



## Policy Developments in Mineral Resource Legislation at Irish and EU Level

Institute of Geologists in Ireland  
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Ben Dhonau  
Exploration and Mining Division  
Ben.Dhonau@dcmnr.ie

## Contents

- Ireland
  - Current Legislation
  - Possible New Legislation
- EU
  - Role of the EU
  - Some current extractive industry topics



## Current Legislation - Principal Act

- Minerals Development Act 1940
  - Defined Minerals
  - Prospecting Licences
  - State Mining Leases
  - Ancillary Rights
  - Compulsory Acquisition of Minerals (repealed in 1979)
  - Compensation and the Mining Board

## Definition of Minerals

- Minerals Development Acts
  - all substances (other than the agricultural surface of the ground and other than turf or peat) in, on, or under land, whether obtainable by underground or by surface working
  - includes all mines and the cubic space occupied or formerly occupied by minerals
  - does not include stone, gravel, sand or clay unless listed in the Schedule to the 1940 Act
  - petroleum and natural gas excluded
- Other Definitions in other Acts

## What is a mineral?



“There is no matter of legal controversy as to which it is more easy to find judicial decisions than the question of what is comprised in the term ‘minerals’, and, I may add, as to which the decision gives so little guidance.”

Mr. Justice Holmes (Case of R.P. Woodside, 1929)

## Mineral Ownership

- Mix of ownership
  - State, under the 1940 Act – acquired through various mechanisms and no compensation
  - Private, but right to work vested in State by 1979 Act subject to compensation
  - Purely Private – no State involvement in ownership



## The Constitution

- Art 43 “... The State ... guarantees to pass no law attempting to abolish the right of private ownership or the general right to transfer, bequeath, and inherit property.”
- Case Law clarifies this

## Time scale

- 2005 – 2006 Preparation of Heads of a new Bill
- 27 June 2006 - Government approval to draft a new Bill
- 2<sup>nd</sup> quarter 2007 - Target for completion

## EU

Ex Africa semper aliquid novi  
Pliny the Elder 1<sup>st</sup> Century AD

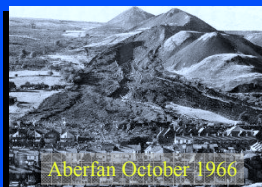
Always something new out  
of Brussels



## EU Extractive Industry Specific

- Subsidiarity - Minerals policy a matter for Member States
- Two Health and Safety Directives (92/91/EEC & 92/104/EEC)
- Directive on the Management of Waste from the Extractive Industry (2006/21/EC)
- Communications from the Commission
  - Promoting sustainable development in the EU non-energy extractive industry (COM(2000) 265 final)
  - Safe operation of mining activities: a follow-up to recent mining accidents (COM(2000) 664 final)

Reasons for the Extractive Industry Waste Directive

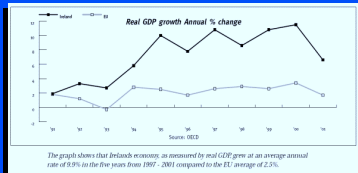


## Horizontal Legislation

- Not specifically directed at any one industry
- Covers areas of EU Competence such as
  - Environment
  - Health and Safety
- Examples:
  - Water Framework Directive
  - Birds and Habitats Directive
  - Directive on chemical agents at work
  - etc, etc, etc

## EU Benefits

- Free movement of Goods, Services and People
- Cohesion and Structural Funds
- Better Environment and Industry Credibility (e.g. EPA Directive)



## Influencing Proposed Legislation

- Make your views known
- Some European Groups
  - European Federation of Geologists
  - Euromines (metal mines)
  - IMMA (Industrial minerals)
  - UEPG (Construction materials)
- Government Departments
  - DCMNR
  - DoEHLG
  - DETE, etc.



## Lisbon Agenda

- Objective: make the Union "the most competitive and dynamic knowledge-driven economy by 2010"
- Some actions
  - Study on the impact of raw materials and energy supply on competitiveness of the metal industry SEC (2006) 1069
  - Study on competitiveness of the non-energy extractive industry (in draft)
  - High Level Group on Competitiveness, Energy and the Environment
  - Communication on Competitiveness?
  - European Minerals Strategy??

## Some Other Relevant EU Actions

- Thematic Strategy on the Sustainable Use of Natural Resources COM (2005) 670
  - Decoupling Economic Growth from Environmental Impacts
  - Information deficits
  - Access to resources
- Proposed Directive establishing a Framework for the protection of soil COM (2006) 232
  - Risk-based inventories
  - Contaminated Land
  - Landslides
  - Sealing
- REACH – Chemicals Policy

## Key Issue

- Knowledge of and access to "mineral" resources in Europe



## Successful Rehabilitation Navan, County Meath

