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EU Insight is edited by the UEPG General Secretariat as part of its communication service to UEPG Members

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## EU Live Issues

### Will Respirable Crystalline Silica become carcinogenic?

In early September 2015, UEPG learnt that the European Commission intended to issue a draft amendment to the Carcinogens and Mutagens Directive (2004/37/EC), CMD in short, in the first semester of 2016. This amendment would include processes generating respirable crystalline silica (RCS). It was also reported that the European Commission undertook an internal legal analysis which concluded that the Chemical Agents Directive (98/24/EC), CAD in short, was not an option for an Occupational Exposure Limit (OEL) for RCS.

The European Commission recognised the work done by the Social Dialogue Agreement on RCS (NEPSI) considering the possibility of having an enlarged NEPSI Agreement including a limit value. NEPSI Employers Signatories, including UEPG, are now concentrating their efforts on a common strategy to define different scenarios.

### Get ready for NEPSI Reporting 2016

Against that background, success of NEPSI becomes even more important. NEPSI 2016 Reporting will start on 15 January and will end on 15 March 2016. UEPG Members will receive further details in December.

### NEPSI Assessment

The European Commission subcontracted the Consultancy ICF to assess the achievements of NEPSI. For that purpose, NEPSI signatories were interviewed in June to better understand the different sectors and the reporting process at EU level. Targeted National Associations and some of their Member companies, including UEPG Members, were contacted. ICF will also consult external Occupational Safety and Health experts from national Institutes. All

NEPSI Reports will be analysed and used for the assessment. The final ICF report is scheduled to be published in February 2016.



### Promoting NEPSI

With the help of EU funds, NEPSI produced two videos on the added value and

on the reporting. Webinars in Czech, French, German, Polish, Romanian, Spanish, Swedish and maybe Bulgarian will be available for Health & Safety Experts end of 2015 and in 2016. A conference is planned on 16 June 2016 to close the project promoting the added value of NEPSI to EU-decision makers.

### Evaluation of Occupational Safety and Health Directives

The aim of this evaluation is to ensure that EU legislation remains fit for purpose taking into account current research and new scientific knowledge. The 24 Occupational Safety and Health (OSH) Directives referred to as the OSH acquis, have for objective to establish minimum requirements aimed at securing the same minimum level of protection from work-related health and safety risks for the workers of all 28 EU Member States.

The evaluation of the consortium, composed of COWI, Milieu and IOM, was based on mapping and analysis of transposition and implementation of OSH legislation in each Member State as National Reports from each country, official statistics at national and EU level, scientific literature, existing studies and interviews with national and EU stakeholders.

Among the 24 OSH Directives evaluated, UEPG identified the following most relevant for aggregates producers: the Strategic OSH Framework Directive (89/391/EEC), Surface and underground mineral-extracting industries Directive (92/104/EEC), Mineral-extracting

industries through drilling Directive (92/91/EEC), Chemical Agents Directive (98/24/EC), Carcinogens and Mutagens Directive (2004/37/EC), Physical Agents (Vibration) Directive (2002/44/EC), Physical Agents (Noise) Directive (2003/10/EC).

UEPG contributed to Interviews, Seminars and Reports at each stage of the consultation and reporting process. UEPG also provided common positions with other European Industry Associations, namely IMA-Europe (Industrial Minerals) and EUROMINES (Mining).

In September 2015, the final report of the consortium underlined that some Directives were outdated, as they do not take into account the technical state of the art. The evaluation pointed out issues of particular concern, namely work factors creating a risk of musculoskeletal disorders (MSD) and psychosocial risks. The adoption of a more goal-oriented regulatory approach to the OSH acquis was stressed especially for the Strategic Framework Directive.

Vulnerable groups were not addressed in a consistent manner in the current acquis. Some provisions in certain physical agent directives could apply to all workers exposed to such agents. The question was raised on how to better support the good compliance and law enforcement for SMEs.

Finally, the evaluation showed that there was very limited data at EU-level to assist in assessing the effects of the directives and the extent to which they each achieve their objectives, particularly on the subject of occupational diseases.

One of the achievements was that the consultant introduced the added value of NEPSI within the conclusions of the 'Mining and Quarrying' Directive when mentioning the impact of RCS in the extractive industries.

The European Commission also assesses the 'Mining and Quarrying Directive' separately with a questionnaire provided at the Standing Working Party for the Extractive Industries to which UEPG contributed with good practices of the sector.

A public consultation is foreseen to which UEPG will reply and prepare a draft template for its Members. This public consultation will last for 12 weeks and will be followed by an Internal Assessment with the possibility to recast, amend or revise one or several directives among the 24 evaluated.

### What next for the Social Dialogue?

The European Commission under Jean-Claude Juncker promoted the importance of European Social Dialogue. A high-level EU Conference in Brussels, which UEPG Secretary General Dirk Fincke and UEPG Public Affairs Manager Miette Dechelle attended, aimed at strengthening social dialogue, involve social partners at all levels in a competitive and fair social market economy.



#### Campaigning for better regulation

Dirk Fincke, UEPG Secretary General with Jean-Claude Juncker, President of the European Commission.

Part of this social policy is to ensure that European Social Partners are sufficiently representative. A study from Eurofound (European Foundation for the Improvement of Living and Working Conditions) evaluates the representativeness of UEPG and its Members. The findings of this study should be available by April 2016.

The Working programme 2016 for the Extractive Industries Sectoral Social Dialogue Committee will focus on Health and Safety, on vocational education, training and life-long learning, and finally on EU Energy and Raw Materials' policies.

UEPG welcomes this policy being a Social Partner in NEPSI and the Sectoral Social Dialogue Committee for the Extractive Industries.

### What to expect from the new Circular Economy Package?

European Commission Vice-President Frans Timmermans had defended the withdrawal and resubmission of the circular economy package published by the previous European Commission in July 2014. While many MEPs expressed their concerns about the withdrawal, Timmermans committed to a new and 'more ambitious' legislative proposal. This new European Commission package, prepared jointly by DG Growth (former DG Enterprise & Industry) and DG Environment, should be published on 2 December 2015.

According to the latest information UEPG received, this should contain an Action Plan with subsequent proposals to be adopted during the mandate of the European Commission. Such follow-up actions would include at least a legislative proposal on waste (with a definition of "backfilling"), and most likely a legislative proposal on water reuse. The other proposals might use other soft-law tools, including Communications. UEPG expects the following items to be part of the new package:

- An emphasis on Green Public Procurement;
- The Eco-Design Directive extended to non-energy products;
- A focus on some sectoral activities, including Critical Raw Materials and Construction – Aggregates being covered by the latter;
- "Economic instruments" should be addressed, to better reflect the environmental cost of products; a tax on landfilling might be one of the options;
- Waste arising from mining and from construction activities should be specifically targeted, and there should be references to both the Mining Waste BREF and the ongoing work on a Construction & Demolition Waste EU Protocol, with a focus on the quality of the recycled materials. UEPG is actively contributing to these two areas;
- Promotion of methodologies to assess the environmental impact, especially Product Environmental Footprint (PEF) – methodology under development by the European Commission. This could be

detrimental to construction products which have been focusing on Environmental Product Declarations (EPD), the methodology developed by CEN;

- The interaction between product, waste and chemical legislation will be looked into. This might have consequences for Construction Products Regulation (CPR);
- Development of a Raw Material Information System and reference to a Raw Materials Scoreboard, which is a set of indicators including a lead indicator based on GDP per Raw Materials Consumption;
- Several references to SMEs and the need to support them.

Such an Action Plan would be in line with what had previously been presented. UEPG has been working on these items through different working groups and through contacts with DG Growth and DG Environment. UEPG will monitor closely the proposals related to resource taxation and resource efficiency indicators.

## Construction & Demolition Waste

DG Growth and DG Environment initiated a project called "Towards a Common Construction & Demolition Waste Management Protocol", which will be coordinated by the consultancy Ecorys. The objective of the protocol is to develop the potential of Construction & Demolition Waste (C&DW) within the context of the 70% target of C&DW recycling by 2020. This ambitious project, which should run until 2017, will have a specific focus on the perceived quality of the C&DW to increase confidence, but will also address issues related to the supply, (separate collection and development of facilities) and to the demand (question of trust and involvement of the public sector). There is a lack of clarity as to whether the protocol will include an end-of-waste criteria. The Protocol should be voluntary in adoption but compulsory in implementation. UEPG will actively participate in this project, in particular on two Task Forces.

### Project Task Force 1 "Quality Recycling, Building Confidence"

This Task Force will lead the technical work on the vertical and horizontal dimensions of

the Protocol. Task Force 1 will be the leading Task Force in terms of Protocol development, meaning that Task Force 1 will be responsible for delivering draft reports on the development of the Protocol to Task Force 2, which can provide feedback on the development of the Protocol from the policy perspective. Jean-Marc Vanbelle, Brian James, César Luaces Frades and Mark Tomlinson are members of Task Force 1.

### Task Force 2 "Setting conducive framework conditions"

This Task Force should ensure that the development of the technical protocol by Task Force 1 is in line with existing policies in EU Member States and to ensure that endorsement of the Protocol, once developed, is facilitated. Task Force 2 will mainly operate in a mirroring and guiding role, providing feedback to the Private Sector on issues to take into account from a policy perspective and on interim deliverables of the Protocol. At the same time, the Task Force independently works on some policy parts of the Protocol. Michel Zablocki (UNPG, France) and Sandrine Devos, UEPG Public Affairs Manager are members of Task Force 2.

## Resource Taxation challenged

While resource taxation is not within the competence of the European Commission, DG Environment leads on greening the European Semester with several studies identifying the potential for tax revenue in a number of selected sectors.

### Background

A study commissioned by DG Environment suggested 2.40 EUR/ton of aggregates as a resource tax with the objective to reduce the production level and to create tax revenues for governments. Despite a meeting with the Chairman of the UK based Consultancy EUNOMIA and our reference to the positive contribution of our Industry to biodiversity, this study still considers the Aggregates Industry as a harmful activity to environment.

The UEPG Working Group on Market Based Instruments, chaired by Jerry McLaughlin (MPA, UK), gathered and discussed arguments and evidence to demonstrate that resource efficiency, recycling and responsible

environmental management can be achieved without introducing an aggregates tax. Several EU Member States have already published legislative proposals based on recommendations of EU Institutions.

### Great progress achieved

At the last UEPG Economic Committee, the European Commission official in charge of the resource tax policy Jonathan Parker discussed with Members of this Committee policy objectives and the methodology. During the meeting, he acknowledged the environmental performance and the low potential tax revenue and considered the possibility to take out aggregates from the scope of Greening the Semester.



#### What does the Commission wish to achieve?

A question which had been asked to Jonathan Parker, Coordinator of Greening the European Semester, DG Environment, European Commission during UEPG's Economic Committee meeting.

UEPG should be invited by DG Environment to attend the next EU Expert Group on Greening the Semester established in 2014. Furthermore, UEPG adopted a Discussion Paper on resource taxation providing UEPG Members with all the good reasons why a tax would not be beneficial neither for industry, authorities nor environment.

## Natura 2000 Fitness Check

As part of its evolution towards smarter regulation, the European Commission is reviewing a number of pieces of legislation.

The 1979 Directive on the conservation of wild birds (Birds Directive) and the 1992 Directive on the conservation of natural habitats and of wild fauna and flora (Habitats Directive), commonly known as the Natura 2000 Directives, will in this framework be assessed through a "Fitness Check".

Fitness checks are comprehensive policy evaluations assessing whether the regulatory framework for a policy sector is “fit for purpose”. Their findings will serve as a basis for drawing policy conclusions on how well EU policies have been performing and feed into possible consideration on the future of the relevant regulatory framework.

The Natura 2000 Fitness Check examines, among other things:

- Implementation and integration, successes and problems;
- The costs of implementation and of non-implementation of the legislation;
- Opportunities for improving implementation and reducing administrative burden without compromising the integrity of the purpose of the directives;
- The situation of implementation in different EU countries.

### Stakeholders' views

NGOs have expressed at the very least concerns, but in majority a strong opposition to any modification of the current EU Nature legislation.

Environment Ministries of EU Member States are reacting as well reserved or oppose a revision such as Croatia, France, Germany, Greece, Italy, Luxembourg, Poland, Romania, Slovenia and Spain. They have sent a common letter to Environment Commissioner Karmenu Vella asking to not proceed with the revision or merger of the Natura 2000 Directives whose effectiveness have already been proven.

The European Parliament Environment Committee expressed concerns during its debates and various events, currently working on an Own-Initiative Report on the Mid-Term Review of the EU Biodiversity Strategy to 2020. The Rapporteur [Mark Demesmaeker MEP](#) (ECR, Belgium) expressed a strong rejection of any amendment to the current Natura 2000 Directives. The vote in plenary session will take place in December, and give us an idea of where the European Parliament might go in case of a revision or merger of the Natura 2000 Directives.

### UEPG participation

UEPG classified the Natura 2000 Fitness-Check as one of its highest priority. While UEPG welcomed the European Commission Guidance on Natura 2000 for the non-energy extractive industry (NEEI), we witness a great variety of situations from one country – or one region – to another, and we believe that there is potential for improvement when it comes to Natura 2000 considered as “no go areas” and how to deal with protected species on-site.

UEPG participated in several European Commission “Focus meetings” together with the consultant in charge of the Fitness Check. This allowed us to better tailor our reply to the stakeholders’ questionnaire. UEPG thanks its Members for their contributions and diverse inputs, which have been essential to build a UEPG reply to the European Commission’s questions.

UEPG is closely liaising with other NEEIP Members in order to have a coordinated approach. UEPG has also engaged in a constructive dialogue with BirdLife International and with IUCN.

### 20 November Conference

The objective of this conference was to take stock of the progress and to consider the way forward. The methodology of the study and its preliminary findings were presented and discussed by several panels including a variety of stakeholders.



#### Council, Commission and Parliament

From left: Luxembourgish Environment Minister Carole Dieschbourg, Environment Commissioner Karmenu Vella, DG Environment Director General Daniel Calleja Crespo and Mark Demesmaeker MEP, European Parliament Rapporteur on the mid-term review of the EU Biodiversity Strategy.

EU Commissioner for Environment Karmenu Vella reminded that he was strongly committed to nature protection and biodiversity, and not in a position to see yet the outcome of the Fitness Check, but most of the results presented insisted on the need for better implementation with several

stakeholders clearly positioned against a revision of the legislation.

UEPG Vice-President Thilo Juchem was a panellist in the session on “Relevance and EU added value” promoting the compatibility of aggregates extraction and biodiversity. UEPG was well represented with the attendance of several Members. Benoit Lussis, Chair of the UEPG Biodiversity Task Force underlined that the Aggregates Industry creates habitats and collaborates with NGOs; a fact that the Fitness Check study did not mention.

### Next steps

January 2016: publication of the final Fitness Check Report with probably more than 300 pages.

Spring 2016: European Commission will issue a staff working paper with its conclusions. Some of the actions might need additional procedures, e.g. impact assessment.

End 2016: publication of the political response; possibly a Communication.

### Environmental Impact Assessment

On 12-13 November, UEPG Secretary General Dirk Fincke spoke at a high-level conference on the revised Environmental Impact Assessment Directive and the progress of its implementation.

More than 120 representatives from the competent EU Member State authorities in charge of the EIA participated and debated how to best transpose the requirements into national law. UEPG was best placed to stress the different environmental impact of our activities and the need to ensure the existing requirements will be respected across the EU to avoid problems of competitiveness.

Following the debate during the conference, it seems that there is a tendency to make the voluntary screening, before doing a full-scale EIA, now compulsory. Furthermore, biodiversity and climate change are new criteria on assessing the environmental impact. Our industry might refer to the positive impact we have during and after extraction. For that purpose, UEPG has published and distributed the [biodiversity brochure](#) (click to download).

## What about the Raw Materials Strategy?

A good question, in particular for progress made on the 2nd pillar on access to resources within the EU. While the first pillar on the critical raw materials has received string attention and the third pillar on recycling and resource efficiency will be addressed with the new Circular Economy Package, sustainable access to resources makes slow progress due to the fact that land-use planning, permitting and geological knowledge falls mainly under the subsidiarity principle.

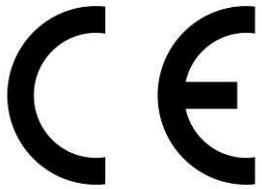
UEPG, having a seat in the European Commission Raw Materials Supply Group, has always supported the good work of DG Growth. In the first half of 2016, UEPG will contribute to a new study in this area to achieve further progress.

## CPR – Simplifying CE Marking

The 2011 EU Regulation, which replaced the Construction Product Directive, and to which many of its provisions applied from July 2013, was intended to simplify and clarify the existing framework for placing construction products on the market. Since then, UEPG has contributed to several initiatives from CPE (Construction Products Europe) in order to achieve an efficient and sustainable implementation of the Regulation within the Aggregates Industry.

Within the process of CPR implementation, UEPG is strongly campaigning for a reduction in the bureaucratic burden especially a duplication of information provided by the Declaration of Performance (DoP) within CE-marking documentation.

CE marking using the CE symbol is the confirmation of product conformity with an hEN with the essential characteristics being detailed in the DoP accessible on company websites following the 2014 Delegated Act drafted specifically to cover DoP website availability.



The first study on the CPR Implementation delivered by the UK-based consultancy Risk & Policy Analysts (RPA) presented in September 2015, to which CPE and UEPG contributed, recommended in its conclusions to improve four areas; simplification/reduction of CE marking, Quality and National marks, Article 5 derogations from drawing up a DoP, and Article 37 use of simplified procedures by micro-enterprises. At the Standing Committee on Construction meeting in September 2015, Member States agreed to establish Working Groups to deal with these issues.

In response, the European Commission has already prepared a proposal for the simplification of CE marking, for which CPE and UEPG are monitoring Member States' responses and the final outcomes.

Related to this, CPE is preparing a position paper on 'smart CE marking' on the simplification/reduction of CE marking, which will be presented at a CPE European Parliamentary event during 2016 and this will include a topic on the declaration of the release of dangerous substances, and Ecodesign.

A second study planned to start by the end of 2015 dedicated to CPR economic impacts compared with CPD, to which CPE and UEPG will again contribute. The European Commission is also planning a second fitness check study on Construction Products focused on Environmental and Health and /Safety legislation with a public consultation by the end of 2015.

## Explosives for civil uses

Following the implementation of the Commission Directive 2008/43/EC's on a system for the identification and traceability of explosives for civil uses amended on 2012/4/EU, manufacturers and importers had the obligation to mark explosives since 5 April 2013. The whole supply chain is obliged to collect and keep data since 5 April 2015. The facts showed that the supply chain is in a transitional period raising awareness on current challenges to find common solutions.

For that purpose, the UEPG lead-Task Force prepared a survey with the aim of identifying and mapping within the supply chain the level

of implementation and remaining challenges country by country.



The outcomes of the survey were presented at the European Commission Explosives for civil uses Working Group Meeting on 26 October in Brussels by Miette Dechelle, UEPG Public Affairs Manager. UEPG promotes a better implementation of the Directive in their respective countries. Information, documents and presentations of the Task Force can be found at <http://www.explosives-for-civil-uses.eu/>.

UEPG was invited to present the Task Force's work and survey results at the new Administrative Cooperation Group (AdCo) meeting on 2 December 2015 in Rome. This AdCo meeting will dedicate particular attention to the enforcement of the requirements introduced by the Traceability Directive.

## Hydraulic bound and unbound aggregates

On 24 November, Sandrine Devos, UEPG Public Affairs Manager, attended the TC 154 SC4 on "Hydraulic bound and unbound aggregates", chaired by Raphaël Bodet (UNPG, France).

The objective of the meeting was to review the current situation of the product standards but especially to examine the comments received at the CEN Enquiry on prEN 13242, "Aggregates for unbound and hydraulically bound materials for use in civil engineering work and road construction". UEPG Members' involvement in this process is essential to ensure that the standards meet technical and customer's requirements without adding unnecessary burden on the producers.

## UEPG News

### Spanish Aggregates Congress

President Jesús Ortiz and Honorary President Jim O'Brien present European trends

### UEPG welcomes Members in Brussels

SBMI, FEDIEX and ANEPLA

### Minerals Conference (SIM) in Mons

UNPG and FEDIEX with info stands

### Forum MIRO 2015 in Berlin

President Jesús Ortiz gives Welcome Address

### UEPG Board Policy Dinner

Luc Bas from IUCN Guest of Honour

### Upcoming UEPG events

## UEPG News

### Spanish Aggregates Congress

On 30 September and 1 October, the Spanish Aggregates Federation (FdA) hold in Madrid its biggest event, organised every three years, with an audience of more than 600 participants from companies and stakeholders of the aggregates sector, including the Administration and the European Institutions. The theme of the Congress was "Building a Sustainable Future".

Sesión plenaria B – Tendencias del sector en Europa y en el mundo



UEPG President Jesús Ortiz and UEPG Honorary President Jim O'Brien were speakers and presented trends and challenges of the European Aggregates Industry.

### UEPG welcomes Members in Brussels

Board Members of the Swedish Aggregates Association (SBMI) visited Brussels in September. Benoit Lussis, Chair of the UEPG Biodiversity Task Force and Secretary General Dirk Fincke presented UEPG projects and campaigns of interest for SBMI.



UEPG President Jesús Ortiz invited FEDIEX President Jean Marbehant and his staff for a working lunch in the European quarter to maintain the excellent cooperation and to discuss major upcoming events.

Francesco Castagna, Secretary General of the former Italian UEPG Member ANEPLA, his President Paolo Zambianchi and several experts visited the UEPG office to present their new and much stronger Industry Association and to outline the areas of activities. ANEPLA expressed interest to re-join UEPG in the near future.

UEPG welcomes visits of our Members and potential Members to explain how UEPG is representing their interests in the EU Institutions and to assist in building up or maintain a national network in Brussels.

### Minerals Conference (SIM) in Mons

With more than 3000 visitors, the SIM 2015 took place in Mons, Belgium. 300 companies, consultancies and associations offered their services and solutions.



The French Aggregates Association UNPG and the Belgian Aggregates Federation FEDIEX were both present with a stand.



### Forum MIRO 2015 in Berlin

On 17 November, UEPG President Jesús Ortiz addressed more than 600 German Aggregates Producers at the major event of the German Aggregates Federation – the Forum MIRO. Before handing over Awards to the winners of the MIRO Health & Safety competition, President Ortiz outlined the mega trends and challenges for European Aggregates Producers. MIRO is an active and strong Member of UEPG contributing to shape EU Industrial Policy. The Forum MIRO offers not only technical workshops with highly interesting topics addressing common problems companies are facing, but also practical advice and solutions at the exhibition area.

## UEPG Board

On 18 November, UEPG Board Members had the honour to welcome Luc Bas, Director of the European Union Representative Office of IUCN (International Union for the Conservation of Nature), to their Policy Dinner. UEPG and IUCN have a long history of cooperation and had a fruitful exchange, under Chatham House rules, focused on the EU Biodiversity Strategy to 2020 and its mid-term review, and on the Natura 2000 Fitness Check.



Luc Bas explained that IUCN did not wish to see the Birds and Habitats Directives opened. According to IUCN, biodiversity should not be seen as a cost but as an investment to the whole society; the leadership of businesses was an important component. UEPG Board Members replied that it was essential to explain the business case and to support SMEs. UEPG Board Members provided examples of the challenges and success stories in managing biodiversity - both in and outside Natura 2000 areas. The debate was very constructive and IUCN and UEPG agreed to keep an open dialogue.



On 19 November, UEPG Board Members discussed key financial, strategic and policy issues for UEPG in 2015-2016. A particular focus has been given to UEPG 2016 priorities, membership, actions on illegal extraction in Europe, and increasing visibility of UEPG as a recognised partner toward EU Decision-makers and Stakeholders.

## Upcoming UEPG events

- 28 January** Marine Aggregates Task Force, Copenhagen, Denmark
- 3 February** Recycling Task Force, Brussels
- 10-11 March** Committees Meetings, Amsterdam, Netherlands
- 20 April** NEEIP Forum, Brussels
- 20 April** Board Policy Dinner, Brussels
- 21 April** Board Meeting, Brussels
- 2-3 June** Delegates Assembly, Berlin, Germany