



European
Commission

EU principles for sustainable raw materials



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Context

In 2019, the European Commission published the European Green Deal¹, which aims at achieving a sustainable EU economy. This is the core of the EU's environmental, climate and also industrial policy, setting out the target of climate-neutrality in 2050, zero pollution, and increasing the CO2 reduction targets to 55% by 2030. Achieving the Green Deal objectives requires **access to sustainable raw materials**, in particular critical raw materials necessary for clean technologies, digital, space and defence applications, by diversifying supply from both primary and secondary sources.

The Raw Materials Supply Group² (RMSG including Member States, regional authorities, industry associations, civil society, social partners and research organisations) and the European Commission have developed and agreed upon a set of voluntary, non-mandatory **EU principles for sustainable raw materials**.

These principles will feed into an **integrated approach to sustainable raw materials extraction and processing in Europe** in terms of **social-, environmental- and economic performance**.

The European Commission adopted a number of initiatives in 2020 and 2021 anchored in the European Green Deal and relevant to raw materials:

- **2020 Industrial Policy for the EU³** and the **2021 Industrial Strategy Update⁴** leading the twin transitions to climate neutrality and digital leadership and increasing industry's competitiveness and strategic autonomy at a time of increasing global competition,

- **2020 Circular Economy Action Plan⁵** holding proposals for increasing the circularity and retention of raw materials in the EU economy, including a new regulatory framework for batteries,
- **2020 Communication "Critical Raw Materials Resilience: Charting a Path towards greater Security and Sustainability"⁶**. This communication, building on the EU's Raw Materials Initiative⁷, updates the list of raw materials critical for the EU and proposes a Critical Raw Materials Action Plan for increased resilience in EU's supply chains through secure and sustainable supply of critical raw materials.
- **Proposal for a Regulation on batteries⁸ and waste batteries** ensuring a competitive, sustainable and circular batteries value chain in Europe. The proposal includes provisions for more efficient recycling processes and material recovery, thereby mainstreaming circularity and reinforcing secondary raw materials markets.

A main building block of the Critical Raw Materials Action Plan is about strengthening the sustainable and responsible domestic sourcing and processing of raw materials in the European Union where public acceptance is an important element. The EU principles for sustainable raw materials support this goal. They have been developed to reflect the practices that are followed within the European Union and that are expected to be applied also by new entrants to the market.

What is the objective and the scope?

The objective of the EU principles for sustainable raw materials, is to **align the understanding of sustainable raw materials extraction (from exploration to post-closure) and processing operations in the EU amongst Member States and define the general direction towards the SDGs**. This will lead to a common European understanding on sustainability principles that can contribute to coherence amongst emerging certification and labelling schemes, and that existing practices, codes and standards are recognised.

The principles should enable to better communicate with the public on the conditions under which sustainable raw materials extraction and processing takes place in Europe and increase public acceptance for this activity.

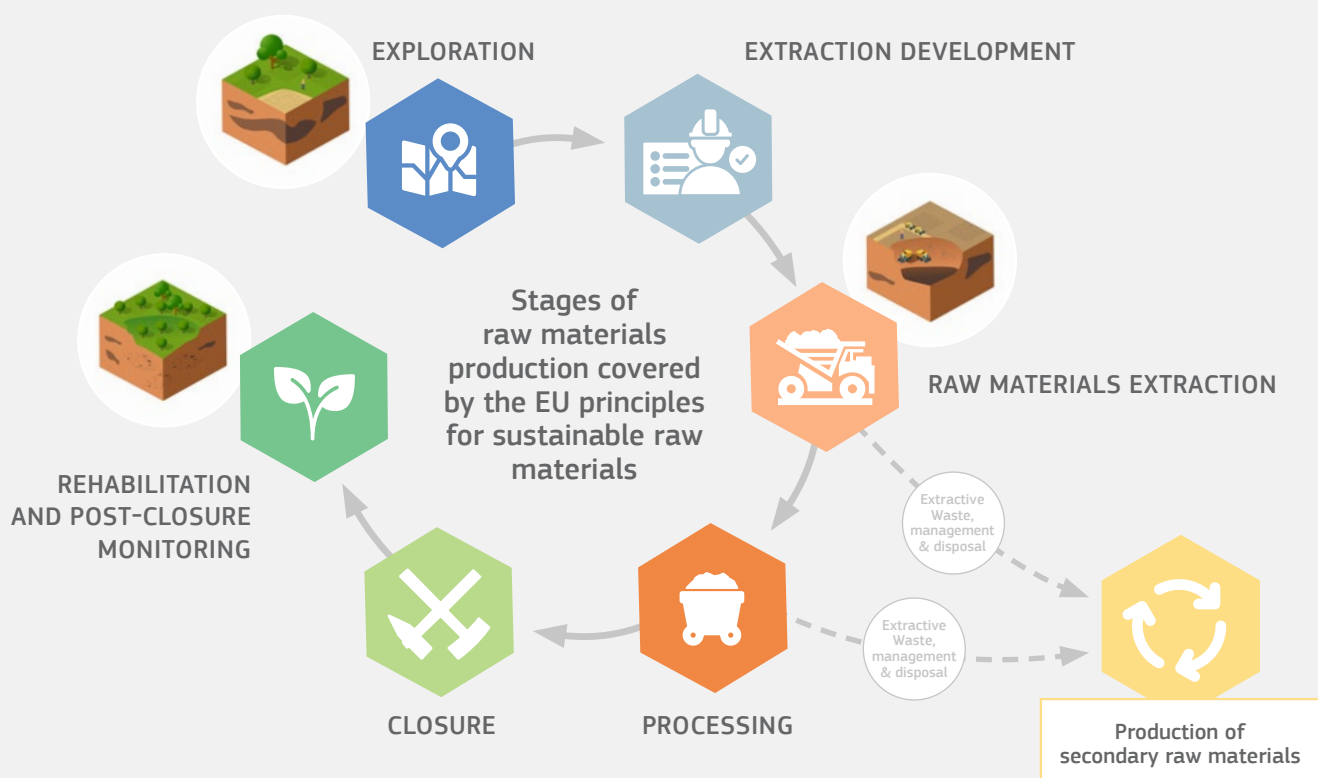
The principles will build upon existing EU legislation concerning sustainability⁹, and refer to internationally agreed sustainable raw materials extraction and processing initiatives¹⁰. The principles do not impose any obligations on the Member States or the industry. Development of indicators and certification is outside the scope of this action.

Scope

The EU principles for sustainable raw materials are applicable in the EU to the extraction and processing stages of non-energy raw materials and to the entire minerals value chains lifecycle from exploration to post-closure, as well as to the production of secondary raw materials from extractive waste streams such as waste rocks, processing wastes/tailings¹¹.

Extractive activities include extraction from a mine or quarry, but also dredging of alluvial deposits, rock crushing and the use of salt marshes. Extraction can be achieved by different methods such as underground or surface mining, well operation etc.

The extractive industry comprises supplementary activities aimed at preparing the raw materials for marketing, for example, crushing, grinding, cleaning, drying, sorting, concentrating ores. These operations are often accomplished by the units that extracted the resource and/or others located nearby.





Introduction

The principles are founded on the goals and values of the EU as laid down in the EU Treaties:

- Promote peace, its values and the well-being of its citizens
- Offer freedom, security and justice without internal borders
- Sustainable development based on balanced economic growth and price stability, a highly competitive market economy with full employment, social progress, and environmental protection
- Combat social exclusion and discrimination
- Promote scientific and technological progress
- Enhance economic, social and territorial cohesion and solidarity among EU countries
- Respect its rich cultural and linguistic diversity
- Support an economic and monetary union whose currency is the euro.
- Human dignity is inviolable. It must be respected, protected and constitutes the real basis of fundamental rights.
- Freedom of movement gives citizens the right to move and reside freely within the Union. Individual freedoms such as respect for private life, freedom of thought, religion, assembly, expression and information are protected by the EU Charter of Fundamental Rights.
- Democracy. The functioning of the EU is founded on representative democracy.
- Equality is about equal rights for all citizens before the law. The principle of equality between women and men underpins all European policies and is the basis for European integration. It applies in all areas.
- Rule of law. The EU is based on the rule of law. Everything the EU does is founded on treaties, voluntarily and democratically agreed by its EU countries. Law and justice are upheld by an independent judiciary. The EU countries gave final jurisdiction to the European Court of Justice which judgements have to be respected by all.
- Human rights are protected by the EU Charter of Fundamental Rights. These cover the right to be free from discrimination on the basis of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, the right to the protection of your personal data, and or the right to get access to justice.

Raw materials

Raw materials in this context is based on the definition in the Extractive Waste Directive¹²:

“ ‘mineral resource’ or ‘mineral’ means a naturally occurring deposit in the earth’s crust of an organic or inorganic substance, such as metal ores, industrial minerals and construction minerals, excluding energy raw materials and water”.

EU principles for sustainable raw materials



Social Principles

Human rights, engagement with communities of interest, employment, health and safety

1

Sustainable raw materials extraction and processing support human rights, communities and sound governance¹³ through:

- a. respect for human rights, cultures, customs and values of people, including indigenous populations, affected by extraction and processing activities;
- b. a constructive and active dialogue with communities and workers concerned, including those of indigenous people, to advance the social, economic and institutional development of those communities. The dialogue shall be effective and transparent and deliver on reporting arrangements with concerned stakeholders.
- c. commitment to ensure safe living conditions in communities concerned, including of indigenous people, are not jeopardised by unsafe extraction and processing operations.

2

Sustainable raw materials extraction and processing support Decent Work for the workforce¹⁴ through:

- a. improving the worker's health and safety with the commitment of achieving a zero accidents target;
- b. continuously improving the skills of the workers, creating and maintaining a stable and quality workplace;
- c. respect for worker's rights in line with the International Labour Organization Fundamental Conventions





Economic- and governance principles

Business integrity, transparency and wider economic contribution

3

Sustainable raw materials extraction and processing comply with all laws and regulations in the EU, including EU legislation as laid down in the EU Treaties.

4

Sustainable raw materials extraction processing constitute an essential building block for sustainable value chains that have a strategic importance for economic growth and the sustainability of Europe's economy and society¹⁵ including the transition to climate neutrality and a digital economy while complying with the principle of do no significant harm as stated in the European Green Deal in that they:

- a. contribute to the economic growth and the socio-economic advancement of communities, including indigenous people, associated with or affected by extraction and processing operations¹⁶;
- b. are carried out to ensure long-term sustainability and economic viability to develop and meet the needs of modern society for minerals and metals;
- c. facilitate innovation¹⁷ and encourage the uptake of digital technologies for safer, cleaner and cost-effective production processes;
- d. implement circular economy and resource efficiency driven mineral-based technology value chains to promote waste recovery, and enable energy transition and electrification.

5

Sustainable raw materials extraction and processing apply sound financial management¹⁸ in the following ways:

- a. by applying a properly accountable management with respect to all financial matters and the environmental and social aspects of the operations;
- b. by integrating sustainability in the corporate governance strategies and management systems building on corporate social responsibility including risk management and respect for the rule of law;
- c. by applying robust systems of transparency including in the non-financial reporting matrix to investors and the public;
- d. by adhering to ethical corporate practices maintaining the highest business integrity in all operations and to sound systems of governance as laid down in EU and national legislation and relevant internationally accepted guidance¹⁹.





Environmental principles

Environmental management and impact mitigation

6

Sustainable raw materials extraction and processing apply sound environmental management practices. It is ensured by²⁰:

- a. applying sound science- and knowledge-based environmental management of technical and economic feasibility, which is in alignment with the current legal framework in place and the European Green Deal; the main negative impacts of the operations on the environment (e.g. water, air, soil) as well as resulting damages will be adequately monitored, assessed and minimised;
- b. environmental protection and mitigation measures being applied throughout the life of an extraction and processing operation, from exploration to post closure;
- c. applying the best available techniques on extractive waste management, in line with the Extractive Waste Directive and the Reference Document for the Management of Waste from Extractive Industries (MWEI) BREF in place;
- d. and the European Green Deal and Biodiversity Strategy, the conservation of biodiversity, and any negative impact on biodiversity²¹ is minimised and where legally stipulated compensated through implementation of integrated approaches as well as reconciliation of extractive and processing activities in Natura 2000 sites²².

7

Sustainable raw materials extraction and processing improve and promote efficient energy use, support climate change mitigation and adaptation measures²³ through:

- a. improving the efficiency of energy use and promoting the use of renewable energy sources in order to minimise greenhouse gas emissions. The CO₂ equivalent emissions are measured and/or estimated and reported in line with accepted reporting standards laid down in EU and national/regional legislation;
- b. supporting or alignment with the objectives of global climate agreements through science-based targets for the reduction or mitigation of CO₂ equivalent emissions and promoting the use of available renewable energy sources;
- c. assessing the vulnerability of operations to climate change, improving resilience of operations to climate change through suitable adaptation measures and contributing to the resilience of nearby communities, including indigenous people, in the face of climate change effects.

8

Sustainable raw materials extraction and processing includes materials stewardship and contributes to the EU's circular economy where possible²⁴ and within its responsibilities²⁵ through:

- a. facilitating and encouraging the promotion of safe use, recycling and disposal of products through an understanding of their material use or material stewardship in thematic areas;
- b. promoting material stewardship in mining and processing, including economic extraction of by-products and the recovery of raw materials from mining and processing waste as well as other secondary resources.



ANNEX

EU principles for sustainable raw materials, links to relevant EU legislation



ANNEX

EU principles for sustainable raw materials, links to relevant EU legislation

| EU principles for sustainable raw materials, Social/Economic- and Governance/Environmental | |
|--|--|
| Social principles – 1-2: Human rights, engagement with communities of interest, employment, health and safety | |
| 1. Sustainable raw materials extraction and processing support human rights, communities and sound governance through: | <ul style="list-style-type: none"> a. respect for human rights, cultures, customs and values of people, including indigenous populations, affected by extraction and processing activities; b. a constructive and active dialogue with communities and workers concerned, including those of indigenous people, to advance the social, economic and institutional development of those communities. The dialogue shall be effective and transparent and deliver on reporting arrangements with concerned stakeholders; c. commitment to ensure safe living conditions in communities concerned, including of indigenous people, are not jeopardised by unsafe extraction and processing operations. |
| 2. Sustainable raw materials extraction and processing support Decent Work for the workforce through: | <ul style="list-style-type: none"> a. improving the worker's health and safety with the commitment of achieving a zero accidents target; b. continuously improving the skills of the workers, creating and maintaining a stable and quality workplace; c. respect for worker's rights in line with the International Labour Organization Fundamental Conventions |

| EU legislation | EU legislation - scope |
|--|--|
| Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC - Statement by the Commission. | This Directive provides amendments of Directive 85/337/EEC (Assessment of the effects of certain public and private projects on the environment) and Directive 96/61/EC (IPPC Directive) in order to be fully harmonized with the Aarhus Convention. It focuses on the options of public participation in respect to certain plans and projects relating to the environment. |
| Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC. | The Directive fully adapts national laws to the 1998 Aarhus Convention on access to information. It guarantees the public access to environmental information held by, or for, public authorities, both upon request and through active dissemination. It sets out the basic terms, conditions and practical arrangements where access upon request may be exercised. |

| EU legislation | EU legislation - scope |
|--|---|
| Directive 2004/107/EC of the European Parliament and of the Council of 15 December 2004 relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air. | Target value for arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air Exclusions from scope: none. The Directive may be relevant at permitting of extraction and post-extraction phases of sulphidic ore mining sites. |
| Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe. | In scope: improve air quality in MSs. The Directive is primarily relevant to extraction phase which may have pollution effect on the ambient air. |
| Regulation (EU) No 540/2014 of the European Parliament and of the Council of 16 April 2014 on the sound level of motor vehicles and of replacement silencing systems. | The Regulation may be highly relevant for environmental permitting at the extraction phase. |
| Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise. | Environmental noise to which humans are exposed in particular in built-up areas, in public parks or other quiet areas in an agglomeration, in quiet areas in open country, near schools, hospitals and other noise sensitive buildings and areas. The Directive may be applicable at all three permitting phases (exploration/extraction/post-extraction), especially for permitting of extraction. |
| Directive 2000/14/EC of the European Parliament and of the Council of 8 May 2000 on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors. This framework Directive harmonises the 9 existing legal instruments on noise emissions for each type of construction plant and equipment. | Can be relevant in all three phases of permitting, as many of the equipment listed in Arts. 12 and 13 are used by the NEEI. All these equipments must include the CE mark visibly. |
| Commission Directive (EU) 2015/996 of 19 May 2015 establishing common noise assessment methods according to Directive 2002/49/EC of the European Parliament and of the Council. | The Directive has to be applied for noise assessment methods as part of the EIA procedure. |
| Responsible Minerals Regulation. Regulation (EU) 2017/821. | Establishes a Union system for supply chain due diligence to stem the trade in tin, tantalum and tungsten, their ores, and gold. This Regulation is designed to provide transparency and certainty as regards the supply practices of Union importers, and of smelters and refiners sourcing from conflict-affected and high-risk areas. |
| Council Directive 92/104/EEC of 3 December 1992 on the minimum requirements for improving the safety and health protection of workers in surface and underground mineral-extracting industries | The Directive covers surface and underground mineral-extracting industries, including prospecting, and the preparation of extracted materials for sale. It does not cover the subsequent processing of the materials extracted. |

| EU legislation | EU legislation - scope |
|--|---|
| Council Directive 92/91/EEC of 3 November 1992 concerning the minimum requirements for improving the safety and health protection of workers in the mineral- extracting industries through drilling | The objective of this Directive is to improve the safety and health conditions of workers in the extractive industries concerned with exploration for and extraction of minerals by means of boreholes (onshore and offshore). |
| The European Framework Directive on Safety and Health at Work 89/391/EEC. It includes measures to encourage improvements in the safety and health of workers at work. It guarantees minimum safety and health requirements throughout Europe while Member States are allowed to maintain or establish more stringent measures. Items a)-g) below related acts: | This Directive shall apply to all sectors of activity, both public and private. |
| a) Directive 2009/104/EC of the European Parliament and of the Council of 16 September 2009 concerning the minimum safety and health requirements for the use of work equipment by workers at work. | The Directive lays down minimum safety and health requirements for the use of work equipment by workers at work. |
| b) Council Directive 89/656/EEC of 30 November 1989 on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace. | This Directive lays down minimum requirements for personal protective equipment used by workers at work. The provisions of Directive 89/391/EEC are fully applicable to the whole scope, without prejudice to more restrictive and/or specific provisions contained in this Directive. Occupational health and safety protection measures comprise a compulsory part of the Technical operation plan (TOP). |
| c) Directive 2003/10/EC of the European Parliament and of the Council of 6 February 2003 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (noise) | Applies to activities in which workers are or are likely to be exposed to risks from noise as a result of their work. Occupational health and safety protection measures comprise a compulsory part of the Technical operation plan (TOP). |
| d) Directive 2002/44/EC of the European Parliament and of the Council of 25 June 2002 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (vibration) | This Directive lays down minimum requirements for the protection of workers from risks to their health and safety arising or likely to arise from exposure to mechanical vibration. |
| e) Council Directive 92/58/EEC of 24 June 1992 on the minimum requirements for the provision of safety and/or health signs at work. | This Directive lays down minimum requirements for the provision of safety and/or health signs at work. The provisions of Directive 89/391/EEC shall apply in full to the whole area, without prejudice to more stringent and/or specific provisions in this Directive. Not directly relevant for permitting (exploration/extraction/post-extraction), however occupational health and safety protection measures comprise a compulsory part of the Technical operation plan (TOP). |

| EU legislation | EU legislation – scope |
|--|--|
| <p>f) Council Directive 98/24/EC of 7 April 1998 on the protection of the health and safety of workers from the risks related to chemical agents at work (fourteenth individual Directive within the meaning of Art. 16(1) of Directive 89/391/EEC)</p> | <p>The requirements of this Directive apply where hazardous chemical agents are present or may be present at the workplace. It lays down particular minimum requirements, including limit values. Occupational health protection measures comprise a compulsory part of the Technical operation plan (TOP). To prevent the exposure of workers to health risks from certain chemical agents and/or certain activities involving chemical agents, the production, manufacture or use at work of the chemical agents and the activities set out in Annex III shall be prohibited to the extent specified therein.</p> |
| <p>g) Directive 2004/37/EC of the European Parliament and of the Council of 29 April 2004 on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (Sixth individual Directive within the meaning of Art. 16(1) of Council Directive 89/391/EEC)</p> | <p>This Directive has as its aim the protection of workers against risks to their health and safety, including the prevention of such risks, arising or likely to arise from exposure to carcinogens or mutagens at work. It lays down particular minimum requirements in this area, including limit values.</p> |
| <p>Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006</p> | <p>Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006.</p> |
| <p>Council Directive 2013/59/Euratom of 5 December 2013 laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation.</p> | <p>This Directive establishes uniform basic safety standards for the protection of the health of individual's subject to occupational, medical and public exposures against the dangers arising from ionising radiation. It applies to any planned, existing or emergency exposure situation which involves a risk from exposure to ionising radiation which cannot be disregarded from a radiation protection point of view or with regard to the environment in view of long-term human health protection. The Directive may be relevant concerning health and safety instructions for exploration technical operation plans (TOP), using certain geophysical methods. As far as mining of uranium and thorium ores do not fall under the non-energy extractive industry activities, provisions of the Directive concerning extraction and processing of these ores as well as post-extraction treatment of radioactive waste are not in scope. At several ore mining regions (in granitic massives or tertiary volcanic ranges) elevated radon concentration may appear in workplaces, where provisions of Art. 54 may apply.</p> |

| EU legislation | EU legislation - scope |
|--|---|
| Directive 97/23/EC of the European Parliament and of the Council of 29 May 1997 on the approximation of the laws of the Member States concerning pressure equipment. | |
| Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC (recast). | |
| Directive 90/269/EEC Manual Handling of Loads | |
| Directive 90/270/EEC Display Screen Equipment | |
| Directive 2004/40/EC Electromagnetic Fields | |
| Directive 2006/25/EC Artificial Optical Radiation | |
| Directive 2000/54/EC Biological Agents | |
| Directive 92/57/EEC Temporary or mobile construction sites | |
| Directive 91/383/EEC 42 Temporary workers | |
| Directive 2003/88/EC concerning certain aspects of the organisation of working time | |
| Directive 94/33/EC Young people at work | |
| <p>Voluntary EU Multisectoral Social Dialogue Agreement NEPSI (European Network on Silica), OJ C 279 on 17.11.2006.</p> <p>It is to be noted, that although this is not a legislative act, this voluntary Agreement is worth to be mentioned here.</p> | <p>Since 2006, the Social Dialogue "Agreement on Workers' Health Protection Through the Good Handling and Use of Crystalline Silica and Products Containing it" aims to protect the health of employees occupationally exposed to respirable crystalline silica in 18 industry sectors minimising such exposure by applying good practices, and increasing the knowledge and awareness about potential health effects of respirable crystalline silica as well as about good practices.</p> |

EU principles for sustainable raw materials, Social/Economic- and Governance/Environmental

Economic - and governance principles – 3-5: Business integrity, transparency and wider economic contribution

3. Sustainable raw materials extraction and processing comply with all laws and regulations in the EU, including EU legislation as laid down in the EU Treaties.
4. Sustainable raw materials extraction and processing constitute an essential building block for sustainable value chains that have a strategic importance for economic growth and the sustainability of Europe's economy and society including the transition to climate neutrality and a digital economy while complying with the principle of do no significant harm as stated in the European Green Deal in that they:
 - a. contribute to the economic growth and the socio-economic advancement of communities, including indigenous people, associated with or affected by extraction and processing operations ;
 - b. are carried out to ensure long-term sustainability and economic viability to develop and meet the needs of modern society for minerals and metals;
 - c. facilitate innovation and encourage the uptake of digital technologies for safer, cleaner and cost-effective production processes.
 - d. implement circular economy and resource efficiency driven mineral-based technology value chains to promote waste recovery, and enable energy transition and electrification.
5. Sustainable raw materials extraction and processing apply sound financial management in the following ways:
 - a. by applying a properly accountable management with respect to all financial matters and the environmental and social aspects of the operations;
 - b. by integrating sustainability in the corporate governance strategies and management systems building on corporate social responsibility including risk management and respect for the rule of law;
 - c. by applying robust systems of transparency including in the non-financial reporting matrix to investors and the public;
 - d. by adhering to ethical corporate practices maintaining the highest business integrity in all operations and to sound systems of governance as laid down in EU and national legislation and relevant internationally accepted guidance.

| EU legislation | EU legislation - scope |
|--|---|
| Accounting Directive. Directive 2013/34/EU. On the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC Text with EEA relevance | <p>This Directive is a general instrument for economic activities in the EU, regulating the accounting rules (e.g. general financial reporting principles, general provisions concerning the balance sheet) of annual financial statements for different types of companies.</p> <p>Promote the application of corporate governance codes by requiring that listed companies refer in their corporate governance statement to a code and disclose whether they comply with it and if not, they provide an explanation. Corporate governance codes therefore remain largely voluntary.</p> |
| Shareholders rights directive: Directive 2007/36/EC on the exercise of certain rights of shareholders in listed companies; Directive (EU) 2017/828 amending Directive 2007/36/EC | Some key corporate governance aspects have been harmonised at EU level through directives. The Shareholders' Rights Directives grant a number of procedural shareholder rights and promote long-term shareholder engagement, facilitate voting and regulates remuneration. |
| Transparency Directive: Directive 2013/50/EU of the European Parliament and of the Council of 22 October 2013 amending Directive 2004/109/EC of the European Parliament and of the Council on the harmonisation of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market, Directive 2003/71/EC of the European Parliament and of the Council on the prospectus to be published when securities are offered to the public or admitted to trading and Commission Directive 2007/14/EC laying down detailed rules for the implementation of certain provisions of Directive 2004/109/EC Text with EEA relevance. | The Transparency Directive sets up the requirements in relation to the disclosure of periodic and ongoing information about issuers whose securities are already admitted to trading on a regulated market situated or operating within a MS. |
| Takeover Bids Directive Directive 2004/25/EC, amended by Regulation (EC) 219/2009 and Directive 2014/59/EU. | Provides for common rules for takeover bids, in particular as regards the protection of minority shareholders in cases when control of a company changes hands. |
| Non-Financial Reporting Directive. Directive 2014/95/EU. Currently under review. | New reporting requirements on sustainability related matters for certain large companies having more than 500 employees. These have to disclose environmental, social and human rights, corruption and bribery related information (risk, policies, the outcome of those policies, key performance indicators and impacts). |

| EU legislation | EU legislation - scope |
|---|---|
| <p>Taxonomy Regulation. Regulation (EU) 2020/852.</p> | <p>Establishes the framework for the EU taxonomy by setting out four overarching conditions that an economic activity has to meet in order to qualify as environmentally sustainable.</p> <p>The Taxonomy Regulation establishes six environmental objectives</p> <ol style="list-style-type: none"> 1. Climate change mitigation 2. Climate change adaptation 3. The sustainable use and protection of water and marine resources 4. The transition to a circular economy 5. Pollution prevention and control 6. The protection and restoration of biodiversity and ecosystems <p>European Commission to establish a classification of environmentally sustainable economic activities by defining technical screening criteria for each environmental objective with the aim of scaling up sustainable investments and combatting greenwashing of 'sustainable' financial products.</p> |

EU principles for sustainable raw materials, Social/Economic- and Governance/Environmental

Environmental principles – 6-8: Environmental management and impact mitigation

6. Sustainable raw materials extraction and processing apply sound environmental management practices. It is ensured by:
 - a. applying sound science- and knowledge-based environmental management of technical and economic feasibility, which is in alignment with the current legal framework in place and the European Green Deal; the main negative impacts of the operations on the environment (e.g. water, air, soil) as well as resulting damages will be adequately monitored, assessed and minimised;
 - b. environmental protection and mitigation measures being applied throughout the life of an extraction and processing operation, from exploration to post closure;
 - c. applying the best available techniques on extractive waste management, in line with the Extractive Waste Directive and the Reference Document for the Management of Waste from Extractive Industries (MWEI) BREF in place;
 - d. applying, in line with current EU legislation and the European Green Deal and Biodiversity Strategy, the conservation of biodiversity, and any negative impact on biodiversity is minimised and where legally stipulated compensated through implementation of integrated approaches as well as reconciliation of extractive and processing activities in Natura 2000 sites .
7. Sustainable raw materials extraction and processing improve and promote efficient energy use, support climate change mitigation and adaptation measures through:
 - a. improving the efficiency of energy use and promoting the use of renewable energy sources in order to minimise greenhouse gas emissions. The CO2 equivalent emissions are measured and/or estimated and reported in line with accepted reporting standards laid down in EU and national/regional legislation
 - b. supporting or alignment with the objectives of global climate agreements through science-based targets for the reduction or mitigation of CO2 equivalent emissions and promoting the use of available renewable energy sources;
 - c. assessing the vulnerability of operations to climate change, improving resilience of operations to climate change through suitable adaptation measures and contributing to the resilience of nearby communities, including indigenous people, in the face of climate change effects.
8. Sustainable raw materials extraction and processing includes materials stewardship and contributes to the EU's circular economy where possible and within its responsibilities through:
 - a. facilitating and encouraging the promotion of safe use, recycling and disposal of products through an understanding of their material use or material stewardship in thematic areas.
 - b. promoting material stewardship in mining and processing, including economic extraction of by-products and the recovery of raw materials from mining and processing waste as well as other secondary resources.

| EU legislation | EU legislation - scope |
|---|--|
| <p>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. Extractive Waste Directive. Associated legislation below a) - e).</p> | <p>Management of waste resulting from the prospecting, extraction, treatment and storage of mineral resources and the working of quarries ("extractive waste").</p> |
| <p>a) 2009/335/EC: Commission Decision of 20 April 2009 on technical guidelines for the establishment of the financial guarantee in accordance with Directive 2006/21/EC.</p> | |
| <p>b) 2009/337/EC: Commission Decision of 20 April 2009 on the definition of the criteria for the classification of waste facilities in accordance with Annex III of Directive 2006/21/EC.</p> | |
| <p>c) 2009/358/EC: Commission Decision of 29 April 2009 on the harmonisation, the regular transmission of the information and the questionnaire referred to in Art. 22(1)(a) and 18 of Directive 2006/21/EC.</p> | |
| <p>d) 2009/359/EC: Commission Decision of 30 April 2009 completing the definition of inert waste in implementation of Art. 22(1)(f) of Directive 2006/21/EC.</p> | |
| <p>e) 2009/360/EC: Commission Decision of 30 April 2009 completing the technical requirements for waste characterisation laid down by Directive 2006/21/EC.</p> | |
| <p>2009/335/EC: Commission Decision 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 (notified under document number C(2009) 2798) [Also under Extractive waste management above].</p> | <p>Scope as in Directive 2006/21/EC</p> |
| <p>Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC (Seveso III Directive, Chapters: 15.10.20.50).</p> | <p>The scope of the Directive covers the establishments, including salt cavities and disused mines and chemical and thermal processing operations and storage related to those operations which involve dangerous substances, as well as operational tailings disposal facilities, including tailing ponds or dams, containing dangerous substances.</p> |

| EU legislation | EU legislation - scope |
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| Directive 2014/52/EU on amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment: Environmental Impact Assessment Directive. | The Directive contains a legal requirement to carry out an environmental impact assessment (EIA) of public or private projects likely to have significant effects on the environment because of their nature, size or location, before they begin. |
| Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment. Directive for Strategic Environmental Assessment. | The Directive requires certain plans and programmes, which are likely to have significant effects on the environment, to be subject to an environmental assessment. |
| Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC. | This regulation is to set up market mechanisms to commit organisations to adopt pro-active approach on compliance of regulatory requirements regarding to the environment. The European Union eco-management and audit scheme (EMAS) is a voluntary scheme designed to promote continuous improvements of the environmental performance and compliance with all relevant regulatory requirements regarding the environment. |
| Directive 2004/35/EC 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. Environmental Liability Directive. | The Directive establishes a framework for environmental liability based on the polluter pays principle, with a view to preventing and remedying environmental damage. |
| Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC. | The REACH (registration, evaluation, authorisation and restriction of chemicals) regulation provides a comprehensive legislative framework for chemicals manufacture and use in Europe. |
| Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) Text with EEA relevance. | The legislation covers the following industrial activities: energy, metal production and processing, minerals, chemicals, waste management and other sectors such as pulp and paper production, slaughterhouses and the intensive rearing of poultry and pigs. All installations covered by the Directive must prevent and reduce pollution by applying the best available techniques (BATs), efficient energy use, waste prevention and management and measures to prevent accidents and limit their consequences. |

| EU legislation | EU legislation - scope |
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| COM(2020) 80 final. Proposal for a regulation of the European Parliament and of the Council establishing the framework for achieving climate neutrality and amending Regulation (EU) 2018/1999 (European Climate Law). | This Regulation establishes a framework for the irreversible and gradual reduction of greenhouse gas emissions and enhancement of removals by natural or other sinks in the Union. This Regulation sets out a binding objective of climate neutrality in the Union by 2050 in pursuit of the long-term temperature goal set out in Article 2 of the Paris Agreement, and provides a framework for achieving progress in pursuit of the global adaptation goal established in Article 7 of the Paris Agreement. This Regulation applies to anthropogenic emissions and removals by natural or other sinks of the greenhouse gases listed in Part 2 of Annex V to Regulation (EU) 2018/1999. |
| Commission Regulation (EU) No 601/2012 of 21 June 2012 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council Text with EEA relevance. | Emission factors. |
| Directive 2009/147/EC of the European Parliament and the Council of 30 November 2009 on the conservation of wild birds (codified version of Directive 79/409/EEC). Birds Directive. | The Directive seeks to conserve all species of naturally occurring birds in the wild state in the European territory of the Member States to which the Treaty applies by setting out rules for their protection, management and control. |
| Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, Habitats Directive. | This Directive, known as the Habitats Directive, is intended to help maintain or improve biodiversity in the MSs by defining a common framework for the conservation of wild plants and animals and of habitats of Community interest. |
| Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy. Water Framework Directive. | This Directive seeks to protect and improve water quality. |
| Directive 2006/118/EC of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution and deterioration. | Provides measures to prevent and control groundwater pollution has been required by the Water Framework Directive. |
| Directive 2020/2184 of the European Parliament and of the Council of 16 December 2020 on the quality of water intended for human consumption (recast). Replacing Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption. Drinking Water Directive. | The Directive applies to all water intended for human consumption apart from natural mineral waters and waters which are medicinal products. Member States shall take all measures necessary to ensure that regular monitoring of the quality of water intended for human consumption is carried out. |

| EU legislation | EU legislation – scope |
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| Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks. Floods Directive. | This Directive aims to establish a framework for measures to reduce the risk of floods in the EU by assessing the risk of flooding in river basins and coastal regions, mapping out areas that are prone to significant floods and drawing up flood-risk management plans based on close cooperation between the EU countries. |
| Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (Text with EEA relevance). Waste Framework Directive. | Waste in general. waste hierarchy, rules on by-products and end-of-waste status, permits and registrations, lists, waste management plans, public participation, inspections, record keeping, enforcement and penalties, Comitology, hazardous waste characterization. |
| Directive 2004/107/EC of the European Parliament and of the Council of 15 December 2004 relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air. | The Directive may be relevant at permitting of extraction and post-extraction phases of sulphidic ore mining sites. |
| Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006 concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC (Text with EEA relevance). | The register contains information on releases of pollutants to air, water and land, as well as off-site transfers of pollutants present in waste-water and waste. |
| 2006/61/EC: Council Decision of 2 December 2005 on the conclusion, on behalf of the European Community, of the UN-ECE Protocol on Pollutant Release and Transfer Registers. | This Council Decision declares the approval of the UN-ECE Protocol on Pollutant Release and Transfer Registers (PRTR) on behalf of the European Community. The detailed rules on introduction of the European PRTR is set by the 166/2006 (EC) Regulation. PRTR is an environmental database or inventory of potentially harmful releases of environmental media. It shall be reported periodically, considering that to which media and quantity of the pollution has been released. |
| 2000/532/EC: Commission Decision of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Art. 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Art. 1(4) of Council Directive 91/689/EEC on hazardous waste. | Relevant for all waste streams. |

| EU legislation | EU legislation - scope |
|---|---|
| <p>2009/337/EC: Commission Decision of 20 April 2009 on the definition of the criteria for the classification of waste facilities in accordance with Annex III of Directive 2006/21/EC of the European Parliament and of the Council concerning the management of waste from extractive industries. [Also under Extractive waste management above].</p> | <p>Scope as in Directive 2006/21/EC</p> |
| <p>Proposal for a Regulation on batteries and waste batteries COM(2020) 798/3 2020/353 (COD).</p> | <p>This Regulation establishes requirements on sustainability, safety, labelling and information to allow the placing on the market or putting into service of batteries, as well as requirements for the collection, treatment and recycling of waste batteries.</p> |

Footnotes

¹ COM (2019) 640 final

² Commission Expert Group

³ COM(2020) 102 final

⁴ COM(2021) 350 final

⁵ COM (2020) 98 final

⁶ COM(2020)474

⁷ Communication COM (2008) 699 final. This initiative states that raw materials are essential for the functioning of modern societies and that access to and affordability of mineral raw materials are crucial for the functioning of the economy. The Raw Materials Initiative sets out a strategy for reducing dependencies for non-energy raw materials for industrial value chains and societal well-being by diversifying sources of primary raw materials from third countries, strengthening domestic sourcing and supporting supply of secondary raw materials through resource efficiency and circularity.

⁸ COM(2020) 798/3 2020/353 (COD)

⁹ The Annex provides an overview of relevant EU legislation concerning sustainability. The exhaustive legal framework for mineral extraction and permitting procedures for exploration and exploitation in the EU can be found in the MINLEX Study. Regular updates of the MINLEX study/regulatory framework can be found in Raw Materials Information System (RMIS).

¹⁰ Including Towards Sustainable Mining (TSM), Initiative for Responsible Mining Assurance (IRMA)

¹¹ The scope of the EU principles for sustainable raw materials does not cover further material lifecycle phases (refining, further processing, manufacturing, etc.), smelters (which can be part of a mine or not) nor cement or lime production. Secondary materials from construction and demolition waste streams are not part of the scope.

¹² 2006/21/EC

¹³ This supports Sustainable Development Goal 16 “Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”, Sustainable Development Goal 11 “Make cities and human settlements inclusive, safe, resilient and sustainable”

¹⁴ This supports Sustainable Development Goal 8 “Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all”.

¹⁵ This supports Sustainable Development Goal 12 “Ensure sustainable production and consumption patterns”, Sustainable Development Goal 8 “Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all, Sustainable Development Goal 9 “Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation”.

¹⁶ This supports Sustainable Development Goal 8 “Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all”, Sustainable Development Goal 9 “Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation”, Sustainable Development Goal 12 “Ensure sustainable production and consumption patterns”.

¹⁷ In alignment with EU Industrial strategy and EU Digital strategy

¹⁸ This supports Sustainable Development Goal 16 “Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”

¹⁹ With reference to EU initiatives and internationally accepted initiatives such as the principles of the Extractive Industries Transparency Initiative (EITI), OECD Due Diligence Guidance for Responsible Mineral Supply Chains (OECD Guidance) from conflict-affected and high-risk areas (CAHRAs).

²⁰ This supports Sustainable Development Goal 6 “Ensure availability and sustainable management of water and sanitation for all”, Sustainable Development Goal 12 “Ensure sustainable production and consumption patterns” and Sustainable Development Goal 15: “Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss”.

²¹ This supports Sustainable Development Goal 15 “Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss”.

²² See Guidance Document: Non-energy mineral extraction and Natura 2000

²³ This supports Sustainable Development Goal 13 “Take urgent action to combat climate change and its impacts”.

²⁴ A continuous input of primary raw materials into the cycle is however needed due to material physical limitations.

²⁵ This supports Sustainable Development Goal 12 “Ensure sustainable consumption and production patterns”.

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