal emergency plan in case of a major accident and must introduce a safety management system by implementing a policy for preventing major accidents. The safety management system has been specified in Annex 1 to the Act on extractive waste. In order to introduce a safety management system implementing the policy for preventing major accidents, the following elements should be taken into account: 1) the policy for preventing major accidents, which should cover general objectives and procedures of the waste holder who is an operator of the Category A waste facility with respect to controlling the risk of major accidents, 2) the safety management system, which should cover a part of the general management system, which includes an organisational structure, the scope of responsibility, practices, procedures, processes and resources necessary to determine and implement the policy for preventing major accidents. On the other hand, pursuant to Article 37(1) of the Act on extractive waste, the Provincial Chief of State Fire Service competent for a Category A waste facility must prepare an external emergency plan, specifying means to be applied in the case of a major accident outside the location where activity is conducted. Pursuant to Article 36(6) of the Act on extractive waste, the extractive waste holder who is an operator of a Category A waste facility must employ a safety manager who is responsible for implementation of the policy for preventing major accidents and the internal emergency plan, as well as carrying out resulting tasks and duties. Pursuant to Article 36(5) of the Act on extractive waste, the provision of Article 264 of the Environmental Protection Law of 27 April 2001 (Journal of Laws of 2008 No 25, item 150 as amended) applies to extractive waste holders operating a Category A waste facility in the event of a major accident. The above-mentioned Article stipulates that in the case of an accident, the operator of an increased-risk or high-risk plant is obliged to: 1) immediately notify the relevant unit of the State Fire Service and the Provincial Inspector for Environmental Protection about this fact, 2) immediately inform the authorities referred to in point (1) about the following: a) circumstances in which the accident occurred, b) dangerous substances related to the accident, c) facts allowing for assessment of the accident's consequences for people and the environment, d) taken rescue measures, as well as measures aimed at limiting the accident's consequences and preventing its reoccurrence. 3) continuous update of the information referred to in point (2), depending on the situation development. The objectives of the internal emergency plan, as well as the external emergency plan include: 1) preventing and controlling major accidents and other hazardous incidents so as to mitigate their effects and, in particular, limit the adverse consequences for health and life of people and for the environment, 2) introducing measures necessary to protect health and life of people and the environment from the consequences of major accidents and other hazardous incidents, 3) providing any necessary information to the public, as well as competent services and authorities, 4) taking up measures and actions aimed at restricting the impact on the environment or restoring the environment to appropriate condition. According to Article 38(1), the competent Provincial Chief of the State Fire Service must prepare information about safety measures and about actions taken in the event of a major accident. Moreover, pursuant to Article 38(4) of the Act on extractive waste, the competent Provincial Chief of State Fire Service is obliged to analyse the external emergency plan at least once every 3 years in order to update it while taking into account, in particular, changes introduced in the technological processes of Category A waste facilities. According to Article 46(1) of the Act on extractive waste, the operator of a waste facility who fails to fulfil obligations regarding: 1) verifying compliance of the accepted extractive waste with the data included in the waste delivery chart, 2) maintenance and use of the waste facility in a manner ensuring correct operation of the facility's</p>		

	technical equipment and observance of sanitary, OSH, fire protection and environmental protection requirements, 3) refusal to accept extractive waste to a waste facility whose contents are incoherent with the waste documentation or the permit, - is liable for a fine in the amount of PLN 100 000 or arrest.		
PT	The measures to identify major-accident hazards are described in articles 15, 16 and 17 on the National Law-Decree No. 10/2010 of February 4.	The procedures are described in articles 11, 12 and 13 on the National Law-Decree No. 10/2010 of February 4.	An adequate monitoring plan and a periodic inspections plan performed by the operator and an Independent Auditor.

Part A, Question 2, letter (b) For the Category "A" installations not falling within the scope of Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances (1), please describe the measures taken to:			
MS	- identify major-accident hazards,	- incorporate the necessary features into the design, operation and closure of the installation	- limit the adverse consequences for human health and/or the environment.
RO	<p>During the regulatory process for new facilities the project classification procedure is also covered, in accordance with the provisions of Chapter II (Environmental Impact Assessment – procedural steps) of Order No 135/76/84/1284 of 2010 regarding the approval of the implementing methodology for the environmental impact assessment for public and private projects[11]. Existing facilities shall be subject to the regulations in force, in accordance with the provisions of Emergency Order No 244/2000 concerning dam safety[12], as subsequently amended and supplemented. Pursuant to Chapter 4 (Major accident prevention and information) of Government Decision No 856/2008, the mine operator holding a waste management facility classified in the "A" Category, but not covered by Government Decision No 804/2007 concerning the control of major accident hazards involving dangerous substances[13], as subsequently amended and supplemented, before Commencing the operation it shall be required to: - develop a plan to prevent major accidents for extractive waste management; - put in place a safety management system to implement the major accident prevention plan for extractive waste management, to be carried out in</p>	<p>- Pursuant to Article 35 of Government Decision No 856/2008, in building a new waste facility or modifying an existing waste facility, the operator shall be required to ensure, under the laws in force, that: - the waste facility is suitably located, taking into account the national and Community obligations regarding the protected areas, the geological, hydrological, hydrogeological, seismic and geotechnical factors and is designed so as to meet the necessary short and long-term conditions for preventing pollution of the soil, air, groundwater or surface water, and ensure efficient collection of contaminated water and leachate as required under the permit/integrated environmental permit, and reduce erosion caused by water or wind as far as technically possible and economically viable; - the waste facility is suitably built, managed and maintained to ensure physical stability and prevent pollution or contamination of soil, air, surface water or groundwater in the short and long-term, as well as minimise damage to landscape as far as possible; - there are suitable plans and arrangements for regular monitoring and inspection of the waste facility by competent persons and for taking action in the event of results indicating instability or water or soil contamination; - suitable arrangements are made for the rehabilitation of the land and the closure of the waste facility; - suitable arrangements are made for the after-closure phase of the waste facility. Chapter V (Request and issuance of the permit) of</p>	<p>Chapter XI (Prevention of water quality deterioration, air and soil pollution) of Government Decision No 856/2008 establishes the conditions to be met by the operator of a waste management installation. Thus, MMP, through the local environmental protection authorities through the permit/integrated environmental permit shall ensure that: - the operator takes the necessary measures to prevent water deterioration (Article 44); - prevention or reduction of dust and gas emissions (Article 45); - the extractive waste, whether in solid, slurry or liquid form, shall not be disposed of into any receiving body of water other than the one built for the purpose of disposing that extractive waste, unless the operator ensures compliance with the relevant requirements of Water Law No 107/1996[14], as subsequently amended and supplemented, and Government Decision No 351/2005 on the approval of the phasing out of discharges, emissions and losses of priority hazardous substances[15], as subsequently amended and supplemented. - if the extractive waste is relocated within excavation voids created either by surface or underground exploitation, which can be flooded after closure, the operator must take the necessary measures to prevent or reduce water contamination and soil pollution in accordance with Articles 44 and 46 of</p>

<p>accordance with the provisions of Annex I (Major accident prevention plan and the information to be Communicated to the public concerned) of Government Decision No 856/2008; - put in place an internal emergency plan including the measures to be taken on-site in case of accident. The county inspectorates for emergency situations shall draw up an external emergency plan, specifying the measures to be taken off-site in case of accident. The documentation through which the operator requests the non-IPPC/IPPC permit must contain the necessary information for the county inspectorates for emergency situations to draw up the external emergency plan.</p>	<p>Government Decision No 856/2008 sets out the conditions that an operator must comply with in order for the waste facility may operate. Also, the waste management plan must include, inter alia, according to Joint Order No 2042/2934/180 of 2010: - all data related to technical construction parameters of the installation, - a description of the process of extraction, preparation/processing of waste-generating mineral resources - a characterization of waste and of waste quantities generated; - the storage and treatment methods of waste; - the waste transport system; - the situation of the lands to be affected by the landfill; - measures to prevent/mitigate the impact on environmental factors; - the closure plan and after-closure procedures with aspects regarding the closure objectives, rehabilitation planning, after-closure monitoring, as well as other relevant data.</p>	<p>Government Decision No 856/2008 and is required to provide MMP, through the territorial environmental protection authorities, with the information necessary to ensure the compliance with the environmental requirements and in particular with those stipulated in Water Law No 107/1996, as subsequently amended and supplemented (Article 48). Moreover, if an operator has a tailings pond involving the presence of cyanide, the operator shall ensure that the concentration of weak acid dissociable cyanide in the pond is reduced to the lowest possible level using best available techniques, in accordance with Article 49(2) and (3) "(2) At the waste facilities stipulated under paragraph (1), which have previously been granted a permit/integrated environmental permit or have already been in operation on 1 May 2008, the concentration of weak acid dissociable cyanide at the point of discharge of the tailings from the processing plant into the pond must not exceed: a) 50 ppm starting 1 May 2008; b) 25 ppm starting 1 May 2013; c) 10 ppm starting 1 May 2018. (3) At the waste facilities referred to under paragraph (1), which are granted a permit/integrated environmental permit after 1 May 2008, the concentration of weak acid dissociable cyanide at the point of discharge of the tailings from the processing plant into the pond must not exceed 10 ppm." The waste management plan also requires highlighting the measures for preventing or mitigating the environmental impact and identifying accident hazards as specified in Annex 2 (The Normative</p>
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of the Management Plan of Waste from Extractive Industries) of Order No 2042/2934/180 of 2010. In Romania the waste management facilities covered by Government Decision No 856/2008 shall be subject to the authorization procedure in terms of environmental protection, either as IPPC installations or as non-IPPC installations, which requires compliance with the relevant regulations in force: - Government Emergency Order No 152/2005, as subsequently amended and supplemented, for IPPC installations; - Order No 1798/2007, as subsequently amended and supplemented, for non-IPPC installations. The drawing up of external emergency plans by county inspectorates for emergency situations, as provided by Article 16 of Government Decision No 856/2008 shall have a major role in limiting the adverse consequences on human health and/or the environment.

Part A, Question 2, letter (b) For the Category "A" installations not falling within the scope of Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances (1), please describe the measures taken to:			
MS	- identify major-accident hazards,	- incorporate the necessary features into the design, operation and closure of the installation	- limit the adverse consequences for human health and/or the environment.
SE	These provisions are mainly laid down in the Ordinance on extractive waste. The Swedish Association of Mines, Mineral and Metal Producers (SveMin) has issued the 2010 version of the "Mining Industry guidelines for dam safety" [Gruvindustrins riktlinjer för dammsäkerhet] incorporating the provisions of the Ordinance on extractive waste. As far as the Swedish Civil Contingencies Agency is aware, all companies in the sector adhere to these guidelines. In other respects it is the relevant supervisory authority under the Environmental Code (1998:808) which monitors compliance with obligations under the Ordinance on extractive waste.	see above	see above
SI	An installation operator shall have a protection and relief plan in place.	All aspects shall be verified at the time of issuing an environmental permit.	The extractive waste management plan shall identify the necessary measures.

Part A, Question 2, letter (b) For the Category "A" installations not falling within the scope of Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances (1), please describe the measures taken to:			
MS	- identify major-accident hazards,	- incorporate the necessary features into the design, operation and closure of the installation	- limit the adverse consequences for human health and/or the environment.
SK	<p>(2) An operator of a Category "A" storage site is required to ensure assessment of the risk of a major accident (hereinafter "risk assessment") and ensure that requirements essential for the prevention of such accidents and limiting their adverse consequences for human health and the environment, including any transboundary impacts, are incorporated into the design, construction, operation and maintenance, closure and after-closure of the Category "A" storage site. (3) The risk assessment shall include particularly a) an identification of hazards and sources of risk that could cause a major accident, b) a quantification of the likelihood or frequency of occurrence of major-accident hazards, c) an assessment of the scope and seriousness of the consequences of major-accident hazards, d) definition of the risk for human health and the environment, e) assessment of the acceptability of the risk. (4) To satisfy the requirements laid down in (2), before starting operations of a Category "A" storage site, the operator of the storage site is required to a) draft and subsequently supplement a major-accident prevention plan for extractive waste management including the operator's overall aims and principles of action with respect to the prevention of major-accident hazards, b)</p>	<p>Measures adopted to incorporate the necessary features into the design, operation and closure of the installation are laid down in Section 6 (2) and (4) of Act No 514/2008 (see the response to the previous point).</p>	<p>Measures adopted to limit adverse consequences for human health and/or the environment are laid down in Section 6 (5) to (6) of Act No 514/2008: (5) An operator of a Category "A" storage site is required to inform the affected public in the local manner, and if required, repeatedly, about the character of operation of the given storage site, the possible risks and measures to reduce them, and the instructions for the public who could be affected by the consequences of an event pursuant to (11) (a) in the case of a major accident. The information must include the data referred to in Annex 3 to this Act. The operator shall send this information to the municipality that could be affected by the consequences of the major accident. (6) An operator of a Category "A" storage site is required to update the data pursuant to (5) if required and publish them in updated form at least once every three years. The operator is required to do this with each major change in conditions under which the information is drawn up and published.</p>

<p>introduce and subsequently supplement a safety management system pursuant to Annex 2 to this Act, c) appoint a natural person who has the technical knowledge and experience in the area of extractive waste management (hereinafter "professionally qualified person") to perform regular control of fulfilment of the plan pursuant to (a), d) draft and subsequently supplement an internal emergency plan; the principal basis for the plan is the results of the risk assessment pursuant to (3). The safety management system (Annex 2 to Act No 514/2008) concerning the Category "A" storage site is part of the operator's overall management system; it shall include measures and appropriate resources, structures and management procedures for specification and implementation of the major-accident prevention policy, in these areas: 1. The operator's organisation structure and the employees required. 2. Identification and assessment of hazards as sources of risk of major accidents. 3. Management of operations. 4. Management of changes. 5. Emergency planning. 6. Monitoring of fulfilment. 7. Audit and inspection.</p>		
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Part A, Question 2, letter (b) For the Category "A" installations not falling within the scope of Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances (1), please describe the measures taken to:			
MS	- identify major-accident hazards,	- incorporate the necessary features into the design, operation and closure of the installation	- limit the adverse consequences for human health and/or the environment.
UK	<p>England and Wales Direction has been taken from the Directive and Commission Decision on the identification of major accident hazards. The Environment Agency has clarified the interpretation within the context of the considerable extant legislation on mining and quarrying activities requiring assessment and management of all foreseeable risks, thereby affording environmental protection. The extant regulation does not remove the source of the hazard, but it does everything possible to manage the predicted consequences such that the pathway to human receptors is removed. Applicants are required to identify all major accident hazards in their permit application. Pathways to environmental receptors must be identified and assessed.</p> <p>Guidance link: http://www.environment-agency.gov.uk/static/documents/Business/614_MiningWaste_TGN.pdf. Scotland Scottish Government Guidance on Category A waste facilities http://www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Policy/themes/minerals/CatAWaste alerts operators to identifying major accident hazards, compliance with quarries legislation and notification to the Health and Safety Executive. Northern Ireland Northern Ireland hasn't identified any Category A facilities.</p>	<p>England and Wales Applicants are required to identify how the facility will be designed, operated and closed, within their waste management plan as part of their permit application. These will be assessed by the Environment Agency, in determination of the environmental permit.</p> <p>http://www.environment-agency.gov.uk/static/documents/Business/614_MiningWaste_TGN.pdf. Scotland Applicants are required to identify how the facility will be designed, operated and closed, within their waste management plan as part of the submission of a planning application; informed by Scottish Government Guidance on Category A waste facilities http://www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Policy/themes/minerals/CatAWaste. Northern Ireland Not applicable.</p>	<p>England and Wales No Category "A" installations permitted within the questionnaire timescale to be able to respond on actual measures to be employed. As mentioned above technical guidance is available to assist preparation of permit applications. Scotland The information required in the submission of a waste management plan includes a requirement for a description of the effects and mitigation on environment and human health. Northern Ireland Not applicable.</p>

Annex III – Complete responses to main provision 2

Part A, Question 4: Public participation, transboundary effects (c) For Category “A” installations, and in case of major accident, what are the practical arrangements taken to ensure that:			
MS	— required information is transmitted immediately by the operator to the competent authority,	— information on safety measures and on action required is provided to the public? and,	— information provided by the operator is forwarded to the other Member State in case of installation with a potential transboundary impact?
AT	<i>German response - waiting for the English translation to be provided by the Commission</i>	<i>German response - waiting for the English translation to be provided by the Commission</i>	<i>German response - waiting for the English translation to be provided by the Commission</i>
BE	Flemish Region: This is implemented in art. 5.2.6.3, §4 of VLAREM II. Walloon Region: Article 10 of AGW 27 May 2009 “Sectorial and general conditions for mining waste management facilities” states that in the case of a major accident, the operator has to supply the competent authority with all the information allowing the prevention or the minimization of the damages to human health and the environment. Moreover, Article 21 of the Cooperation agreement relating to the management of hazards linked to major accidents requires that in case of accidents, the operator has to immediately inform the coordination and crisis centre in charge of informing the competent federal Minister, the regional Minister of the Environment, and the competent coordination and inspection departments.		Flemish Region: This requirement was implemented in art. 2.12.0.3.61 of VLAREM II. Walloon Region: In Article 21 of the Cooperation agreement relating to the management of hazards linked to major accidents, the coordination and crisis centre is entrusted to inform the competent authority of the countries (regions) where potential transboundary impacts are expected.

Part A, Question 4: Public participation, transboundary effects			
(c) For Category “A” installations, and in case of major accident, what are the practical arrangements taken to ensure that:			
MS	— required information is transmitted immediately by the operator to the competent authority,	— information on safety measures and on action required is provided to the public? and,	— information provided by the operator is forwarded to the other Member State in case of installation with a potential transboundary impact?
BG	Under Article 22(c)(5) of the Law on Ore and Mineral Resources, the operator shall, without undue delay and in any event not later than 48 hours thereafter, notify the competent authority of any events likely to affect the stability of the waste facility, human health or the environment, which they shall also do in writing within 48 hours after the event has occurred. If the event is an accident and if it is in a facility containing hazardous substances, the operator shall also notify immediately the chair of the district security council, under Article 116(1) of the Environmental Protection Act. In practice, in case of an accident, the operator shall also notify, in addition to the Minister for Economy, Energy and Tourism, the 'Fire Safety and Rescue' Directorate General of the Ministry of Interior, the respective regional inspection of environment and waters and the mayor of the respective municipality.	The safety measures and actions required in case of an accident are prescribed in the Emergency Plans. Copies of the emergency plans for the facility and the mining site shall be submitted to the mayor of the respective municipality. They are taken into account in the preparation of external emergency plans (which is the obligation of the mayor of the respective municipality in the framework of the municipal disaster protection plan under the Disaster Protection Act).	Under Article 116(i) of the Environmental Protection Act, the Minister for the Environment and Water shall notify the potentially affected parties, whenever there is a hazard of a major accident with transboundary impact in a facility with high risk potential. The presence of such risk potential is established in the course of the environmental impact assessment procedure of the investment project, which any project for prospecting or extraction and primary treatment is subject to, under the requirements of the Environmental Protection Act.

Part A, Question 4: Public participation, transboundary effects (c) For Category “A” installations, and in case of major accident, what are the practical arrangements taken to ensure that:			
MS	— required information is transmitted immediately by the operator to the competent authority,	— information on safety measures and on action required is provided to the public? and,	— information provided by the operator is forwarded to the other Member State in case of installation with a potential transboundary impact?
CY	The Category A forward all the information provided to the other Member State and allows the same time limits and procedures above, to the public of the other Member State. Relevant provision is included in the internal emergency plans of the installation.	<p>The Category A forward all the information provided to the other Member State and allows the same time limits and procedures above, to the public of the other Member State.</p> <p>Safety measures and action: Yes, when it is necessary.</p> <p>The competent authority is in the process of inviting tenders for the preparation of external emergency plans for each installation that has been categorized as “A”. The plans are expected to be ready first quarter of 2013. All necessary safety measures and actions that would be required according to these plans will be published followed by educational workshops.</p>	Not applicable.

Part A, Question 4: Public participation, transboundary effects			
(c) For Category “A” installations, and in case of major accident, what are the practical arrangements taken to ensure that:			
MS	— required information is transmitted immediately by the operator to the competent authority,	— information on safety measures and on action required is provided to the public? and,	— information provided by the operator is forwarded to the other Member State in case of installation with a potential transboundary impact?
CZ	The operator shall, without undue delay and no later than 48 hours notify the competent District Mining Authority (in case of tailings ponds also to the competent water management authority, of any events likely to affect the stability of the waste facility, and any significant adverse environmental effects revealed by the control or monitoring procedure. The operator, shall implement the internal emergency plan, where applicable, and notify without undue delay the emergence of such an event other authorities referred to in the emergency plan.	(2)According to Art. 14 par. 5 Regional Authority shall ensure that there are public available information on safety measures and action required in the event of a serious accident, and a) the data pursuant to Art. 37 of the Code of administrative procedure and the data on the location of the waste facility, b) the designated person providing information according to the position held, c) Communication of that operation of the waste facility is subject to this Act and legislation issued on the basis of, and that the competent authority report has been made on the evaluation of risks, d) simple and clear explanation of the activity or activities carried out on the waste facility, e) the names and the danger classification of the substances and preparations used in the waste facility and waste, which could lead to a serious accident, f) general information relating to the nature of the risk of major accidents, including their potential effects on the surrounding population and environment, g) information on how the surrounding population will have to be warned and kept informed in the event of a major accident, h) adequate information on the actions the population concerned should take, and on the behaviour in the event of major accidents, i) confirmation that the operator is required to make adequate arrangements on site, in particular liaison with the emergency services, to deal with the major accidents and to minimise their effects, j) information about that at the time of the control of major accident it is necessary to follow the orders of the head of the liquidation of the accident and emergency services instructions or Commands, k) details of where further relevant information can be obtained.	According to Art.15 (2) of the Act, in the event of a major accident relating to the management of extractive waste in the Czech Republic to be danger to the neighbouring Member States, the Czech Mining Authority shall transmit information without undue delay to the competent authority of that Member State, to take the necessary measures and contribute to minimise the consequences of a serious accident for human health and to assess and minimise the extent of the actual or potential environmental damage.

Part A, Question 4: Public participation, transboundary effects (c) For Category “A” installations, and in case of major accident, what are the practical arrangements taken to ensure that:			
MS	— required information is transmitted immediately by the operator to the competent authority,	— information on safety measures and on action required is provided to the public? and,	— information provided by the operator is forwarded to the other Member State in case of installation with a potential transboundary impact?
DE	For extractive undertakings not governed by mining law, under the fourth sentence of Section 3 GewinnungsAbfV in conjunction with Section 13(4), operators must inform the competent authority without delay of, inter alia, ‘major accidents’ as referred to in the question. For extractive undertakings governed by mining law, please see the answer to question 4(a) and (b)).	For extractive undertakings not governed by mining law, the German states’ regulations on civil protection include provisions on informing the public of safety precautions and necessary measures in the event of major accidents. For extractive undertakings governed by mining law, please see the answer to question 4(a) and (b)).	Please see the answer to question 4(b), last paragraph. Further practical precautions are not necessary because in the case of extractive undertakings not governed by mining law there are no Category A facilities in Germany. For extractive undertakings governed by mining law, please see the answer to question 4(a) and (b)).
DK	Regulations and administrative provisions necessary to comply with this Directive has not yet been established and brought into force, therefore no practical arrangements have yet been made to ensure that required information is transmitted immediately by the operator to the competent authority.	Regulations and administrative provisions necessary to comply with this Directive has not yet been established and brought into force, therefore no practical arrangements have yet been made to ensure that information on safety measures and on action required is provided to the public.	Regulations and administrative provisions necessary to comply with this Directive has not yet been established and brought into force, therefore no practical arrangements have yet been made to ensure that information provided by the operator is forwarded to the other Member State in case of installation with a potential transboundary impact.
EE	Waste Act § 276 (4) says that operator must send immediately all nessecary information to local Regional Rescue Service to minimaze negative impact from the accident to humans.	Waste Act § 276 and also Emergency Act stipulate provisions of Informing of Emergencies and Duties of Possessors of Media	Waste Act § 276 (5) set obligation to local Regional Rescue Service to forward the nessecary information.

Part A, Question 4: Public participation, transboundary effects (c) For Category “A” installations, and in case of major accident, what are the practical arrangements taken to ensure that:			
MS	— required information is transmitted immediately by the operator to the competent authority,	— information on safety measures and on action required is provided to the public? and,	— information provided by the operator is forwarded to the other Member State in case of installation with a potential transboundary impact?
EL	-For Category “A” installations, and according to the permit requirements, in the event of an accident, operators are required to provide the competent authorities with all the relevant information necessary to a) minimise the consequences for human health and b) mitigate actual or potential environmental damage. (article 10(D) of JMD 39624/2209/E103/2009).	-External emergency plans, among others, contain information on safety measures and required actions, in the event of an accident. Among others, they contain information about warning and informing the public in surrounding areas, in case of major accidents. They also contain information regarding necessary measures to be taken and ways to behave in the event of an accident. (Annex I article 7(2),8 JMD 39624/2209/E103/2009).	-If the facility has transboundary impacts, all relative information is immediately forwarded to the concerned Member States (article 17(3) of JMD 39624/2209/E103/2009).
ES	This is required by Royal Decree 975/2009 in the following articles: Article 39. Internal emergency plan. 2. In the event of a major accident, the operator shall immediately provide the competent authority with all the information necessary to help minimise the consequences for human health and to assess and minimise the actual or potential extent of environmental damage. Article 40. External emergency plan. 2. In the event of a major accident, the operator shall immediately provide the competent authority with all the information necessary to help minimise the consequences for human health and to assess and minimise the actual or potential extent of environmental damage.	This is required by Royal Decree 975/2009 in the following articles: Article 39. Internal emergency plan. 1. The internal emergency plan to be developed by the operator shall have the following objectives: c) To Communicate the necessary information to the public and to the relevant services or authorities in the area. Article 40. External emergency plan. 3. The objectives of the external emergency plan shall be: c) To Communicate the necessary information to the public and to the relevant services or authorities in the area.	Article 6.9 of Royal Decree 975/2009: Within the framework of its bilateral relations, Spain, through the Ministry of Foreign Affairs and Cooperation, shall ensure that, in the circumstances mentioned in Article 45, applications are also made accessible for a suitable period to the interested public of the potentially affected Member State so that it may participate in the process of drafting the plan before the competent authority issues the relevant decision. In case of a serious accident the operator shall promptly provide the competent authority with all the information needed to help minimize the consequences for the health of individuals and to assess and

			minimize the magnitude, real or potential damage environment.
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Part A, Question 4: Public participation, transboundary effects (c) For Category “A” installations, and in case of major accident, what are the practical arrangements taken to ensure that:			
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FI	<p>According to the Section 30 of the Environmental Protection Decree, the operator shall immediately notify the supervisory authority of any operational changes, or of any events which have taken place which are not a normal part of the activities covered by the permit and any accidents which have occurred if these events or accidents can have an impact on the environment or implications for compliance with the permit. In Government Decree on Extractive Wastes (379/2008), sections 11 and 14, there is set a more specific obligation for extractive waste facility operators to notify the authorities in case of any event likely to affect the stability of the waste facility or pose a threat of environmental pollution. The environmental permits of the Category A facilities include the obligation to notify the competent authority of any exceptional incidents related to the operation of the waste facility. Facilities have drawn up their own detailed plans for notification system with named contact persons. The regional ELY Centres responsible for supervision do regular inspections to the facilities and as part of the inspections the operators are reminded of their notification obligation. The Åland Islands: See answer above. The Environmental Protection Act (2008:124, Section 8) and the Government Decree on Extractive waste (2008:108)</p>	<p>The local rescue departments have the general obligation to warn the public and disseminate information concerning the necessary actions to be taken by the public due to an accident. The Command of rescue operations rests with rescue authorities. The facility specific arrangements for dissemination of information to the public in case of a major accident are defined in the external emergency plan of the Category A facility. The plan is drawn up by the local rescue department in co-operation with the plant operator. According to the supervising regional ELY Centres, also the facilities have made plans for dissemination of information to the public in case of exceptional events. Additionally, the regional ELY Centres can also have their own information dissemination plans. The Åland Islands: See answer above.</p>	<p>According to the regional ELY Centres, at the moment there are no such Category A waste facilities in mainland Finland that might have transboundary impacts. The Åland Islands: There are no Category A waste facilities in the Åland Islands.</p>

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FR	<p>According to Article 5 of Decree No°2005-1158 of 13 September 2005, the special intervention plan includes: '4. Measures to be taken by the operator for the immediate release of the alert to the competent authorities and information on the situation and its evolution, and, where appropriate, the provision by the State of a command post at or close to the site'. In addition, for quarries, Article R.512-69 of the Environment Code states that the operator of an installation must declare as soon as possible, to the classified installations inspection agency, the accidents or incidents resulting from the functioning of that installation which could jeopardise human health or the environment. An accident report or, should the agency request this, an incident report will be sent by the operator to the agency. This report specifies in particular the circumstances and causes of the accident or incident, its impact on persons and the environment, and the measures taken or planned to avoid a similar accident or incident and to mitigate the medium or long-term effects. For mines, Article 29 of Decree No°2006-649 states that all facts, incidents or accidents likely to jeopardise the interests listed in Article L.161-1 of the Mining Code must be immediately reported by the operator to the prefect, the Regional Director for the Environment, Planning and Housing, and, if public security is at risk and there is imminent danger, to the mayors.</p>	<p>According to Article 5 of Decree No 2005-1158 of 13 September 2005, the special intervention plan includes: '5. Measures to be taken by the operator concerning neighbouring populations and specifically, in case of immediate danger, emergency measures it must undertake prior to the intervention of the police authority and on its behalf, in particular: a) alerting neighbouring populations; b) interrupting traffic on transport infrastructures and evacuating people from the vicinity of the site; c) interrupting public networks water supplies near the site'.</p>	<p>According to Article 5 the special intervention plan also includes: '7. Alerting and informing the authorities of a neighbouring country'.</p>

Part A, Question 4: Public participation, transboundary effects			
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HU	According to Bhr. 5. § (6), in the event of a major accident, the operator immediately provides the mining authority with all the information required to help minimize its consequences for human health and to assess and minimize the extent - actual or potential - of the environmental damage. In case of a major accident affecting an area beyond the waste facility site, the information provided by the operator should cover the followings: a) the circumstances of the major accident, b) hazardous substances involved in major accident, c) the information required for the assessment of the impacts on the population and the environment and d) the information relating to the measures taken.	According to Bhr. 5. § (13), the mining authority shall ensure that the information on safety measures relating to possible major accidents, containing at least the elements listed in Section 2 of Annex 3, is provided, free of charge to the public concerned.	According to 35. § of the Vhr.: “(15) In the event of an accident related to a mining waste facility indicated in paragraph (13) the operator shall provide the emergency service and the mining authority with the information necessary to the minimization of the impacts on human health, to the assessment of the extent of the – actual and potential – environmental damage and to the minimization thereof. The mining authority shall forward this information to the minister in charge of mining affairs, who immediately forwards it to the Member States of the European Union.”

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IE	A condition will be inserted into each licence for Category A facilities which will require the operator to carry out the following: ‘In the event of a major accident, the licensee shall immediately, or as soon as practicable, notify: 1. the Agency by telephone and email, if available, to the Agency’s Headquarters in Wexford, or to such other Agency office as may be specified by the Agency; 2. the Principal Response Agencies and the Local Authority.’	As the Local Authority is responsible for preparation of external emergency plans, the provision of such information to the public is the responsibility of the local authority. Direction on this matter has been provided in a Local Authority Guidance Note. Each relevant Local Authority is being advised to issue an information leaflet to public who live in the vicinity of a Category A waste facility. The information leaflet will contain the information required by Annex 1(2) of the Directive.	No such facilities exist in Ireland.
IT	Article 6(15) of Legislative Decree 117/08 provides that, in case of accident, the operator must adopt the measures provided for in the internal emergency plan and transmit to the competent authority all the information necessary as soon as it becomes aware of the accident.	Information on the safety measures to adopt and on action required in the event of an accident, provided for in the external emergency plan, contains at least the elements set out in Part 2 of Annex III to Legislative Decree 117/08 and is to be provided by the competent authority to the public concerned.	In the case of an accident the competent authority must transmit the information to the Ministry of Foreign Affairs which forwards it to the Member State concerned (Article 16(3)).
LT	The measures for required information transmission provided for in the Description of the procedures for the Management of Mining Waste approved by Minister's of Environment order No D1-922 at November 16, 2010, annex 1, Requirements for teh Major Accident Prevention Policy.	The meadures provided in the Description of the Procedures for the Management of Mining Waste approved by Minister's of Environment order No D1-922 at November 16, 2010, annex 2 List of the Information provided to the Public.	The measures provided for in accordance with the Description of the Procedures for the Management of Mining Waste approved by Minister's of Environment order No D1-922 at November 16, 2010, annex 7, Authorization on Integrated Pollution Prevention and Control.

Part A, Question 4: Public participation, transboundary effects (c) For Category “A” installations, and in case of major accident, what are the practical arrangements taken to ensure that:			
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LU	Luxembourg has no Category "A" installation.		
LV	<p>These requirements are stated in Regulations of the Cabinet of Ministers Nr. 470 (21 June 2011) “Procedures for the Management of Waste from the Extraction of Mineral Resources” Paragraph 74.</p> <p>Implementation Questionnaire 2011 on Directive 2006/21/EC Page 3</p> <p>Paragraph 70 according to google translate: In the event of an accident, the operator shall immediately notify the State Environmental Service, State Fire and Rescue Service and local authorities in the administrative territory mining waste facility, and provide all the necessary information about the incident, helping to reduce the impact on human health and to assess and mitigate the environmental damage damage to the actual or potential volume.</p>	<p>These requirements are stated in Regulations of the Cabinet of Ministers Nr. 470 (21 June 2011) “Procedures for the Management of Waste from the Extraction of Mineral Resources” Paragraph 67, Paragraph 68 and Paragraph 70.</p> <p>Paragraph 67 according to google translate: The operator shall inform the natural or legal persons, this provision III, V or VI in Division decision or may be affected or who have an interest in the decision-making (hereinafter - the interested company), developed by the civil protection plan, including information about the right to participate in decision-making process and opportunities to submit comments or questions. The operator shall evaluate the comments and questions, and take the utmost account when approving the civil protection plan.</p> <p>Paragraph 70 according to google translate: <i>(see left)</i></p>	<p>These requirements are stated in Regulations of the Cabinet of Ministers Nr. 470 (21 June 2011) “Procedures for the Management of Waste from the Extraction of Mineral Resources” Paragraph 98.</p> <p>Paragraph 98 according to google translate: If an accident this provision in Paragraph 96 of the mining waste facility, the State Environmental Service shall immediately forward the provisions of Paragraph 70 of the information with the relevant Member State of the European Union to help reduce the damage caused by the accident on human health, as well as to assess and reduce environmental damage actual or potential volume.</p>

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MT	Although sub-regulation (6) of Regulation 8 requires that the operator immediately informs the competent authority in the event of a major accident, no practical arrangements are in place as no Category A installations exist in Malta.	Although sub-regulation (9) of Regulation 8 provides that information on safety measures and on action required are to be provided free of charge and the information should be reviewed every 3 years and also updated when necessary and no practical arrangements are in place as no Category A installations exist in Malta.	Although Regulation 15 of The Waste Management (Management of waste from extractive industries and backfilling) Regulations (LN22/09, as amended) provides measures on how information provided by the operator is forwarded to the other Member State in case of installation with a potential transboundary impact, no practical arrangements are in place as no Category A installations exist in Malta.
NL	Immediate transmission of information to the competent authority by the operator in the event of a major accident is provided for in Article 17.5a of the Environmental Management Act. Under that Article, the competent authority must be informed in any case within 48 hours of the incident and the potential impact on the environment and human health. This does not only apply to potential problems with the stability of a facility. Where control and/or monitoring procedures indicate that there is or is a risk of an adverse impact on the environment, this must be notified to the competent authority.	Article 3(6) of the Extractive Waste Management Decree (besluit beheer winningsafvalstoffen) provides that the purpose of the internal emergency plan is, among other things, to give the necessary information to the public concerned, the competent authority and all services concerned. In addition to providing such information, the emergency plan is also intended to make clear what measures are needed to protect public health and the environment in the event of major accidents and other incidents.	As indicated above, this is laid down in Article 17.2(3) of the Environmental Management Act. Examples are: location, potential risks to the environment, people and buildings and activities undertaken to limit potential risks. As indicated above, this is laid down in Article 17.2(3) of the Environmental Management Act. Examples are: location, potential risks to the environment, people and buildings and activities undertaken to limit potential risks.

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(c) For Category “A” installations, and in case of major accident, what are the practical arrangements taken to ensure that:			
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PL	Pursuant to Article 264 of the Environmental Protection Law, in the event of an industrial accident, the operator of an increased-risk or high-risk plant is obliged to: 1) immediately notify the relevant unit of the State Fire Service and the Provincial Inspector for Environmental Protection about this fact; 2) immediately inform the authorities referred to in point (1) about the following: a) circumstances in which the accident occurred, b) dangerous substances related to the failure, c) facts allowing for assessment of the accident’s consequences for people and the environment, d) taken rescue measures as well as measures aimed at limiting the accident’s consequences and preventing its reoccurrence. 3) continuous update of the information referred to in point (2), depending on the situation development. Moreover, according to Article 28 and Article 31 of the Act on extractive waste, a waste holder operating a waste facility, during its operation and after its closure, must notify, without undue delay, the competent Provincial Chief of the State Fire Service and the competent Provincial Inspector for Environmental Protection about any event which may affect the stability of the waste facility, as well as about any significant adverse effects on the environment found as a result of the inspection and monitoring of the waste facility, and then must confirm the notification in	According to Article 38 of the Act on extractive waste, the competent Provincial Chief of the State Fire Service must prepare information about safety measures and about actions taken in the event of a major accident. The scope of information has been determined in Annex 2 to the Act on extractive waste. Moreover, the above-mentioned information must be transmitted to the public concerned free of charge and immediately in a customary manner and published in the Public Information Bulletin on the competent authority’s website. The competent Provincial Chief of State Fire Services is obliged to analyse the external emergency plan and the above-mentioned information at least once per 3 years in order to update them, while taking into account, in particular, changes introduced in the technological process of the Category A waste facility. At the same time, it should be emphasised that information about safety measures, required actions, as well as the manner of informing other states about a threat of transboundary impact, is covered in the external emergency plan. The external emergency plan includes, in particular: 1) a description of the system for presenting the public with information about threats related with	See point 4b.

	<p>writing within 48 hours of the event, providing the following data: 1) the first and last name and the address of residence or the name and the registered office of the waste holder operating the waste facility; 2) the location of the waste facility; 3) the type of event, along with a brief description; 4) the date of the event. Moreover, according to Article 9 of the Act of 24 August 1991 on fire protection (Journal of Laws of 2009 No 178, item 1380 as amended), whoever notices a fire, a natural disaster or other local threat is obliged to immediately notify people occupying the hazard zone and the rescue notification centre, a fire protection unit, the Police, the Commune head or the village administrator.</p>	<p>operation of the facility, preventive measures applied and actions which will be taken in the event of an accident; 2) procedures for notifying the population and the competent administrative authorities about the threat or occurrence of an accident; 3) population evacuation procedures; 4) procedures for providing medical aid to the injured; 5) procedures related with the possibility of transboundary effects of an accident; 6) emergency procedures; Moreover, the Chief of the State Fire Service, upon approval of the external emergency plan, will publish appropriate information about safety measures and required actions on the website of the Headquarters. Information in writing must also be submitted to persons and entities within range of negative impact of the potential accident.</p>	
PT	<p>Application of paragraph 1) in article 19 on the National Law-Decree No. 10/2010 of February 4.</p>	<p>Yes, application of article 20 on the National Law-Decree No. 10/2010 of February 4. The Civil Protection Authority has the competence to provide information to the public</p>	<p>Yes, application of paragraph nº2 of article 19 on the National Law-Decree No. 10/2010 of February 4</p>

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RO	<p>The competent authority in the field of preventing major accidents is the Inspectorate-General for Emergency Situations (IGSU), having authority over the County Inspectorates for Emergency Situations. Chapter IV (Prevention of major accidents and information) of Government Decision No 856/2008 lays down the conditions for preventing major accidents and responding. Article 36 of Government Decision No 856/2006 details the conditions in which the competent authorities are notified in the event of a major accident. Thus, the operator shall notify, within three hours of the occurrence, the county inspectorates for emergency situations, the local environmental protection authorities and the local ANRM structures with respect to any occurrence likely to affect the stability of the waste facility or any significant adverse environmental effects found in the course of monitoring and inspecting the waste facility. Under these circumstances, the operator shall implement the internal emergency plan, and shall follow any other instructions given by the county inspectorates for emergency situations, ANRM or MMP, through the local environmental protection authorities, in order to take corrective</p>	<p>Article 19 of Government Decision No 856/2008 states that the county inspectorates for emergency situations shall ensure that the public concerned is provided in a timely and effective manner with the opportunity to participate in the preparation or revision of the external emergency plan. For this purpose, the public concerned is informed of: - any proposed external emergency plan, the relevant information being made available to it; - the right to participate in the decision-making process; - the details of the county inspectorates for emergency situations to which observations and questions may be submitted. The County Inspectorates for Emergency Situations (ISU) shall provide the necessary framework for the public concerned to express their Comments within a reasonable period of time, and these Comments to be taken into account in deciding on the external emergency plan. Also, ISU shall ensure that information on safety measures and action required in the event of an accident, containing at least the elements referring to the safety management system (as part of the general management system), which includes the organisational structure, responsibilities, practices, procedures, processes and resources for</p>	<p>As provided under paragraph (b), if an Category “A” waste facility is likely to significantly impact the environment or pose health risks to the population of another Member State or at the request of the competent authority of the potentially affected Member State, MMP shall submit to that Member State the information contained in the request for authorization/integrated environmental permit, issued in accordance with the regulations in force when that information is available to the national public concerned. This information serves as a basis for any consultations required in the context of bilateral relations between Romania and another Member State on a mutual and equivalent basis. In case of an accident involving the A-class waste facility, the information provided by the operator to General Inspectorate for Emergency situations (IGSU) through the county emergency inspectorates, shall be readily submitted by IGSU to the competent authority of the other Member State in order to minimize the consequences of the accident on human</p>

<p>action. State-owned operators shall also notify such events to the Ministry of Economic Affairs, Trade and the Business Environment (MECMA) and shall also follow any instructions given by that Ministry for corrective measures. The costs shall be borne by the operator. In the event of a major accident, the operator shall be required to immediately provide the County Inspectorates for Emergency Situations and the local environmental protection authorities with all the information required which can contribute to minimising the consequences of such event for human health and to the assessment and minimising of the actual or potential spread of the environmental damage (Article 18). Annex I of Government Decision No 856/2008 (Major-accident prevention plan and the information to be Communicated to the public concerned) presents the minimum requirements necessary to develop a major-accident prevention plan. Among these, the most important are: - the objectives and principles of action for the control of major-accident hazards; - the safety management system integrates the part of the general management system including the organisational structure, responsibilities, practices, procedures, processes and resources for determining and implementing the major-accident prevention plan; - organisation and personnel – the roles and responsibilities of personnel involved in the management of major hazards at all levels of the organisation; identify the training needs of such personnel and provide the training so identified; and involvement of</p>	<p>determining and implementing the major-accident prevention plan, is provided free of charge and as soon as possible to the public concerned. Annex 2 of Government Decision No 856/2008 presents in Part 2 the information to be made available to the public concerned: - name of operator and address of the waste facility; - identification, by position held, of the person providing information.; - confirmation that the waste facility is subject to the regulations and/or administrative provisions implementing this decision and, where appropriate, that the information relevant to the elements referred to in Article 14 has been submitted to the competent authority. - an explanation in clear and simple terms of the activity or activities undertaken at the site. - the Common or generic name or the general classification of hazardous substances and preparations involved at the waste facility, as well as the waste which could give rise to a major accident, with an indication of the main hazard characteristics; - general information on the type of major accident hazards, including the potential effects thereof for the surrounding population and environment - adequate information on how the surrounding population concerned are to be warned and kept informed in the event of a major accident; - adequate information on the actions the population concerned should take, and the behaviour they should adopt, in the event of a major accident. - confirmation that the operator is required to make adequate on-site arrangements, in particular in relation to the emergency services, to deal with major accidents</p>	<p>health and to assess and minimize the actual or potential environmental damage. (Article 56 of Government Decision No 856/2008). The issues of Government Decision No 856/2008 concerning the notification of the Member State on the compliance of a facility with potential transboundary impact with the provisions of Directive 85/337/EC on the assessment of the effects of certain public and private projects on the environment, transposed in the Romanian legislation by Government Decision No 445/2009.</p>
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employees and, where appropriate, subcontractors; - identification and evaluation of major hazards – adopt and put in place procedures for systematically identifying major hazards arising from normal and abnormal operations and assess the likelihood and severity of such hazards; - operational control – adopt and put in place procedures and instructions for safe operation, including relating to installation maintenance, processes, equipment and temporary stops; Furthermore, regular tests of the Communication and alarm system are performed.

and to minimise the effects thereof; - a reference to the external emergency plan drawn up to cope with any off-site effects of an accident. This should include a reCommendation to co-operate in the case of any instructions or requests received from the county inspectorates for emergency situations at the time of an accident. - details of how further relevant information can be obtained, provided that the confidentiality requirements provided in national legislation are met. Pursuant to Article 20(2) of Government Decision No 856/2008, this information shall be updated every three years. IGSU carries out regular inspections and/or demonstration exercises.

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SE	This is regulated under Section 24 of the Ordinance on extractive waste. It is done in accordance with the operator’s procedures in consultation with the relevant supervisory authority.	see above	see above
SI	Before putting an installation classified as Category A into service, the installation operator must: 5. draw up and adopt a plan for the prevention of environmental disasters; 6. set in place a safety management system for implementing the plan for the prevention of environmental disasters; 7. draw up a protection and relief plan for the site of the installation in accordance with regulations governing protection against natural and other disasters; 8. ensure that the public concerned has direct access, free of charge, to the information on safety measures and the action required in the event of an accident. In the event of an accident, the operator must take action in accordance with the protection and relief plan setting out notification procedures.	Before putting an installation classified as Category A into service, the installation operator must ensure that the public concerned has direct access, free of charge, to the information on safety measures and the action required in the event of an accident.	Information shall be forwarded in accordance with the regulations on protection against natural and other disasters

Part A, Question 4: Public participation, transboundary effects			
(c) For Category "A" installations, and in case of major accident, what are the practical arrangements taken to ensure that:			
MS	— required information is transmitted immediately by the operator to the competent authority,	— information on safety measures and on action required is provided to the public? and,	— information provided by the operator is forwarded to the other Member State in case of installation with a potential transboundary impact?
SK	<p>According to Section 6 (9) of Act No 514/2008 the operator of a Category "A" storage site is required to provide the municipality and authority drawing up the plan for protection of the population with the materials pursuant to (10) and, at the request of that body, cooperate in drawing up the plan for protection of the population. According to Section 10 (6) (c) and (d) of Act No 514/2008 the operator of the storage site is required to: c) notify the competent authority of any events that could affect the stability of the storage site without delay, at latest within 48 hours of the discovery, d) notify the competent authority of any significant adverse environmental effects revealed by the relevant control and monitoring procedures pursuant to (a) without delay, at latest within 48 hours of the discovery.</p>	<p>According to Section 6 (5) and (6) of Act No 514/2008 the operator of Category "A" storage site is required to do the following: (5) An operator of a Category "A" storage site is required to inform the affected public in the local manner, and if required, repeatedly, about the character of operation of the given storage site, the possible risks and measures to reduce them, and the instructions for the public who could be affected by the consequences of an event pursuant to (11) (a) in the case of a major accident. The information must include the data referred to in Annex 3. The operator shall send this information to the municipality that could be affected by the consequences of the major accident. (6) An operator of a Category "A" storage site is required to update the data pursuant to (5) if required and publish them in updated form at least once every three years. The operator is required to do this with each major change in conditions under which the information is drawn up and published.</p>	<p>Section 15 of Act No 514/2008 describes the procedure by which information provided by the operator is forwarded to the other Member State in the case of installation with a potential transboundary impact (see the response to question 4 (b)).</p>

Part A, Question 4: Public participation, transboundary effects (c) For Category “A” installations, and in case of major accident, what are the practical arrangements taken to ensure that:			
MS	— required information is transmitted immediately by the operator to the competent authority,	— information on safety measures and on action required is provided to the public? and,	— information provided by the operator is forwarded to the other Member State in case of installation with a potential transboundary impact?
UK	England and Wales Major Off-Site Emergency Plan (Management of Waste from Extractive Industries)(England and Wales) Regulations 2009, Regulation 8(1) requires the operator to inform the emergency planner immediately. Scotland Regulation 18(4)(c) of the Management of Extractive Waste (Scotland) Regulations 2010 applies. Northern Ireland Not applicable as no Category A sites.	England and Wales Major Off-Site Emergency Plan (Management of Waste from Extractive Industries)(England and Wales) Regulations 2009, Regulation 7 requires the emergency planner to inform the public. Scotland Regulation 18(4)(c) of the Management of Extractive Waste (Scotland) Regulations 2010 applies. Northern Ireland Not applicable as no Category A sites.	England and Wales Major Off-Site Emergency Plan (Management of Waste from Extractive Industries)(England and Wales) Regulations 2009, Regulation 8(2) and (3) require information to be forwarded to the other Member State. Scotland In co-operation with other Member States, Regulation 21(3) of the Management of Extractive Waste (Scotland) Regulations 2010 applies. Northern Ireland Not applicable as no Category A sites.

Annex IV – Complete responses to main provision 3

Part B, Question 1: Administrative arrangements and general information	
(c) Please indicate the number of cases of waste facilities of Category “A” in operation on your territory having a potential environmental or human health impact on another Member State.	
AT	0
BE	Flemish Region: None in Flemish Region Walloon Region: Probably none in Walloon Region
BG	There are no such facilities.
CY	None.
CZ	This information will be available after 1. 5. 2012.
DE	0
DK	Regulations and administrative provisions necessary to comply with this Directive has not yet been established and brought into force, therefore it is not possible to give an accurate number of Category A waste facilities on the territory. Given the nature of the Danish mining activities, the number of Category A waste facilities is estimated to be none at present.
EE	No waste facilities of Category “A” listed at present.
EL	In our Country, there is only one licensed facility of Category “A”. The facility has not yet operated. It is not possible for this facility to have potential environmental or human health impacts on another Member States.
ES	10 cases.
FI	Mainland Finland: At the moment there are no such Category A waste facilities in mainland Finland that might have transboundary impacts. The Åland Islands: There are no such waste facilities in the Åland Islands.
FR	None.
HU	According to MBFH, there is no such facility in question.
IE	None
IT	0. The data shown are provisional inasmuch as to date not all the competent authorities have replied to the request for information sent to them.
LT	During the reporting period in Lithuanian mining sector have not been "A" Category facilities in operation.
LU	0
LV	There are no such facilities on the territory of Latvia.
MT	N/A. No Category “A” waste facilities exist in Malta.
NL	0
PL	There are no waste facilities of Category “A” in operation on the territory of Poland having a potential environmental or human health impact on another Member State.
PT	None
RO	Not applicable.
SE	Two, according to the Swedish Civil Contingencies Agency.
SI	There are no such installations in Slovenia.
SK	Number of Category "A" storage sites in operation in Slovakia with a potential environmental impact: 4. Number of Category "A" storage sites in operation in Slovakia with a human health impact on another Member State: 0.

Part B, Question 1: Administrative arrangements and general information

(c) Please indicate the number of cases of waste facilities of Category "A" in operation on your territory having a potential environmental or human health impact on another Member State.

UK	England and Wales: Nil Scotland: Nil Northern Ireland: Nil
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Annex V – Complete responses to main provision 4

Part B, Question 2: Waste Management Plans and Major-accident prevention and information	
(b) Please provide a list of the external emergency plans referred to in Article 6(3) of the Directive. If all Category “A” installations are not yet covered by an emergency plan, please indicate the number of missing plans and the planning for establishing these plans.	
AT	
BE	Flemish Region: There are no Category “A” installations in the Flemish region Walloon Region: It is expected that all facilities will be classified in Category “B”
BG	<p>In Bulgaria, the external emergency plans are prepared by the municipality mayors based on the information provided by the operators. The external emergency plan of a given mining waste facility constitutes a part of the emergency plan of the municipality for its entire territory. The latter, on the other hand, is integrated in the emergency plan for the district. A copy of this part or the entire emergency plan for the municipality is provided to the respective operator.</p> <p>The authorities of the executive in Bulgaria, who are in charge of protection in case of disasters and accidents, as well as their functions and responsibilities, are envisaged in Article 65 and 66 of the Disaster Protection Act.</p> <p>Under Article 22(e)(2)(7) of the Law on Ore and Mineral Resources, each Mining Waste Management Plan for a Category “A” facility shall contain major accident prevention measures. In addition an internal emergency plan shall be prepared.</p> <p>All the installations Category A are covered with external emergency plans. There are 4 Category A waste facilities in Bulgaria.</p>
CY	<p>We are at the stage of assessment of management plan so external emergency plans yet ready.</p> <p>If all Category "A" installations are not yet covered by an emergency plan, please indicate the number of missing plans and the planning for establishing these plans: We predict that they will be 5.</p>
CZ	This information will be available after 1. 5. 2012.
DE	<p>For Category A facilities, external emergency plans are drawn up in accordance with the respective state law. This is subject to completion of the required approval procedure and provision of the information to be gathered by the operator, and is expected to be completed in the course of 2012.</p> <p>If all Category “A” installations are not yet covered by an emergency plan, please indicate the number of missing plans and the planning for establishing these plans: See (b) above.</p>
DK	<p>Regulations and administrative provisions necessary to comply with this Directive has not yet been established and brought into force, therefore it is not possible to provide a list of the external emergency plans referred to in Article 6(3) of the Directive.</p> <p>Regulations and administrative provisions necessary to comply with this Directive has not yet been established and brought into force, therefore it is not possible to indicate the number of missing plans and the planning for establishing these plans.</p>
EE	-
EL	An external emergency plan is required for the approved facility of Category A; however the facility has not yet operated. In any case, the external emergency plan will be prepared before the waste facility starts to operate.

Part B, Question 2: Waste Management Plans and Major-accident prevention and information	
(b) Please provide a list of the external emergency plans referred to in Article 6(3) of the Directive. If all Category "A" installations are not yet covered by an emergency plan, please indicate the number of missing plans and the planning for establishing these plans.	
ES	In Spain, all facilities are required to have an Emergency Plan in compliance with Royal Decree 975/2009. Not have these data, as mining skills are transferred to the autonomous communities, which can ensure is that all facilities have approved emergency plans, according to the Royal Decree 975/2009.
FI	<p>Mainland Finland:</p> <p>The supervising regional ELY Centres reported of three approved external emergency plans for Category A waste facilities in the beginning of year 2012. These plans cover altogether four Category A waste facilities since one of these plans covers two separate waste facilities located in the same area:</p> <ul style="list-style-type: none"> · Yara Suomi Oy, apatite mine in Siilinjärvi, North Savo · Talvivaara Oy, Ni-Zn-Cu-Co mine in Sotkamo, Kainuu (two separate Category A facilities) · Agnico-Eagle Finland Oy, Kittilä gold mine in Kittilä, Lapland <p>There are four Category A waste facilities for which the external emergency plans have not yet been approved. Situation regarding establishing these plans:</p> <ul style="list-style-type: none"> · One of these facilities will start its full operation in summer 2012 and no waste has yet been deposited into the waste facility. The external emergency plan of the area is at the moment being prepared. · For second facility, according to the local rescue department the external emergency plan is at the moment being prepared. · For two facilities, according to the local rescue department the existing dam safety documents of these facilities (drawn up in accordance with the Dam Safety Act 494/2009) contain the same elements as required from the external emergency plans. The preparation of separate external emergency plans will likely start soon. <p>The Åland Islands: Not relevant (no Category A installations).</p>
FR	The 3 Category "A" installations are not yet covered. These plans are scheduled to be adopted by 1 January 2014.
HU	missing external emergency plans: 2 (deadline: 29th February 2012)
IE	<p>(a) Four external emergency plans are currently being prepared by the following local authorities (i) Limerick County Council (ii) Kilkenny Council and (iii) Meath County Council and (iv) North Tipperary County Council. The plans must be finalised by 01/05/12.</p> <p>If all Category "A" installations are not yet covered by an emergency plan, please indicate the number of missing plans and the planning for establishing these plans:</p> <p>External emergency plans, as referred to Article 6(3) of the Directive, are currently being prepared by each of the 4 relevant Local Authorities in whose operational areas the Category A waste facilities are located. The plans must be finalised by 01/05/12.</p>
IT	No external emergency plan has so far been drawn up inasmuch as no Category A installation has been authorised. The data shown are provisional inasmuch as to date not all the competent authorities have replied to the request for information sent to them.
LT	During the reporting period external emergency plans have not been drawn up. There are not mining waste facilities in Lithuania for which external emergency plan should be prepared.
LU	-
LV	If all Category "A" installations are not yet covered by an emergency plan, please indicate the number of missing plans and the planning for establishing these plans:
MT	N/A. No Category "A" waste facilities exist in Malta.

Part B, Question 2: Waste Management Plans and Major-accident prevention and information	
(b) Please provide a list of the external emergency plans referred to in Article 6(3) of the Directive. If all Category "A" installations are not yet covered by an emergency plan, please indicate the number of missing plans and the planning for establishing these plans.	
NL	Not applicable.
PL	If all Category "A" installations are not yet covered by an emergency plan, please indicate the number of missing plans and the planning for establishing these plans: Pursuant to Article 19(1) of the Act on extractive waste, a waste holder operating a Category A waste facility supplements applications for issuance of a permit for waste facility operation with information necessary for the Provincial Chief of the State Fire Service to prepare an external emergency plan. Due to the fact that such an application, along with the above-mentioned information, has not been submitted, in the light of the above-mentioned provisions, it was not necessary for the competent Chief of the State Fire Service to prepare an external emergency plan for the waste facility of Category A.
PT	3 emergency plans are missing. Until April 30, 2012 the operators have to deliver emergency plans to the competent authority.
RO	By 1 May 2012, all extractive waste management facilities will have to be authorized in accordance with Article 64(1) of Government Decision No 856/2008, the external emergency plans will also be prepared within the authorization procedure
SE	It is the municipalities that are responsible for these plans, which must be drawn up by 1 May 2012. Under the Act on protection against accidents, one of the county administrative boards' supervisory tasks is to follow up this. These questions have been sent to the supervisory authorities. We will provide further information when we have received their replies.
SI	There were no such plans.
SK	This information is not available. Under the Directive and its subsequent transposition by Act No 514/2008 authorities in the area of extractive waste management are not able to check the preparation of external emergency plans. They are only able to check background materials provided by operators for preparing these plans. Checks found that all operators had provided background materials for preparing external emergency plans. In Article 6 (3) of the Directive is written that the competent authority shall draw up an external emergency plan. According to Act No. 42/1994 on civil protection of population the competent authority is the appropriate district office. According to Section 13 (1) (e) of Act No. 42/1994 appropriate regional district office manages and controls tasks of civil protection by the appropriate district offices and controls tasks of civil protection by municipalities, other legal entities and sole traders. In Article 6 (3) of the Directive is written that the competent authority shall draw up an external emergency plan. Because of this, authorities in the area of extractive waste management are not able to check the preparation of external emergency plans. In Slovakia is this competent authority: district office, municipalities, other legal entities and sole traders. And according to Section 13 (1) (e) of Act No. 42/1994 appropriate regional district office manages and controls tasks of civil protection by the appropriate district offices and controls tasks of civil protection by municipalities, other legal entities and sole traders.
UK	England and Wales No Category A permits issued during the questionnaire period. Scotland: None issued. Northern Ireland Not applicable.

Annex VI – Complete responses to main provision 5

Part B, Question 5: Inspections			
(a) Please indicate the number of inspections achieved for the reporting period with, if possible, distinguishing inspections achieved in:			
MS	— Category “A” and the other installations,	— Inert waste installations, and,	— Non inert, non hazardous installations,
AT			
BE	Flemish Region: EID: none Walloon Region: none		
BG	<p>Until 24 December 2010, on-site inspections were carried out both by the authorities that concluded contracts for granting rights for prospecting and extraction of mineral resources (i.e. the Ministry of Economy, Energy and Tourism and the Ministry of Regional Development and Public Works) and by the authorities of the Ministry of Environment and Water, which exercises control on the status of the environment elements. Reports of findings are drawn up during the inspections, which note the established breaches or faults and the deadline for their elimination. The implementation of the binding instructions is controlled and checked after expiration of the set deadline. After the abovementioned date, pursuant to the effective Law on Ore and Mineral Resources, the Ministry of Economy, Energy and Tourism became the competent authority. Inspections are conducted by inspectors from the 'Control' Department in 'Natural Resources and Concessions' Directorate of the ministry. The inspections on the mining waste facilities are conducted together with the inspections on the operation of the deposits. Records and reports from the inspections are drawn up. The programs for inspections of the Ministry of Economy, Energy and Tourism are drawn up according to the respective administrative territory, not according to the type of mineral resource.</p> <p>There are 12 inspections made by Ministry of Economy, Energy and Tourism. There are inspections made by Ministry of Environment and Water and the Ministry of Regional Development and Public Works, Chief Directorate Fire Safety and Civil Protection and Regional Governors.</p>	<p>There are 280 inspections on inert and non inert, non hazardous installations made in this reporting period by Ministry of Economy, Energy and Tourism. *</p> <p>* The number of inspections made by the other authorities (Ministry of Environment and Water and the Ministry of Regional Development and Public Works) isn't included.</p>	

Part B, Question 5: Inspections			
(a) Please indicate the number of inspections achieved for the reporting period with, if possible, distinguishing inspections achieved in:			
MS	— Category “A” and the other installations,	— Inert waste installations, and,	— Non inert, non hazardous installations,
CY	5	25	None. No such installations.
CZ	Are not yet available	Are not yet available	Are not yet available
DE	12	155	266
DK	Regulations and administrative provisions necessary to comply with this Directive has not yet been established and brought into force, therefore no inspections have been achieved for the reporting period.	Regulations and administrative provisions necessary to comply with this Directive has not yet been established and brought into force, therefore no inspections have been achieved for the reporting period.	Regulations and administrative provisions necessary to comply with this Directive has not yet been established and brought into force, therefore no inspections have been achieved for the reporting period.
EE	We have no data about that Category. We have no information whatsoever of the waste disposal sites having permits issued by the Environmental Board . We have conducted overall 44 inspections concerning the mining waste at that period.(comment by Ministry of the Environment: the Directive was adopted July 2010, which make reporting period rather short)	see above	see above
EL	As already mentioned, inspections are taking place to ensure compliance with the Environmental Terms Approval or under the provisions of the Greek Mining and Quarry Operation Code. The precise number of inspections is not available.	As already mentioned, inspections are taking place to ensure compliance with the Environmental Terms Approval or under the provisions of the Greek Mining and Quarry Operation Code. The precise number of inspections is not available.	As already mentioned, inspections are taking place to ensure compliance with the Environmental Terms Approval or under the provisions of the Greek Mining and Quarry Operation Code. The precise number of inspections is not available. - A programme of inspection has not been yet drawn up.

Part B, Question 5: Inspections			
(a) Please indicate the number of inspections achieved for the reporting period with, if possible, distinguishing inspections achieved in:			
MS	— Category “A” and the other installations,	— Inert waste installations, and,	— Non inert, non hazardous installations,
ES	This information is in consultation with the Autonomous Communities, we shall send it as soon as possible.	This information is in consultation with the Autonomous Communities, we shall send it as soon as possible.	This information is in consultation with the Autonomous Communities, we shall send it as soon as possible.
FI	Mainland Finland: The supervising regional ELY Centres reported that 42 inspections were made to Category A waste facilities during the reporting period. The Åland Islands: Zero (no such waste facilities)	Mainland Finland: The supervising regional ELY Centres reported that 37 inspections were made to inert waste facilities during the reporting period. The Åland Islands: Zero (no such waste facilities)	Mainland Finland: The supervising regional ELY Centres reported that 77 inspections were made to non inert, non hazardous waste facilities during the reporting period. The Åland Islands: Zero (no such waste facilities)
FR	1 inspection of a Category A installation was carried out in 2010	The installations are inspected at the same time as the quarries. Around 120 inspections.	6 inspections
HU	10	none	6
IE	§ Site Inspections/Audits: 9 § Sampling visits: 66	§ Site Inspections/Audits 69 § Sampling visits 106	Non applicable
IT	1 inspection in a waste facility closed in the Piedmont Region. The data shown are provisional inasmuch as to date not all the competent authorities have replied to the request for information sent to them.	425 inspections. The data shown are provisional inasmuch as to date not all the competent authorities have replied to the request for information sent to them.	0. The data shown are provisional inasmuch as to date not all the competent authorities have replied to the request for information sent to them.
LT			During the reporting period the control of open pits and quarried in operation has been systematically provided twice per year. By aggregating the results of the inspections were concluded there have not been mining waste installations which meet the Directive's
LU	-	-	-

Part B, Question 5: Inspections			
(a) Please indicate the number of inspections achieved for the reporting period with, if possible, distinguishing inspections achieved in:			
MS	— Category “A” and the other installations,	— Inert waste installations, and,	— Non inert, non hazardous installations,
LV	0 (zero)	0 (zero)	0 (zero)
MT	N/A. No Category “A” waste facilities exist in Malta.	236 inspections.	N/A. No non inert, non hazardous waste facilities exist in Malta.
NL	None	None	None
PL	During the reporting period, 9 inspections of waste facilities were conducted, including 4 inspections of waste facilities other than of Category A.	see above	see above
PT	4 inspections	5 inspections	None
RO	598 inspections were conducted for a total of 200 waste management facilities.	598 inspections were conducted for a total of 200 waste management facilities.	598 inspections were conducted for a total of 200 waste management facilities.
SE	These questions have been sent to the supervisory authorities. We will provide further information when we have received their replies.	These questions have been sent to the supervisory authorities. We will provide further information when we have received their replies.	These questions have been sent to the supervisory authorities. We will provide further information when we have received their replies.
SI	The Inspectorate for the Environment and Nature has not carried out any inspections	The Inspectorate for the Environment and Nature has not carried out any inspections	The Inspectorate for the Environment and Nature has not carried out any inspections
SK	A total of 8 checks at Category "A" installations and 52 checks at other installations.	84 checks in total.	2 checks in total.
UK	England and Wales: Nil Scotland: None known. Northern Ireland: None	England and Wales: Nil Scotland: None known Northern Ireland: None	England and Wales: Nil Scotland: None known Northern Ireland: None



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