

To: Janez Potočnik

EU Commissioner for the Environment

Cc: Laszlo Tokes

vice-president of the European Parliament

Cc: Jo Leinen

Chair of the EP Committee on the Environment, Public Health and Food Safety

Cc: János Áder, Richard Seeber, Theodoros Skylakakis, Zuzana Roithova, Alajos Mészáros, Daciana Sarbu, Kriton Arsenis, Csaba Tabajdi, Renate Weber, Michail Tremopoulos, Edvard Kožunšnik, Kartika Tamara Liotard, Sabine Wils, Joao Ferreira, Jiri Mastalka and Nikolaos Chountis
Members of the European Parliament

08 September 2010

OPEN LETTER

Dear Commissioner Potočnik,

We are writing to you in relation to the European Parliament (EP) resolution of May 5th (*P7_TA (2010)0145*) calling for a general ban on the use of cyanide mining technologies in the European Union by 2011. We remind you that the EP resolution was passed with an overwhelming majority of 488 votes. The Parliament's unequivocal call for a ban on cyanide mining is due to the concern of our elected representatives to protect Europe's shared water resources, its biodiversity, and the health and livelihoods of its citizens.

Our hope is that as Commissioner for the Environment you might share these concerns. However your communications to members of the European Parliament¹ and to environmental groups², fail to justify your refusal to take action in line with the EP resolution, and to assess the gaps in the implementation of existing legislation.

We are also seriously concerned about the non-transparent process of consultations that the European Commission undertook with representatives of the mining industry³, while the request for participation of environmental groups and local communities were ignored.

We remind you that the European Commission is both legally and morally obliged to protect the public interest and to promote transparency, democracy and citizens' participation in decision-making.

Therefore **the undersigned civil society and community organizations urge you to:**

- a) release a cost and benefit analysis including full assessment of the environmental and health related impacts as well as costs/gains in the case of the ban compared with the present situation and**
- b) to carry out and release an assessment on the actual implementation of the existing legislation⁴ with regards to existing and proposed cyanide-based mining operations.**

In December 2000 your predecessor Margot Wallström welcomed the release of the final report from the independent International Task Force for Assessing the Baia Mare Accident with the following words:

*"There is the need to further embrace a culture of openness, transparency and participation. Had citizens felt that they were receiving objective information in the aftermath of the accident then much of the distress, confusion and economic hardship might have been reduced."*⁵

Ten years later these words are still very relevant and compelling. Our demands for more openness, transparency and participation in the European Commission's decision-making related to the risk of cyanide pollution resonate with these words.

The argument that existing EU legislation should ensure safety of cyanide mining operations does not hold precisely because EU legislation is so weakly enforced. As you are aware, DG Environment is in possession of detailed complaints submitted by both environmental organisations and EU citizens that highlight the failure to enforce the law *vis-à-vis* the environmental assessment procedures for large scale cyanide-based mine proposals.⁶

Rather than rejecting the call of the democratically elected European Parliament, the Commission should instead show social and environmental responsibility and leadership by welcoming this opportunity to support non-toxic alternatives to cyanide-based mining. In line with Commission President Barroso's call for the creation of 'green jobs' we call on Directorate-General for the Environment to promote the recycling of precious metals from Europe's increasing mountains of electronic waste.⁷

To conclude, **we demand the opening of a transparent and balanced consultation process** regarding the steps that DG Environment will take in order to implement EP resolution (*P7_TA(2010)0145*) on a general ban on the use of cyanide mining technologies in the European Union by 2011. We look forward to your Directorate-General setting out **a time-line and participation opportunities** for civil society organisations and local communities that wish to be involved in the Commission's work *vis-à-vis P7_TA(2010)0145*.

Yours sincerely,

1. Alexander Kodjabashev, Demetra Association, Bulgaria
2. Albert Recknagel, Terre des hommes, Germany
3. Alla Yaroshinskaya, Right Livelihood Award Laureate, 1992, Russia
4. Ana Colovic Lesoska, Eco-svest, Macedonia
5. Andras Biro, Right Livelihood Award Laureate, 1995, Hungary
6. Andrey Kovatchev, Balkani Wildlife Association, Bulgaria
7. Anisa Xhitoni, EDEN Center, Albania
8. Angie Zelter, Trident Ploughshares, Right Livelihood Award Laureate, 2001, UK
9. Angelo Caserta, BirdLife International | European Division
10. Borislav Sandov, Foundation for Environment and Agriculture, Bulgaria
11. Birsal Lemke, Right Livelihood Award Laureate, 2000, Turkey
12. Dr. Budayné, Szerki Környezeti Nevelési Egyesület, Hungary
13. Cesar Padila, Observatorio de Conflictos Mineros de America Latina OCMAL
14. Czeller Gábor, Magyar Biokultúra Szövetség, Hungary
15. Cseho Gábor, Csermely Környezetvédelmi Egyesület, Hungary
16. Cselószki Tamás, Bors Alapítvány, Hungary
17. Daniel Popov, Center for Environmental Information and Education, Bulgaria
18. Demeter Zoltán, Zöld Akció Egyesület, Hungary
19. Dimitar Vassilev, Ecoclub 2000, Bulgaria
20. Doru Mitrana, Greener Association, Romania

21. Edvin Pacara, Institute for Environmental Policy, Albania
22. Eugen David, Alburnus Maior/Rosia Montana, Romania
23. Farkas István, Magyar Természetvédők Szövetsége, Hungary
24. Fodor Mark, CEE Bankwatch Network, Czech Republic
25. Földesi Dóra, Hulladék Munkaszövetség, Hungary
26. Gárdonyi Zsolt, Evezz Velem Egyesület, Hungary
27. Gellért Miklós, SZIKE Környezet- és Egészségvédelmi Egyesület, Hungary
28. Gyöngyössi Péter, Kerekerdő Alapítvány, Hungary
29. Hajósy Adrienne, Zöld Nők Csoportja, Hungary
30. Hans Hedrich, Sighisoara Durabila, Romania
31. Huub Schelle, Both ENDS, Netherlands
32. Dr. Ibrahim Abouleish, Right Livelihood Award Laureate, 2003, Egypt
33. Ida Kuklina, Union of Soldiers Mothers Committees of Russia, Right Livelihood Award Laureate, 1996, Russia
34. Ilosvay György, CSEMETE Természet és Környezetvédelmi Egyesület, Hungary
35. John F Charlewood Turner, Right Livelihood Award Laureate, 1988, UK
36. Jorgo Riss, GREENPEACE, European Unit
37. Dr. József Hamar, Tisza Klub, Hungary
38. Katerina Ventusova, GREENPEACE, Slovakia
39. Kelemen Zoltán, Magosfa Környezeti Nevelési és Ökoturisztikai Alapítvány, Hungary
40. Kocsis Anikó, Ökorégió Alapítvány a Fenntartható Fejlődésért, Hungary
41. Kirösi-Báti Edit, Zagyva-mente Környezet- és Természetvédők Egyesület, Hungary
42. Laszlo Potozky, Romanian Environmental Partnership Foundation, Romania
43. Lavinia Andrei, Foundation TERRA Millennium II, Romania
44. Luiza Boldizsar, Eco Ruralis, Romania
45. Lukács András, Levegő Munkacsoport, Hungary
46. Magda Stoczkiewicz, Friends of the Earth, Europe
47. Maria Kadoglou, Hellenic Mining Watch, Greece
48. Dr. Martin Almada, Right Livelihood Award Laureate, 2002, Paraguay
49. Martina Schaub, SÜDWIND e.V. - Institut für Ökonomie und Ökumene, Germany
50. Marianne Andersson, Right Livelihood Award Foundation, Sweden
51. Michael Reckordt, philippinenbüro e.V. im Asienhaus, Germany
52. Prof. Mike Cooley, Right Livelihood Award Laureate, 1981, UK
53. Molnár Ibolya, Nyíri Arborétumért, Természetért, Kultúráért Közhasznú Egyesület, Hungary
54. Monika Griefahn, Ministerin a.D., Denmark
55. F. Nagy Zsuzsanna, Levegő Munkacsoport, Hungary
56. Neli Arabadzhieva, Green Balkans NGO, Bulgaria
57. Nilton Deza Arroyo, Universidad Nacional de Cajamarca, Peru
58. Ole von Uexkull, Right Livelihood Award Foundation, Stockholm, Sweden
59. Patrick van Rensburg, Right Livelihood Award Laureate, 1981, South Africa
60. Payal Sampat, EARTHWORKS, USA
61. Peter Fuchs, PowerShift, Germany
62. Petko Kovachev, Green Policy Institute, Bulgaria
63. Petru Botnaru, Terra-1530, Romania
64. Prof. Radi Radev, Ecoforum Association, Bulgaria
65. Prof. Dr. Raul A. Montenegro, Right Livelihood Award Laureate, 2004, Argentina
66. Ramona Duminiou, InfOMG, Romania
67. Raluca Dan, Re.Generation, Romania
68. Regine Richter, Urgewald, Germany

69. René Ngongo, GREENPEACE, Africa
70. Richard Solly, London Mining Network, UK
71. Rosalie Bertell, Ph.D., Right Livelihood Award Laureate, 1986, Canada
72. Dr. Roszík Péter, Biokontroll Hungária Nonprofit Kft., Hungary
73. Sára Endréné, Beretzk Péter Természetvédelmi Klub, Hungary
74. Sascha Gabizon, WERF - Women in Europe for a Common Future
75. Sebastian Röttters, "FIAN Germany (FoodFirst Information and Action Network)"
76. Simonyi Gyula, BOCS Alapítvány, Hungary
77. Stephen Gaskin, Right Livelihood Award Laureate, 1980, USA
78. Stefania Simion, Independent Centre for the Development of Environmental Resources, Romania
79. Dr.H.Sudarshan, Right Livelihood Award Laureate, 1994, India
80. Szalay Tímea, Csalán Egyesület, Hungary
81. Szegfalvi Zsolt, GREENPEACE, Hungary
82. Theo van Boven, Right Livelihood Award Laureate, 1985, Netherlands
83. Todor Slavov, Environmental Association "For the Earth", Bulgaria
84. Toldi Miklós, Dráva Szövetség, Hungary
85. Tömöri László, E-misszió Természet- és Környezetvédelmi Egyesület, Hungary
86. Vágvölgyi Gusztáv, Inspi-ráció Egyesület, Hungary
87. Vandana Shiva, Right Livelihood Award Laureate, 2003, India
88. Vasil Kadrinov, Ecological Association GEO, Bulgaria
89. Dr. Veres Nándor, Szövetség az Élő Tiszáért Egyesület, Hungary
90. Viktor Vida, Védegylet/Protect the Future!, Hungary
91. Vojtech Kotecky, Hnutí Duha-Friends of the Earth, Czech Republic
92. Zalatnay László, Energia és Környezet Alapítvány, Hungary
93. Zubor Kata, Válaszúton Hagyományirzi és Környezetvédelmi Alapítvány, Hungary
94. Αγγελόπουλος Δήμος, ΑΛΚΥΝ- Ομοσπονδία Οικολογικών Οργανώσεων Κορινθιακού Κόλπου, Ελλάδα
95. Ασλάνογλου Νίκος, Οικολογική Ομάδα Βέροιας, Ελλάδα
96. Αφέντης Τάσος, Κίνηση για τη Σωτηρία της Γκιώνας, Ελλάδα
97. Βασιλείου Ανδρέας Δίκτυο ΜΕΣΟΓΕΙΟΣ SOS, Ελλάδα
98. Γεωργοπουλος Αλέξανδρος, Οικολογική Κίνηση Θεσσαλονίκης, Ελλάδα
99. Γραβάνης Βασίλης, Αυτόνομη Ομάδα Οικολογικής Δράσης Νομού Λάρισας, Ελλάδα
100. Δαβής Μιχάλης, Διάβαση Πεζών Σερρών, Ελλάδα
101. Δεκλερής Μιχαήλ, Παρατηρητήριο Περιβάλλοντος και Βιωσιμότητας, Ελλάδα
102. Δεμερίδης Γιώργος, Οικολογική Εταιρεία Έβρου, Ελλάδα
103. Δραγουμάνη Θεοδοσία, Οικολογική Ομάδα Ροδόπης, Ελλάδα
104. Κάππας Ξενοφών, Ελληνική Ορνιθολογική Εταιρεία, Ελλάδα
105. Καραβασιλικού Γραμματική, Μορφωτικός και Πολιτιστικός Σύλλογος Μεγαλοπαναγιωτών Θεσσαλονίκης, Ελλάδα
106. Κοσμόπουλος Γιώργος, Αντιμονοπωλιακή Ομάδα STOPCARTEL, Ελλάδα
107. Κωστή Αγγελική, ΓΡΑΙΓΟΣ ΑΜΚΕ, Λαμία, Ελλάδα
108. Κωστής Γιωργάκης, ΒΙΟΖ - Βιοκαταναλωτές για Ποιοτική Ζωή, Ελλάδα
109. Λειβαδίτη Θεώνη, Εταιρεία Προστασίας Τριγωνίδας, Ελλάδα
110. Μαυρογιώργιου Δάφνη, ΕΛΛΗΝΙΚΗ ΕΤΑΙΡΕΙΑ Περιβάλλοντος & Πολιτισμού, Ελλάδα
111. Νικήσιανη Σίσσυ, Συντονιστική Επιτροπή κατά της Εγκατάστασης Δεξαμενών Καυσίμων στη Λιμνοθάλασσα Βάσοβα, Καβάλα, Ελλάδα
112. Νικολαδάκης Τάσος, Πατραϊκή Ένωση Καταναλωτών, Ελλάδα

113. Πανούση Αιμιλία, ΗΛΕΣΙΟΝ- Μη Κυβερνητικός Οργανισμός Περιβάλλοντος, Αθήνα, Ελλάδα
114. Πέτρου Νίκος, Ελληνική Εταιρεία Προστασίας της Φύσης, Ελλάδα
115. Σκιάς Στυλιανός, ΠΑΚΕΘΡΑ- Πολιτιστικό Αναπτυξιακό Κέντρο Θράκης, Ξάνθη, Ελλάδα
116. Σπανούδη Δέσποινα, Συμπαράταξη Βοιωτών για το Περιβάλλον, Ελλάδα
117. Σκούρας Αντώνης- Εφημερίδα της Βόρειας Εύβοιας
118. Σχίζας Γιάννης, περιοδικό “ΟΙΚΟΛΟΓΕΙΝ”, Ελλάδα
119. Τσέκος Γιώργος, Οικολογική Πρωτοβουλία Χανίων, Ελλάδα
120. Τραμπάζαλη Κωνσταντία, Άμεση Επέμβαση για την Προστασία της Άγριας Φύσης, Ελλάδα
121. Φωτεινάκης Κώστας, Οικολογικός Πολιτιστικός Σύλλογος Χαϊδαρίου ΟΙΚΟ.ΠΟΛΙΣ., Ελλάδα
122. Ψαρούδας Σπύρος, ΚΑΛΛΙΣΤ - Περιβαλλοντική Οργάνωση για την Άγρια Φύση και Ζωή, Ελλάδα

¹ Answer to written question of MEP Csaba Sandor Tabajdi, given by Mr Potočnik on behalf of the Commission on 23 June: <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=P-2010-3589&language=EN>

² Letter to Environmental Commissioner Janez Potocnik from Daniel Popov at the Sofia-based Centre for Environmental Information and Education and Eugen David from Alburnus Maior/ Rosia Montana, Romania. http://www.ngo.ro/date/17ef04f0530a65b2f4e73d9a4b5d99ea/participation_AM_CEIE_cyanide_20May2010.pdf

Response from Commissioner Potocnik:

http://www.ngo.ro/date/17ef04f0530a65b2f4e73d9a4b5d99ea/letter_Potonik_7june.TIF

³ <http://www.mining-journal.com/production-and-markets/ec-rejects-proposed-cyanide-ban> and <http://proactiveinvestors.com/companies/news/6816/emed-mining-permitting-boosted-as-eu-knocks-back-proposed-cyanide-ban-6816.html>

⁴ Specifically the Mining Waste Directive, Environmental Impact Assessment Directive, Integrated Pollution Prevention & Control Directive, Water Framework Directive, Birds and Habitats Directives and the Espoo Convention.

⁵ Press Release: Commission welcomes the Baia Mare Task Force report, 15 December 2000: <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/00/1471&format=HTML&aged=1&language=EN&guiLanguage=en>

⁶ See attached briefing note *Can existing EU legislation prevent a future cyanide spill?* or access it at http://www.ngo.ro/date/17ef04f0530a65b2f4e73d9a4b5d99ea/Can_existing_EU_legislation_prevent_a_future_cyanide_spill_2.pdf

⁷ There is mounting evidence that the European Union is incapable of implementing the Electronic Waste Directive. Only one third of e-waste is thought to be treated in line with the directive's requirements. This failure causes not only industrial dumping and environmental damage in the developing world, but undermines Europe's ambition to achieve resource efficiency. See article: <http://www.bbc.co.uk/news/world-europe-10846395>