

Dear Members of the European Parliament, Representatives of the European Commission, and fellow European citizens:

First of all, Ecologistas en Acción would like to congratulate the Committee of Petitions for organizing this hearing and taking into account the often forgotten voices of environmental organizations and local communities.

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To start with, I would like to recall how mining remains one of the most polluting activities globally, producing severe impacts on biodiversity, water quality and availability, as well as human health.

Every year, 150 billion tons of rocks are extracted, generating 13 billion tons of tailings. In the EU, mine waste is already the second largest waste stream, generating 30% of total waste. Just think that to produce 1 ton of copper, an average mine produces 110 tons of tailings and 200 tons of waste rock. For gold or silver mines, over 99% of what is extracted becomes waste.

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The decrease of ore grades over the past century means that mining is increasingly destructive and requires more and more energy. Copper ore grades have gone down from 1.8% in the 1930s to barely 0.5% today. For nickel, 90% of mines have grades below 2%. This means bigger and deeper pits and larger tailings dams that are failing with increased frequency and severity.

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As the UN International Resource Panel stated a decade ago:

“Today, depending on the metal concerned, about three times as much material needs to be moved for the same ore extraction as a century ago, with concomitant increases in land disruption, groundwater implications and energy use” (IRP, 2011).

Projections of future demand are staggering. We’re being told we should mine as much copper in the next 30 years as in the past 7,000, while rates of extraction for lithium or cobalt should increase by 500%. A growth rate of 3% would mean doubling global extraction every 25 years.

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More mining is being rallied to fight climate change, yet the production of just 7 basic metals (iron, aluminium, copper, zinc, lead, nickel and manganese) represent 7% of greenhouse emissions. Energy consumption and emissions of mines are increasing due to lower grades and ‘low cost’ bulk operations. As a report by the European Environmental Bureau presented this paradox:

“more energy is necessary to extract more minerals which are needed to build more energy infrastructure, part of which is needed to provide the additional energy required to extract more minerals and so on and so on.”

Allow me to share some glimpses of what this would look like.

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The small Tinto and Odiel rivers in Spain transport 37% of the zinc and 15% of the copper contributed by all of the world’s rivers to the seas and oceans in the planet. River life is limited

to extremophiles and water availability for other uses is severely limited. Not only does this illustrate failure of EU states to address ongoing impacts of mining, but also our incompetence.

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As we speak, a plan to increase the capacity of the Rio Tinto tailings dam in Huelva has been approved to host over 180 million cubic meters of tailings, assuring destruction and loss of human life when they eventually fail.

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Because tailings dams **also** fail in Europe. Think of the disasters in Romania, Sweden, France, Hungary of Finland, and many others, that made Europe the second world region with more tailings dam incidents. The Aznalcóllar dam failed in Spain in 1998 causing the Doñana disaster in spite of years of warnings by environmental groups. Although the term NIMBY was not in current use at the time, we were called ignorant and liars. 24 years later, Boliden, the Swedish company operating the mines, hasn't yet paid for the damage. Today, 24 years later, the mines are to be reopened as part of a procedure in which 14 civil servants and politicians are standing in court over crimes of corruption, embezzlement, fraud and other criminal accounts.

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Still in Spain, mining in the Sierra Minera de Cartagena has left thousands of hectares of polluted soils around towns. Children are being exposed to arsenic and other heavy metal poisoning while absence of restoration continues to produce emissions into the Mediterranean. The Portmán Bay processing facility was responsible during decades for 50% of heavy metal emissions into the Mediterranean, which has the highest concentrations of mercury and other heavy metals in commercial fish species like tuna.

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In the face of this situation, please allow me to convey a critical issue which environmental NGOs and local communities are having difficulties in conveying to the European Commission and authorities in Member States. In 2018 the Commission produced a document called "EU actions to improve environmental compliance and governance". It included an interesting figure of "Types of conduct in the context of environmental compliance and potential responses", with a gradient that moves all the way from champions to criminals.



Recent soft policy documents by the Commission, which are being translated into similar policies and laws across Member States, are built on the assumption that mining operators are “climate” champions that should be rewarded, relaxing laws, and providing millions of euros in public subsidies. On the ground, the conduct of some of the most prominent European mining operators is actually outright criminal. Here are 2 examples:

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- **Cobre Las Cruces**, a large copper mine in Spain, has just been imposed a 1 million euros fine for illegal extraction of groundwater. In 2016 it was fined 1,2 million euros for illegal water extraction. And another 1,5 million euros fine for the same conduct is pending. In all cases, sanctions were imposed after claims and reports by Ecologistas en Acción. The mine’s tailings dam failed in 2019. As a reward, Cobre Las Cruces has just been granted 1.5 million euros by the European Commission for the RAWMINA Horizon 2020 project, after being the coordinator of the INTMET Horizon project from 2016 to 2019, receiving 2.7 million euros as illegal water extraction was happening.

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- **Valoriza Minería**, another Spanish mining company targeting tin, tungsten, lithium and copper deposits, has been the beneficiary of the NEXT Horizon 2020 project as well as of EIT Raw Materials funding. Part of this funding served to pay for the salary of the Director of the San Finx mine, who is now being prosecuted, together with the company, for illegally discharging acid mine drainage into a nearby river without permits and in absence of Environmental Impact Assessment, during the time the mine was being used as a test site for the Horizon project. This mine has been subject of a dozen parliamentary questions, two petitions and a major interpellation in this Parliament, so the Commission cannot claim it is unaware of such problems. Prompted by Ecologistas en Acción to investigate, the Commission not only has failed to act but it’s now covering up its own due diligence by refusing access to information.

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We call this Parliament to pause, reflect and invite the Commission to do the same. We’ve seen from previous speakers how urgent it is to wake up from our green daydreaming:

1. EU consumption needs to be brought in line with planetary boundaries. Please take note of the recent European Environmental Agency’s “Growth without economic growth” briefing and Seas At Risk’s “Breaking Free From Mining”.
2. One of the reasons for the failure of European circularity policies is that none has seriously considered the need to leave minerals in the ground and in the seabed. Metal recycling must be taken seriously.
3. EU legislation of mining waste needs to be brought in line with advanced regulations that exist around the world. Otherwise, as in García Márquez’s novel, we’ll see a “Chronicle of a Disaster Foretold”. In fact, of many disasters.
4. The Commission must stop using soft policy instruments (like the critical raw materials lists) as a way to advance the interests of the mining lobby. Such policies require public participation through strategic impact assessment procedures.
5. The Commission must put an end to undemocratic industry alliances, such the European Raw Materials Alliance. We must guard against the acquisition of unwarranted influence by such industrial-academic complex.

6. You must stop continuing EU funding for undemocratic methods of eroding and undermining civil society's efforts to combat the extensive corruption and environmental misconduct by mining operators and the Administrations that are theoretically responsible for their oversight.
7. Environmental groups, local communities and individuals need to be supported, encouraged and empowered to exercise the rights and duties of active environmental citizenship in the face of a new wave of mining that risks turning European peripheries into an extractivist Wild West.
8. In the face of so many new mining projects, the EU must develop new, legally binding protocols so that that local communities and indigenous peoples have the right to say no to mining and to protect the Rights of Nature through democratic means.

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We will soon be providing you with a detailed report on the breaches of EU law and cases of misconduct that have just been briefly mentioned and invite the Committee on Petitions to consider a Fact Finding Visit to investigate some of these on the ground in Spain.

Thank you for your attention and, on behalf of Ecologistas en Acción, let me convey the urgency that the important issues that are being discussed in this Hearing are properly addressed.