

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

Article 5

Waste management plan

- 1 Member States shall ensure that the operator draws up a waste management plan for the minimisation, treatment, recovery and disposal of extractive waste, taking account of the principle of sustainable development.
- 2 The objectives of the waste management plan shall be:
 - a to prevent or reduce waste production and its harmfulness, in particular by considering:
 - (i) waste management in the design phase and in the choice of the method used for mineral extraction and treatment;
 - (ii) the changes that the extractive waste may undergo in relation to an increase in surface area and exposure to conditions above ground;
 - (iii) placing extractive waste back into the excavation void after extraction of the mineral, as far as is technically and economically feasible and environmentally sound in accordance with existing environmental standards at Community level and with the requirements of this Directive where relevant;
 - (iv) putting topsoil back in place after the closure of the waste facility or, if this is not practically feasible, reusing topsoil elsewhere;
 - (v) using less dangerous substances for the treatment of mineral resources;
 - b to encourage the recovery of extractive waste by means of recycling, reusing or reclaiming such waste, where this is environmentally sound in accordance with existing environmental standards at Community level and with the requirements of this Directive where relevant;
 - c to ensure short and long-term safe disposal of the extractive waste, in particular by considering, during the design phase, management during the operation and after# closure of a waste facility and by choosing a design which:
 - (i) requires minimal and, if possible, ultimately no monitoring, control and management of the closed waste facility;
 - (ii) 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
 - (iii) ensures the long-term geotechnical stability of any dams or heaps rising above the pre-existing ground surface.
- 3 The waste management plan shall contain at least the following elements:
 - a where applicable, the proposed classification for the waste facility in accordance with the criteria laid down in Annex III:

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- where a Category A waste facility is required, a document demonstrating that a major-accident prevention policy, a safety management system for implementing it and an internal emergency plan will be put into effect in accordance with Article 6(3);
- when the operator considers that a Category A waste facility is not required, sufficient information justifying this, including an identification of possible accident hazards;
- b waste characterisation in accordance with Annex II and a statement of the estimated total quantities of extractive waste to be produced during the operational phase;
- c a description of the operation generating such waste and of any subsequent treatment to which it is subject;
- d a description of how the environment and human health may be adversely affected by the deposit of such waste and the preventive measures to be taken in order to minimise environmental impact during operation and after closure, including the aspects referred to in Article 11(2) (a), (b), (d) and (e);
- e the proposed control and monitoring procedures pursuant to Articles 10, when applicable, and 11(2)(c);
- f the proposed plan for closure, including rehabilitation, after-closure procedures and monitoring as provided for in Article 12;
- g measures for the prevention of water status deterioration in accordance with Directive 2000/60/EC and for the prevention or minimisation of air and soil pollution pursuant to Article 13;
- h a survey of the condition of the land to be affected by the waste facility.

The waste management plan shall provide sufficient information to enable the competent authority to evaluate the operator's ability to meet the objectives of the waste management plan as set out in paragraph 2 and his obligations under this Directive. The plan shall explain, in particular, how the option and method chosen as mentioned in paragraph 2(a)(i) will fulfil the objectives of the waste management plan as laid down in paragraph 2(a).

4 The waste management plan shall be reviewed every five years and/or amended, as appropriate, in the event of substantial changes to the operation of the waste facility or to the waste deposited. Any amendments shall be notified to the competent authority.

5 Plans produced pursuant to other national or Community legislation and containing the information specified in paragraph 3 may be used where this obviates the unnecessary duplication of information and the repetition of work by the operator, on condition that all requirements under paragraphs 1 to 4 are met.

6 The competent authority shall approve the waste management plan on the basis of procedures to be decided by the Member States and shall monitor its implementation.