



European Federation of Geologists (EFG)

THE QUALIFIED PERSON CONCEPT

SUBMISSION

With respect to the

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the management of waste from the extractive industries

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Contact:

EurGeol Dr. Isabel Fernandez Fuentes
European Federation of Geologists
Rue Jenner 13, 1000 Brussels
Tel: +32 2 627 04 12
Fax: +32 2 627 04 27
Email: efgbrussels@tiscalinet.be
Website: www.eurogeologists.de

INTRODUCTION

The European Commission has presented a proposal for a European Parliament and Council directive on the management of waste from the extractive industries (COM(2003) 319 – 2003/107(COD)).

Parliament has referred the proposal to the Committee on the Environment, Public Health and Consumer Policy as the committee responsible and the Committee on Industry, External Trade, Research and Energy for its opinion. This opinion is being prepared by Mr. Jonas Sjöstedt MEP.

The European Federation of Geologists wishes to bring certain issues to the attention of the Commission to assist them to achieve their objective.

The EFG recommends that these issues, as detailed below, be considered by the Parliament in reviewing the Directive.

EUROPEAN FEDERATION OF GEOLOGISTS

The European Federation of Geologists (“EFG”) was first established in 1980 by the representatives of the national associations of geologists from Belgium, France, Italy, Portugal, Spain and the United Kingdom.

The nations at present represented in the Federation as Full Members are; Belgium, Czech Republic, Finland, France, Germany, Hungary, Ireland, Italy, Luxembourg, The Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, Switzerland and the United Kingdom. The combined geological membership of these associations is approximately 75,000. In addition to these Full Members, Bulgaria, Iceland, Norway, Romania, Turkey and Canada are present as Observer Members, while the American association is an Associate Member.

Throughout Europe the members of the EFG represent the profession of geology to national governments, and through the EFG to the European Union. It works to promote geological advice to guide the development of policy with regard to the responsible use of the Earth's natural resources, in particular energy resources, mineral and construction material resources, water resources and avoidance of environmental pollution, land-use planning and environmental protection.

As part of its drive to improve standards the EFG has adopted, and is developing, codes and guidelines to assist the membership, statutory authorities and the general public. A Continuing Professional Development (CPD) scheme, which is mandatory for its members, has been in effect since January 2003. The scheme requires each member to custom design a CPD plan, to implement that plan and maintain a development record, and to report annually.

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The EFG considers that many of the detailed technical standards addressed in the draft directive must take site specific and regional geographic and geologic conditions into consideration. For example, geo-environmental understanding is inextricably linked with the geological and geochemical issues. As a result, it is now recognised that mineralogy, and not absolute elemental value, is a key criterion in the assessment of risk. For example, $As^{0,-2,+5}$ is not significantly hazardous, whereas As^{+3} is poisonous. Thus the linkage between mineralogy and potential environmental hazard is a key parameter in risk assessment. As a further example, we would highlight the different hydrogeological and geoengineering standards required to minimise risks associated with the waste streams in different climatic zones and topographic regimes.

The EFG suggests that suggests that reliance on a Qualified Person (QP) mitigates the need for regulators to set specific standards in many of these diverse areas. Instead, responsibility is left with the QP to make the necessary decisions and professional judgements according to the circumstances of each specific case.

The QP concept is derived and developed from practice in other jurisdictions, notably Australia, Canada, United Kingdom and South Africa. In those jurisdictions the concept is particularly well developed in the reporting of natural resource related issues.

Those jurisdictions, which have adopted the concept, have concluded that the criteria to define a QP are:

- 1) A suitably qualified professional in the specific field.
- 2) A member of a recognised professional association with a Code of Ethics and disciplinary procedure that is monitored and enforced.
- 3) A qualified professional who has a minimum of five years professional experience, including specific experience relevant to the matter being reported on.

The EFG believes that the concept should be broadened to encompass all scientific and technical aspects of public reporting and that there should be a requirement that a QP sign off each specialised report. In the geological area this person should be a professional member of the European Federation of Geologists, or an equivalent professional organisation, with a minimum of five years experience which is relevant to the issues which are being reported.

The EFG recognises that most, if not all, reports submitted to the regulatory authorities responsible for the management of waste from the extractive industries relate to complex integrated situations where several areas of expertise are involved.

In many instances, for example, preparation of an EIS is a team effort. In these circumstances we believe that each area of investigation should be delegated to an appropriately qualified professional, who should be a QP in his/her own right. Where

there is a clear division of responsibilities within a team, each QP should accept responsibility for his or her particular contribution. It is also important that:

- 1) The QP accepting overall responsibility for an EIS for example, which has been prepared in whole or in part by others, should be satisfied that the work of the other contributors is acceptable.
- 2) The professional geologist should be satisfied that the information in the geological report(s) is faithfully reflected in the final composite EIS (i.e. after any editing), including the Non-technical Summary.
- 3) The compiler of the final report(s) should ensure that each contributor has read and approved his/her contribution as reproduced in its final edited form.

We believe that a policy requiring reports to be signed by “qualified persons” would greatly enhance those standards as they apply to geological reports submitted to the regulatory agencies.

The EFG recognises that in pursuing these objectives it is part of an international trend. To remain in the mainstream of these international developments the EFG has entered into reciprocal recognition agreements with professional associations in other jurisdictions so that the professional titles awarded provide a technical passport that is recognised internationally as a quality mark.