



Motion nr. 3 **Unanimously approved** by the EFA GA on 17 April 2015.

Name of the person introducing the motion: Johannes Kramer

On behalf of the party: FNP

Motion: Reversal of the burden of proof in the case of damage from mining operations

The European Free Alliance,

At the meeting assembled on 17th April 2015

Having listened to the discussion;

Bearing in mind that:

- Many European regions and nations have to deal with the negative consequences of underground mining operations, such as subsidence, environmental pollution and degradation of landscapes and living environments above ground;
- Currently, European states, regions and nations apply a variety of statutory and legal frameworks for mining issues, which leads to inequalities within the European Union between citizens, companies and local authorities that experience damage from mining operations and the mining companies concerned;
- The Member States and the European Union are striving for a legal and economic “level playing field” for the commercial companies involved;
- Moreover, there is rarely or never question of reversing the burden of proof, so that citizens, companies and local authorities that experience damage loss are always at a disadvantage in legal terms against the mining companies and the state;
- In the light of the solidarity principle, in the states, regions and nations of Europe there should be consideration of a statutory and legal level playing field not only for the commercial mining operators involved but also for those who experience damage from mining activities;
- In the event of damage caused by mining to citizens, companies and local authorities in the regions and nations of Europe, the legal burden of proof should lie with the party that causes the damage (reversed burden of proof);

Also having regard to the FNP declaration on Mining Issues as it was adopted at the EFA General Assembly on March 23, 2012;

Calls on the members of the EFA group in the European Parliament and all others concerned:

- to make all efforts to promote a statutory and legal level playing field for mining operations within the European Union taking due consideration of the interests of citizens, companies and local authorities of the regions and nations within the Union;
- in that context, to promote the reversal of the burden of proof for damage as a starting point in legislation, regulation and government policy;

And proceeds to the orders of the day.