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P8_TA(2015)0349

Lessons learned from the red mud disaster five years after the accident in Hungary**European Parliament resolution of 8 October 2015 on lessons learned from the red mud disaster, five years after the accident in Hungary (2015/2801(RSP))**

(2017/C 349/09)

The European Parliament,

- having regard to the principles of Union policy on the environment as laid down in Article 191 of the Treaty on the Functioning of the European Union, in particular the principles that preventive action should be taken and that the polluter should pay,
- having regard to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention) and the protocols thereto,
- having regard to Council Directive 91/689/EEC of 12 December 1991 on hazardous waste ⁽¹⁾,
- having regard to Commission Decision 2000/532/EC of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste ⁽²⁾ (European Waste List),
- having regard to Commission Decision 2014/955/EU of 18 December 2014 amending Decision 2000/532/EC on the list of waste pursuant to Directive 2008/98/EC of the European Parliament and of the Council ⁽³⁾,
- having regard to the Reasoned Opinion sent by the Commission in June 2015 to Hungary requesting it to upgrade environmental standards at another red mud tailings site ⁽⁴⁾,
- having regard to Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/35/EC ⁽⁵⁾ (Mining Waste Directive),
- having regard to Recommendation 2001/331/EC of the European Parliament and of the Council of 4 April 2001 providing for minimum criteria for environmental inspections in the Member States ⁽⁶⁾,
- having regard to its resolution of 20 November 2008 on the review of Recommendation 2001/331/EC providing for minimum criteria for environmental inspections in the Member States ⁽⁷⁾,
- having regard to Decision No 1386/2013/EU of the European Parliament and of the Council of 20 November 2013 on a General Union Environment Action Programme to 2020 'Living well, within the limits of our planet' ⁽⁸⁾ (Seventh Environment Action Programme),
- having regard to Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage ⁽⁹⁾ (Environmental Liability Directive),

⁽¹⁾ OJ L 377, 31.12.1991, p. 20.⁽²⁾ OJ L 226, 6.9.2000, p. 3.⁽³⁾ OJ L 370, 30.12.2014, p. 44.⁽⁴⁾ European Commission — Fact Sheet: June infringements package: key decisions; http://europa.eu/rapid/press-release_MEMO-15-5162_en.htm⁽⁵⁾ OJ L 102, 11.4.2006, p. 15.⁽⁶⁾ OJ L 118, 27.4.2001, p. 41.⁽⁷⁾ OJ C 16 E, 22.1.2010, p. 67.⁽⁸⁾ OJ L 354, 28.12.2013, p. 171.⁽⁹⁾ OJ L 143, 30.4.2004, p. 56.

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- having regard to Commission Decision 2009/335/EC of 20 April 2009 on technical guidelines for the establishment of the financial guarantee in accordance with Directive 2006/21/EC of the European Parliament and of the Council concerning the management of waste from extractive industries ⁽¹⁾,
 - having regard to the Commission feasibility study on the concept of an EU-wide industrial disaster risk-sharing facility ⁽²⁾,
 - having regard to the report entitled 'Implementation challenges and obstacles of the Environmental Liability Directive' (final report prepared for the Commission — DG Environment, 2013),
 - having regard to the questions to the Council and to the Commission on lessons learned from the red mud disaster, five years after the accident in Hungary (O-000096/2015 — B8-0757/2015 and O-000097/2015 — B8-0758/2015),
 - having regard to Rules 128(5) and 123(2) of its Rules of Procedure,
- A. whereas, on 4 October 2010, the collapse of a waste reservoir in Hungary released almost one million cubic metres of highly alkaline red mud, flooded several villages, killed ten people, injured almost 150, and polluted vast areas of land, including four NATURA 2000 sites;
- B. whereas red mud in this waste reservoir was hazardous waste pursuant to Council Directive 91/689/EEC;
- C. whereas Commission Decision 2014/955/EU indicates explicitly that red mud should be classified as hazardous waste in the absence of proof to the contrary; whereas this decision has applied since 1 June 2015;
- D. whereas there is a risk that, in the past, red mud may have been wrongly classified as non-hazardous waste in other Member States as well, thus giving rise to flawed permits;
- E. whereas red mud is extractive waste pursuant to the Mining Waste Directive, which sets out safety requirements for the management of extractive waste, inter alia based on the best available techniques;
- F. whereas there are also serious problems of environmental pollution due to other mining activities (e.g. the use of cyanide in gold mining) or improperly treated hazardous waste in various Member States;
- G. whereas Recommendation 2001/331/EC is aimed at strengthening compliance and contributing to more consistent implementation and enforcement of EU environmental law;
- H. whereas, in its resolution of 20 November 2008, Parliament described the implementation of environmental law in Member States as incomplete and inconsistent, and urged the Commission to come forward with a legislative proposal on environmental inspections before the end of 2009;
- I. whereas the Seventh Environment Action Programme states that the EU will extend requirements relating to inspections and surveillance to the wider body of environment law, and further develop inspection support capacity at EU level;

⁽¹⁾ OJ L 101, 21.4.2009, p. 25.

⁽²⁾ Study to explore the feasibility of creating a fund to cover environmental liability and losses occurring from industrial accidents. Final report. European Commission, DG ENV, 17 April 2013; <http://ec.europa.eu/environment/archives/liability/eld/eldfund/pdf/Final%20report%20ELD%20Fund%20BIO%20for%20web2.pdf>

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- J. whereas the Environmental Liability Directive (ELD) is aimed at establishing a framework of environmental liability based on the 'polluter-pays' principle, and requires Member States to encourage the development of financial security instruments and markets by the appropriate economic and financial operators; whereas Article 18(2) required the Commission to submit a report to Parliament and the Council before 30 April 2014, which has not yet been submitted;
- K. whereas the 2013 report prepared for the Commission on the implementation of the Environmental Liability Directive concluded that 'the transposition of the ELD into the national law of Member States has not resulted in a level playing field' but 'in a patchwork of liability systems for preventing and remedying environmental damage across the EU';
- L. whereas in 2010 the Commission stated in reaction to the red mud disaster that it would reconsider introducing harmonised mandatory financial security even before the ELD review due in 2014;
1. Notes that the 2010 red mud disaster was Hungary's worst industrial catastrophe, and commemorates the victims on the occasion of the fifth anniversary of that tragic event;
 2. Recognises the rapid and effective intervention of the national authorities in the crisis response phase and the major efforts made by civil society during the unprecedented disaster;
 3. Recalls that Hungary triggered the EU Civil Protection Mechanism and received a European team of experts charged with drawing up recommendations, inter alia on how to work out optimal solutions for eliminating and mitigating damages;
 4. Notes that the red mud disaster can be linked to the poor implementation of EU laws, inspection deficiencies, gaps in relevant EU legislation and the performance of the site operator;
 5. Is concerned that almost no lessons seem to have been learned in the last five years, as poor implementation of the relevant EU laws and international conventions as well as inspection deficiencies continue and almost none of the gaps in the relevant EU legislation have since been closed;
 6. Identifies the Mining Waste Directive and the European Waste List as areas of particular concern;
 7. Is concerned that similar sites exist in several Member States; calls on the Member States to ensure that the appropriate inspections are carried out;
 8. Calls on all Member States that have red mud ponds to review whether red mud has been correctly classified as hazardous and revise any permits based on wrong classifications as soon as possible; calls on the Commission to ensure that Member States take action and report to the Commission accordingly, and calls on the Commission to publish a report on the actions taken by Member States by the end of 2016;
 9. Considers it essential to put a stronger emphasis on disaster prevention, bearing in mind that similar environmental incidents have also occurred in other Member States;
 10. Calls on the Commission and the Member States to step up their efforts to ensure the full implementation and proper application of all relevant EU legislation and all relevant international conventions with regard not only to aluminium production and the environmentally sound management of red mud, but also to the environmentally sound management of hazardous waste in general;

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11. Emphasises that the best available techniques in the management of extractive waste must be strictly applied, and calls for a complete shift to the use of dry disposal technologies by the end of 2016, while ensuring that this does not lead to air or water pollution;
12. Calls on the Commission to put more emphasis on research and development in the prevention and treatment of hazardous waste;
13. Urges the Commission to produce guidelines for carrying out stress tests on existing mines with large tailings ponds;
14. Believes that effective pollution prevention requires stringent rules for environmental inspections and appropriate action to ensure their application;
15. Calls on the Member States to strengthen their national environmental inspection bodies in order to enable them to carry out transparent, regular and systematic controls of industrial sites, inter alia by ensuring independence, providing adequate resources and defining clear responsibilities, and by promoting enhanced cooperation and coordinated action;
16. Calls on the Commission and the Member States to improve surveillance, building on existing binding and non-binding instruments while avoiding unnecessary administrative burdens;
17. Reiterates its call for the Commission to come forward with a legislative proposal on environmental inspections that does not put an additional financial burden on industry;
18. Urges the Commission to extend binding criteria for Member State inspections to cover a wider body of the EU environmental acquis, and to develop environmental inspection support capacity at EU level;
19. Is concerned that significant differences between liability systems in the EU may undermine common standards and expose some Member States and regions to greater risk of environmental disasters and the financial consequences thereof;
20. Considers it regrettable that the Commission has not yet submitted its report pursuant to the Environmental Liability Directive; calls on the Commission to do so before the end of 2015;
21. Calls on the Commission to ensure, during the ongoing review of the Environmental Liability Directive, that the proposal for revision fully implements the polluter-pays principle;
22. Urges the Commission to investigate how Commission Decision 2009/335/EC has been implemented in Member States and whether ceilings for established financial security instruments are sufficient; urges the Commission to propose harmonised mandatory financial security;
23. Calls on the Commission and the Member States to ensure transparency in the financial aspects of environmental disaster remediation, including the financial compensation to victims;
24. Calls on the Commission to make a legislative proposal on access to justice in environmental matters in line with the provisions of the Seventh Environment Action Programme; calls on the Commission to do so before the end of 2016;
25. Stresses the importance of involving local authorities, citizens and civil society in the decision-making process concerning the disposal of hazardous waste, and in the planning of risk management measures;

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26. Invites the authorities responsible to regularly inform the public about the state of pollution and the possible impacts on fauna and flora, as well as on the health of local populations;
 27. Invites the Commission to further elaborate the concept of an EU-wide industrial disaster risk-sharing facility, with full respect for the polluter-pays principle, in order to cover possible costs beyond a high level of mandatory financial securities;
 28. Considers that such a specialised EU-based industrial disaster risk-sharing facility should also cover the remediation of old environmental burdens which still constitute dangers for society and for which, due to the existing legal framework, there is no one objectively responsible who could cover the costs of the remediation;
 29. Highlights the importance of cooperation and solidarity at EU level in the event of environmental and industrial disasters;
 30. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.
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