



## EUROPEAN COMMISSION

Employment, Social Affairs and Equal Opportunities DG

Social dialogue, Social rights, Working conditions, Adaptation to Change  
**Social dialogue, Industrial relations**

**Meeting:** Sectoral social dialogue committee, **Extractive Industries**, Working group

**Time and place:** 08.09.2010

Translation: **DE, EN, FR**

Employers	Trade Unions
1. Ms. ANDERSSON Cecilia (SWE)	1. Mr. CARRAGHER Patrick (UK)
2. Mr. BORKOWSKI Zygmunt (PL)	2. Mr. DAMM Jean – Pierre (FR)
3. Ms. DESCHELLE Miette (UEPG)	3. Mr. FERNANDEZ VAZQUEZ Victor Jose (ES)
4. Mr. GUTIERREZ Vicente (ES)	4. Mr. FOLKESSON Lars-Erik (SWE)
5. Ms. HEBESTREIT Corinna (Euromines)	5. Mr. LESNIEWSKI Krzysztof (PL)
6. Ms. HULIK Gitta (Euracoal)	6. Mr. POTYRALA Dariusz (PL)
7. Mr. KUYDOWICZ Tomasz (PL)	7. Mr. ROTHLEITNER Bernhard (AT)
8. Ms. LUMEN Florence (IMA-Europe)	8. Ms. RUMMA Julija (EMCEF)
9. Ms. MARTIN GONZALEZ Mercedes (ES)	9. Mr. STANITZ Karoly (HU)
10. Mr. NIECHWIEJ Andrzej (PL)	10. Ms. ZIEROLD Corinna (EMCEF)
11. Mr. RICKETTS Brian (Eurocoal)	
12. Mr. SCHALLERT Peter (Euromines)	
13. Mr. SCHNEIDER Thomas (DE)	
14. Mr. STEINHAGE Manfred (Euromines)	
15. Mr SCHULZE Burkhard (DE)	
16. Ms STRACKENBROCK Ines (APEP)	
17. Mr. SZKOP Rafal (PL)	
18. Ms. TOR Aleksandra (PL)	
19. Mr. ZOLTAY Akos (HU)	

European Commission:  
SIEBERN-THOMAS Frank DG EMPL F.1

### MINUTES

#### 1. Welcome

#### 2. Approval of the agenda

Agenda approved; request to address the public consultation on environmental impact assessment under point 10 Miscellaneous

### **3. Approval of the minutes 04/06/2010**

Minutes approved without changes

### **4. OEL (occupational exposure limits) setting procedure for NO<sub>2</sub> und NO – actual information**

Mr Schubert (Euromines) made a short presentation on the state of discussions in the Scientific Committee on Occupational Exposure Limits (SCOEL) regarding occupational exposure limits for NO<sub>2</sub> und NO and informs that the final discussion will take place in the 1<sup>st</sup> quarter of 2011. Ms Strackenbrock-Gehrke asks whether the discussion is about concrete values, or about the question whether to set limits or not. She adds that the currently debated value of 0.1ppm does not seem based on scientific evaluation and would be detrimental to business. Mr Schubert confirms that the discussion is about concrete values without providing further detail on the range of values under discussion.

Participants suggest to come back to the issue at the next meeting and foresee an active debate once concrete values have been proposed.

### **5. NEPSI (European Network on Silica) - short presentation of the final report to the NEPSI Council in June 2010**

Ms Lanne (IMA; NEPSI Secretariat) makes a presentation of the final report to the NEPSI Council of June 2010 (see slides attached for further information, and <http://www.nepsi.eu>). She underlines in general positive developments in the implementation of the multi-sectoral agreement, and notably a significantly higher participation of sites covering 460.000 employees. She highlights that improvements have been made in three areas in particular: first, risk assessments (91% of employees covered, up by 13 percentage points compared to the first report of 2007); second, health surveillance for silicosis (95% of employees covered); and third, provision of training (84% of employees covered, up by 23 percentage points compared to the first report). Ms Lanne further explains that the NEPSI Council will now focus on the national level and organize national multi-sectoral workshops. It will also address lower training incidence on specific tasks and organize a special meeting to discuss further ways to measure and enhance the effectiveness of the implementation of the agreement. She finally presents the initiatives planned for 2011, including 5 multi-sectoral workshops (2 in PL, 1 in CZ, BG, RO each); 3 new PIMEX videos; and request for new Commission grants.

### **6. Joint Declaration 2004 on implementing general standards of health and safety in the extractive industry and 2010 implementation report**

Mr Damm (EMCEF) explains the need for an update of the 2004 joint declaration on implementing general standards of health and safety in the extractive industry, including on the statute of 'European mining worker'. This update would need to address several open issues regarding the working conditions of mining workers and notably the under-reporting of occupational illnesses. It should also include specific follow-up provisions.

Ms Hebestreit (Euromines) suggests to update the 2004 declaration in light of the results of the accidents project, as well as to take into account similar work done by other sectors (eg the chemical industry). She asks for a specific session, including expert contributions,

dedicated to this issue. Ms Hulik (Euracoal) agrees on the need to update the declaration, including through the inclusion of occupational illnesses and an extension to other sectors, and based on a review of the implementation so far. Mr Damm agrees with the suggestions. EMCEF will circulate documents from the related project in the chemical industry.

Mr Schulze summarises the discussion and proposal to update the 2004 declaration, including by integrating the results and best practices from the implementation report. It is also agreed to include this point on the agenda for the next meeting.

## **7. EU Raw Materials Initiative**

Mr Steinhage (Euromines) summarises the DG ENTR initiative on raw materials aiming at improved access to raw materials from external and domestic sources and to enhance recycling. In this context the Commission has set up special working groups to identify critical raw materials (currently 14) and develop best practices. The Commission is currently organizing a public consultation on this issue (with deadline 19 September 2010). Social partners agree to assess the possibility of a joint reply to the consultation, despite the tight deadline. The Commission (DG EMPL) will liaise with the colleagues in DG ENTR and help support an extension of the consultation deadline if needed.

## **8. State aid to coal industry**

Ms Lemoigne (DG COMP) makes a detailed presentation on the Commission proposal of 20 July 2010 for a Council regulation on state aid to close uncompetitive coal mines (see the slides attached for further information).

State aid is currently granted in 6 Member States (DE, ES, HU, PL, RO, SK); half of the production and employment in the sector is covered by the coal industry in Poland. Other Member States such as Belgium (1992) and France (2004) already closed their coal industry. The employment impact at European or national level is in general limited, although it can be significant at regional level.

The Commission proposal aims to facilitate the closure of loss-making hard coal mines in the EU by 1<sup>st</sup> October 2014, ending operating subsidies to uncompetitive mines, but allowing state aids for the closure of mines, notably to address the social and environmental costs of closures (early retirement, environmental rehabilitation, impact on related sectors, etc.). Any further operating aid to the sector will be conditional on the presentation of a closure plan for the loss-making mines.

The proposal is based on public consultations and impact assessment studies carried out in 2009 and on which the sectoral social dialogue committee in the extractive industries has been consulted. These studies have confirmed the lack of competitiveness in some Member States, with costs well above world market prices and no prospects of becoming competitive.

The Commission has submitted its proposal to the Council and, for consultation, to the European Parliament and the European Economic and Social Committee.

In the subsequent discussion, the following issues/questions are raised: definition of 'uncompetitive' mines; rationale for choosing deadline of 2014 instead of 2020 or 2022 as initially suggested; the risk of Europe having to import most/all raw materials in the future and thus to become vulnerable and dependent on third country partners such as China. The social partners from Spain in particular, supported by trade union representatives from PL and UK and by EMCEF, heavily criticize the Commission proposal as unbalanced and not justified. According to them, the EU is following a "policy against its own resources". They voice strong doubts concerning the Commission assumptions regarding the evolution of future

world market prices and expect these to increase significantly due to the strong increases in demand from Asia, which in turn could lead to shifts in competitiveness patterns in the future.

Participants further complain that the Commission proposal misses a clear strategic view of future energy prices, and ignores e.g. recent experiences in the UK where coal mines that had granted state aid in the past have now become productive, profitable and competitive again. EMCEF considers the decision as completely unacceptable and expects it to lead to several thousand job losses in the regions/countries concerned. They further consider the reference to the French experience as inadequate, as the former mining regions in France would still be facing considerable social problems.

Ms Strackenbrock-Gehrke adds that Europe still has coal resources for some 400 years, and that one has to take due account of the higher energy efficiency of coal and the cleaner production methods in Europe as compared to countries outside the EU, and the ensuing global environmental impact. Ms Lemoigne (DG COMP) recalls that, without the Commission proposal, the less favourable, general state aid rules would have to be applied to the coal industry as of 2011.

EMCEF proposes that the committee rejects the Commission proposal formally and highlights the need to implement the social partners' Budapest declaration to promote the exploitation of indigenous raw materials signed on 12 June 2010.

Finally, Mr Stanitz (EMCef) makes a short presentation on the outcome of the BDSZ project "Future of Miners" and the "Budapest Declaration". This declaration had been sent to all European institutions, yet without reaction. He further notes that the proposal of a closure date of 2014 was not yet known at the time of signing the declaration and would otherwise have been the main point of the declaration. He underlines the need for a coordinated strategy to support a competitive and sustainable European industrial policy.

Social partners will assess the possibility of a joint declaration in response to the Commission proposal. Ms Hulik recalls that Euracoal cannot issue any statement on state aid to coal.

## **9. Revision of the ETS (Emission Trading System) Directive and EU - ETS post 2012 – by Euracoal, IMA and Euromines and new directives on CCS (carbon capture and storage) and Renewable Energies**

Mr Damm (EMCEF) informs about new directives under preparation by the Commission. He states that the Commission has proposed allocations based on benchmarks from natural gas use that would put coal-fired plants at a distinct competitive disadvantage. The targets are set and their impact on different industries will have to be evaluated.

With regard to the CCS directive, social partners see the key issue now in providing the necessary infrastructure to create a single European energy market. It is agreed that Euracoal will circulate related information and make a presentation at the next plenary meeting on infrastructure issues. Ms Strackenbrock-Gehrke notes that CCS is not possible in all countries and asks to clarify the link between ETS and CCS.

## **10. Miscellaneous**

Social partners agree on the need to respond to the ongoing public consultation on the revision of the environmental impact assessment (Umweltverträglichkeitsprüfung).

Participants further agree on a mandate to EMCEF to report the joint position of the committee on the Commission consultation on energy policy to the upcoming energy conference on 30 September 2010 on behalf of the committee.