

To Jessika Roswall, Commissioner for Environment, Water Resilience, and a Competitive Circular Economy

CC: Director General Florika Fink-Hooijer, DG Environment,  
Aurel Ciobanu-Dordea, Director for Circular Economy, DG Environment,  
Mattia Pellegrini, Head of Unit From Waste to Resources, DG Environment

Subject: Call to review the outdated EU Extractive Waste Directive to bring it in line with global best practice

13th January 2025, Brussels

Dear Commissioner Roswall,

We, as leading NGOs, congratulate you on your confirmation as Commissioner for Environment, Water Resilience, and a Competitive Circular Economy and we look forward to working with you and your teams throughout this mandate.

As you set the agenda for the next few years and as the focus is shifting to secure local, responsible and resilient supply chains in Europe including new mining projects, we write to highlight the need to review the outdated EU Extractive Waste Directive and to bring this in line with global best practice.

Whilst Europe often claims to have the highest environmental and social standards globally, this cannot be said for its mining waste rules. Mining waste, including tailings, represents one of the largest negative impacts of mining. Yet, European rules are below the global best practice as they have not been updated since 2006 and, in some areas, are today below those of other countries such as Brazil and China.

As the EU plans to open new mines to meet the 10% mining benchmark under the Critical Raw Materials Act, we must ensure our environmental and human rights standards are aligned with international environmental, climate and human rights obligations and best practice, including the [Global Safety First Guidelines for Responsible Mine Tailings Management](#), to avoid harms. This is not just about safety and environmental stewardship, but also about creating the regulatory space and market for innovative technologies, such as [reprocessing of tailings](#), to scale in Europe and to drive greater circularity, while enhancing environmental performance and the protection of among others the right to a clean, healthy and sustainable environment.

[Legal analysis](#) of the 2006 Extractive Waste Directive, commissioned by Transport & Environment (T&E), found a significant risk of fragmentation in the implementation of the directive, a failure to mandate best available techniques (such as safer filtered tailings), and insufficient protection of the environment and local communities.

As a result, we urge you to update the Extractive Waste Directive by:

1. **Turning the directive into a new European Extractive Waste Regulation** - to ensure harmonised implementation across Member States and integrating rules on re-mining;
2. **Mandating the best available techniques, including the safest tailings storage and monitoring techniques**, such as filtered tailings, aka dry stacking, and backfilling. This would be a win for the environment but it could also help reassure local communities.
3. **Aligning the revised law as much as possible to the 'Safety First Guidelines'**, which were written by global mining experts, civil society and academics and have been endorsed by over 150 organisations.

As civil society organisations we call on you to commit to a revision of the key provisions of the Directive, for example as part of the upcoming Circular Economy Act, bringing it in line with global best practice and mandating best available techniques. We would be very keen to meet with your teams to discuss in further detail.

We remain at your disposal for any further information.

Sincerely,

Transport & Environment  
Earthworks  
European Environmental Bureau  
ECOS  
Batani Foundation  
Regionalgruppe München der Gesellschaft für bedrohte Völker (RG München GfbV)  
International Committee of indigenous peoples of Russia (ICIPR)  
PowerShift  
Action for Ecology and People Emancipation (AEER)  
Climate Rights International  
London Mining Network  
NOAH Friends of the Earth Denmark  
Polish Zero Waste Association  
Fern  
Malach Consulting  
Oxfam  
Friends of the Earth Europe  
Association négaWatt



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