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*Plenary sitting*

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17.7.2015

B8-0000/2015

## **DRAFT MOTION FOR A RESOLUTION**

further to Question for Oral Answer B8-0000/2015

pursuant to Rule 128(5) of the Rules of Procedure

on lessons learned from the red mud disaster five years after the accident in  
Hungary  
(2015/0000(RSP))

**György Hölvényi, Tibor Szanyi, Nikolay Barekov, Gerben-Jan  
Gerbrandy, Merja Kyllönen, Benedek Jávor, Piernicola Pedicini,**  
on behalf of the Committee on the Environment, Public Health and Food  
Safety

**B8-0000/2015**

**European Parliament resolution on lessons learned from the red mud disaster five years after the accident in Hungary  
(2015/0000(RSP))**

*The European Parliament,*

- having regard to the principles of Union policy on the environment as laid down in Article 191 of the Treaty of the Functioning of the European Union<sup>1</sup>, in particular the principles that preventive action should be taken and that the polluter should pay;
- having regard to Council Directive 91/689/EEC of 12 December 1991 on hazardous waste<sup>2</sup>;
- 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<sup>3</sup> (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<sup>4</sup>;
- having regard to the Reasoned Opinion sent by the European Commission in June 2015 to Hungary to upgrade environmental standards at another red mud tailings site in Hungary<sup>5</sup>;
- 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<sup>6</sup> (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<sup>7</sup>;
- having regard to the European Parliament resolution of 20 November 2008 on the review of Recommendation 2001/331/EC providing for minimum criteria for environmental inspections in the Member States<sup>1</sup>;

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<sup>1</sup> OJ C 83, 30.3.2010, p. 1

<sup>2</sup> OJ L 377, 31/12/1991, p. 20

<sup>3</sup> OJ L 226, 6.9.2000, p. 3

<sup>4</sup> OJ L 370, 30.12.2014, p. 44

<sup>5</sup> European Commission - Fact Sheet: June infringements package: key decisions;  
[http://europa.eu/rapid/press-release\\_MEMO-15-5162\\_en.htm](http://europa.eu/rapid/press-release_MEMO-15-5162_en.htm)

<sup>6</sup> OJ L 102, 11.4.2006, p. 15

<sup>7</sup> OJ L 118, 27.4.2001, p. 41

- 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’<sup>2</sup> (7th 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<sup>3</sup> (Environmental Liability Directive);
  - 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<sup>4</sup>;
  - having regard to the feasibility study of the European Commission on the concept of an EU-wide industrial disaster risk-sharing facility<sup>5</sup>;
  - having regard to Rules 128 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 is 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 applies since 1 June 2015;
- D. whereas there is a risk that, in the past, red mud has been wrongly classified as non-hazardous waste also in other Member States, 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;

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<sup>1</sup> OJ C 16E, 22.1.2010, p. 67

<sup>2</sup> OJ L 354, 28.12.2013, p. 171

<sup>3</sup> OJ L 143, 30.4.2004, p. 56

<sup>4</sup> OJ L 101, 21.4.2009, p. 25

<sup>5</sup> 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>

- F. whereas Recommendation 2001/331/EC aims at strengthening compliance and contributing to a more consistent implementation and enforcement of EU environmental law;
- G. whereas the European Parliament resolution of 20 November 2008 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;
- H. whereas the 7th Environment Action Programme declares 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;
- I. whereas the Environmental Liability Directive (ELD) aims at a framework of environmental liability based on the 'polluter-pays' principle, and provides that Member States shall 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 the European Parliament and to the Council before 30 April 2014, which has not yet been submitted;
- J. 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, as well as 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 expert team to elaborate 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, deficiencies in the inspections, and gaps in relevant EU legislation;
  5. Identifies the Mining Waste Directive and the European Waste List as areas of particular concern;
  6. Is concerned that similar sites exist in several Member States; calls on Member States to ensure that the appropriate inspections are carried out;
  7. 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;
8. Considers it essential to put a stronger emphasis on disaster prevention, bearing in mind that similar environmental incidents also occurred in other Member States;
  9. 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;
  10. Emphasises that the use of the best available techniques in the management of extractive waste needs to be strengthened, and calls for the use of dry disposal technologies;
  11. Calls on the Commission to put more emphasis on research and development in the prevention and treatment of hazardous waste;
  12. Urges the Commission to produce guidelines for carrying out stress tests on existing mines with large tailings ponds;
  13. Believes that effective pollution prevention requires stringent rules for environmental inspections and appropriate action to ensure their application;
  14. Calls on the Member States to strengthen their national environmental inspection bodies to enable them to carry out regular and systemic controls of industrial sites, inter alia by ensuring independence, providing adequate resources and clear responsibilities, and by requiring enhanced cooperation and coordinated actions;
  15. Calls on the Commission and the Member States to improve surveillance, building on binding and non-binding existing instruments while avoiding unnecessary administrative burdens;
  16. 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;
  17. 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;
  18. Regrets 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;
  19. 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;

20. 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;
21. 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;
22. Invites the responsible authorities 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;
23. Urges the Commission to further elaborate the concept of an EU-wide industrial disaster risk-sharing facility, to be financed by an insurance premium harmonised at EU level, so as to provide immediate and effective financial help in case of industrial disasters, and to cover remediation costs beyond mandatory financial securities;
24. Regrets that the EU Solidarity Fund does not cover industrial accidents;
25. Highlights the importance of cooperation and solidarity at EU level in the event of environmental and industrial disasters;
26. Instructs its President to forward this resolution to the Council, the Commission, and the governments and parliaments of the Member States.