

Inception Impact Assessment for Revision of the Industrial Emissions Directive

Re: Potential inclusion of additional sectors

Ref. Ares(2020)1738021 - 24/03/2020

Stockholm, 21 April 2020

SveMin is the national industry association for mines and for mineral and metal producers in Sweden, representing around 40 companies which employ 13,000 people in production, exploration and technology. Our member companies are active throughout the country, with the mines being mainly located in northern Sweden and Bergslagen.

The Commission is suggesting that, as part of the planned revision of the IED, it might be advantageous to include additional sectors in the IED. One of the sectors mentioned for potential inclusion is extractive industries.

SveMin's position is that IED is not an appropriate policy or regulatory instrument for mining and quarrying. The reasons are explained below.

To successfully ensure a high level of environmental protection across Europe, the IED, based on the development of BAT reference documents, is an effective tool for sectors in which a large enough number of similar installations operate across the European Union, such that common environmental requirements can be applied to improve environmental quality overall. This also means that IED and BREF-notes is not well suited to regulate environmental protection in sectors with a limited number of installations across Europe and with technological solutions that are adapted to local conditions, such as metal mining.

Metal mining is only taking place in a limited number of member states. Mining methods and treatment of ores have to be adapted to local conditions such as the geometry of ore bodies and the mineralogy of the ore. Potential environmental impacts and possible ways to minimize those impacts will also depend on the geometry and mineralogy of the ore, but also to other local factors such as climate and local surroundings. It is our understanding that this was in fact one of the main reasons why the predecessor to the IED (the IPPC Directive) was not seen as an appropriate policy instrument for mining and quarrying originally. The same reasons are as valid today as they were then.

Further, there is no regulatory gap to be filled. Mining and quarrying are fully regulated by other EU and national legislation. Environmental performance of mining and quarrying in the EU is assured by application of other EU Directives (e.g. the Water framework directive and daughter directives, the EIA directive and the Natura2000 regulations) and national mining legislation, supported by international management standards and best practice guidelines. As a more tailored alternative to the IED, the Commission developed the Extractive Waste Directive (2006/21/EC) that requires application of site-specific BAT to the management of extractive waste, and under that legislation the resulting BREF (2nd edition, 2018) is based on site specific risk. Together, these regulations require that all mining and quarrying operations achieve the highest possible level of protection of the environment with solutions



adapted to their unique site-specific contexts. The inclusion of extractive industries in the IED will not bring additional protection of human health and the environment.

The European mining sector, in cooperation with European technology suppliers, is world leading when it comes to the development of mining and processing technology and equipment. Looking forward, the next generation of European mines will very likely use new techniques that does not exist today. The energy transition and related technology development also give reason to believe that Europe will start to mine commodities, such as some critical raw materials, that are not mined today. This will lead to the application of technologies that are not seen in Europe today. It must remain possible to assess all proposed mining and quarrying techniques, currently existing or new, for suitability in the specific circumstances at hand.

On behalf of SveMin,

Lars-Åke Lindahl
Director Environment and Coordinator EU Affairs