

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 3

Definitions

For the purposes of this Directive:

- (1) 'waste' is as defined in Article 1(a) of Directive 75/442/EEC;
- (2) 'hazardous waste' is as defined in Article 1(4) of Council Directive 91/689/EEC of 12 December 1991 on hazardous waste⁽¹⁾;
- (3) 'inert waste' means waste that does not undergo any significant physical, chemical or biological transformations. Inert waste will not dissolve, burn or otherwise physically or chemically react, biodegrade or adversely affect other matter with which it comes into contact in a way likely to give rise to environmental pollution or harm human health. The total leachability and pollutant content of the waste and the ecotoxicity of the leachate must be insignificant, and in particular not endanger the quality of surface water and/or groundwater;
- (4) 'unpolluted soil' means soil that is removed from the upper layer of the ground during extractive activities and that is not deemed to be polluted under the national law of the Member State where the site is located or under Community law;
- (5) 'mineral resource' or 'mineral' means a naturally occurring deposit in the earth's crust of an organic or inorganic substance, such as energy fuels, metal ores, industrial minerals and construction minerals, but excluding water;
- (6) 'extractive industries' means all establishments and undertakings engaged in surface or underground extraction of mineral resources for commercial purposes, including extraction by drilling boreholes, or treatment of the extracted material;
- (7) 'off-shore' means that area of the sea and seabed extending from the low water mark of ordinary or medium tides outwards;
- (8) 'treatment' means the mechanical, physical, biological, thermal or chemical process or combination of processes carried out on mineral resources, including from the working of quarries, with a view to extracting the mineral, including size change, classification, separation and leaching, and the re-processing of previously discarded waste, but excluding smelting, thermal manufacturing processes (other than the burning of limestone) and metallurgical processes;
- (9) 'tailings' means the waste solids or slurries that remain after the treatment of minerals by separation processes (e.g. crushing, grinding, size-sorting, flotation and other physico-chemical techniques) to remove the valuable minerals from the less valuable rock;
- (10) 'heap' means an engineered facility for the deposit of solid waste on the surface;
- (11) 'dam' means an engineered structure designed to retain or confine water and/or waste within a pond;

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- (12) ‘pond’ means a natural or engineered facility for disposing of fine-grained waste, normally tailings, along with varying amounts of free water, resulting from the treatment of mineral resources and from the clearing and recycling of process water;
- (13) ‘weak acid dissociable cyanide’ means cyanide and cyanide compounds that are dissociated with a weak acid at a defined pH;
- (14) ‘leachate’ means any liquid percolating through the deposited waste and emitted from or contained within a waste facility, including polluted drainage, which may adversely affect the environment if not appropriately treated;
- (15) ‘waste facility’ means any area designated for the accumulation or deposit of extractive waste, whether in a solid or liquid state or in solution or suspension, for the following time-periods:
- no time-period for Category A waste facilities and facilities for waste characterised as hazardous in the waste management plan;
 - a period of more than six months for facilities for hazardous waste generated unexpectedly;
 - a period of more than one year for facilities for non-hazardous non-inert waste;
 - a period of more than three years for facilities for unpolluted soil, non-hazardous prospecting waste, waste resulting from the extraction, treatment and storage of peat and inert waste.

Such facilities are deemed to include any dam or other structure serving to contain, retain, confine or otherwise support such a facility, and also to include, 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;

- (16) ‘major accident’ means an occurrence on site in the course of an operation involving the management of extractive waste in any establishment covered by this Directive, leading to a serious danger to human health and/or the environment, whether immediately or over time, on-site or off-site;
- (17) ‘dangerous substance’ means a substance, mixture or preparation which is dangerous within the meaning of Directive 67/548/EEC⁽²⁾ or Directive 1999/45/EC⁽³⁾;
- (18) ‘best available techniques’ is as defined in Article 2(11) of Directive 96/61/EC;
- (19) ‘receiving body of water’ means surface waters, groundwater, transitional waters and coastal water as defined in Article 2(1), (2), (6) and (7) of Directive 2000/60/EC, respectively;
- (20) ‘rehabilitation’ means the treatment of the land affected by a waste facility in such a way as to restore the land to a satisfactory state, with particular regard to soil quality, wild life, natural habitats, freshwater systems, landscape and appropriate beneficial uses;
- (21) ‘prospecting’ means the search for mineral deposits of economic value, including sampling, bulk sampling, drilling and trenching, but excluding any works required for the development of such deposits, and any activities directly associated with an existing extractive operation;
- (22) ‘the public’ means one or more natural or legal persons and, in accordance with national legislation or practice, their associations, organisations or groups;

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- (23) 'the public concerned' means the public affected or likely to be affected by, or having an interest in, the environmental decision-making under Articles 6 and 7 of this Directive; for the purposes of this definition, non-governmental organisations promoting environmental protection and meeting any requirement under national law shall be deemed to have such an interest;
- (24) 'operator' means the natural or legal person responsible for the management of extractive waste, in accordance with the national law of the Member State in which waste management takes place, including in respect of temporary storage of extractive waste as well as the operational and the after-closure phases;
- (25) 'waste holder' means the producer of the extractive waste or the natural or legal person who is in possession of it;
- (26) 'competent person' means a natural person who has the technical knowledge and experience, as defined by the national law of the Member State in which the person operates, to perform the duties arising from this Directive;
- (27) 'competent authority' means the authority or authorities which a Member State designates as responsible for performing the duties arising from this Directive;
- (28) 'site' means all land at a distinct geographic location under the management control of an operator;
- (29) 'substantial change' means a change in the structure or operation of a waste facility that, in the opinion of the competent authority, may have significant negative effects on human health or the environment.

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- (1) [OJ L 377, 31.12.1991, p. 20](#). Directive as amended by Regulation (EC) No 166/2006.
- (2) Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances ([OJ 196, 16.8.1967, p. 1](#)). Directive as last amended by Commission Directive 2004/73/EC ([OJ L 152, 30.4.2004, p. 1](#)).
- (3) Directive 1999/45/EC of the European Parliament and of the Council of 31 May 1999 concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations ([OJ L 200, 30.7.1999, p. 1](#)). Directive as last amended by Commission Directive 2006/8/EC ([OJ L 19, 24.1.2006, p. 12](#)).