

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 12

Closure and after-closure procedures for waste facilities

- 1 Member States shall take measures to ensure compliance with paragraphs 2 to 5.
- 2 A waste facility shall only start the closure procedure if one of the following conditions is satisfied:
- a the relevant conditions stated in the permit are met;
 - b authorisation is granted by the competent authority, at the request of the operator;
 - c the competent authority issues a reasoned decision to that effect.

3 A waste facility may be considered as finally closed only after the competent authority has, without undue delay, carried out a final on-site inspection, assessed all the reports submitted by the operator, certified that the land affected by a waste facility has been rehabilitated and communicated to the operator its approval of the closure.

That approval shall not in any way reduce the operator's obligations under the conditions of the permit or otherwise in law.

4 The operator shall be responsible for the maintenance, monitoring, control and corrective measures in the after-closure phase for as long as may be required by the competent authority, taking into account the nature and duration of the hazard, save where the competent authority decides to take over such tasks from the operator, after a waste facility has been finally closed and without prejudice to any national or Community legislation governing the liability of the waste holder.

5 When considered necessary by the competent authority, in order to fulfil relevant environmental requirements set out in Community legislation, in particular those in Directives 76/464/EEC, 80/68/EEC and 2000/60/EC, following closure of a waste facility, the operator shall, *inter alia*, control the physical and chemical stability of the facility and minimise any negative environmental effect, in particular with respect to surface and groundwater, by ensuring that:

- a all the structures pertaining to the facility are monitored and conserved, with control and measuring apparatus always ready for use;
- b where applicable, overflow channels and spillways are kept clean and free.

6 Following closure of a waste facility, the operator shall, without delay, notify the competent authority of any events or developments likely to affect the stability of the waste facility, and any significant adverse environmental effects revealed by the relevant control and monitoring procedures. The operator shall implement the internal emergency plan, where applicable, and follow any other instruction from the competent authority as to the corrective measures to be taken.

The operator shall bear the costs of the measures to be undertaken.

In cases and at a frequency to be determined by the competent authority, the operator shall report, on the basis of aggregated data, all monitoring results to the competent

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authorities for the purposes of demonstrating compliance with permit conditions and increasing knowledge of waste and waste facility behaviour.