

ADDRESS GIVEN BY M. Robert TOULEMON BEFORE THE  
ATLANTIC COUNCIL

POLITICAL AND INSTITUTIONAL ASPECTS  
OF ENVIRONMENTAL MANAGEMENT: THE EUROPEAN EXPERIENCE

(SUMMARY)

Washington, January 15, 1971

I. The characteristic features of Europe

- A. Europe is still appreciably less wealthy and less developed economically than the United States.

In 1969, GNP per head of the population in the Six at current prices and exchange rates was approximately 50% lower than that of the United States. Per capita energy consumption was about one third that of the United States. It follows that Europe must be even more concerned than the United States to avoid any excessive slackening of increases in productivity and it also follows that we have less money to spend than the United States on improvements where nuisances and pollution have already affected the environment.

- B. Despite the very high population density in Western Europe, the threat to the environment there is still not as great as in the United States.

The first reason is that energy consumption in Europe is less than that of the United States. Energy consumption is one of the

most important elements in environmental control and the most difficult to correct. Moreover, the size of the rural population of Europe and traditional farming methods mean that Europe has so far been spared the phenomena of erosion, soil destruction and climatic changes which have made their appearance in other areas of the globe. Its rural tradition has meant that Europe has retained a high infrastructure density - roads, schools, water supplies, electricity networks, postal services, commerce, crafts and medical services. Many rural or coastal regions can be developed into leisure areas. These new activities make it possible to maintain the infrastructures that would no longer be justified by agricultural activity alone.

Similarly, urban problems in Europe are less acute than in the United States. The historical and architectural interest of many European towns has slowed down the process of decline of city centers. Our most serious problems are congestion in the very large conurbations (London, Paris, Milan, the Ruhr and the Rhine estuary) and river or coastal pollution, particularly pollution of the Rhine, the Channel and the North Sea coasts.

C. However, the most original feature of our problems in Western Europe compared with the situation in the United States is that we are divided into States which have retained the essence of their political sovereignty but are nevertheless engaged in a process of integration which has already reached an advanced stage in the economic sphere.

This situation is of major importance for the problem under discussion. Because of their geographical proximity and because of the existence of the Common Market, each European country is immediately affected by what happens in the others. It is not just a matter of air and water crossing frontiers. The main thing is that the capacity of our industries to compete is affected by any legislation designed to combat nuisances. Thus, no European country can hope to solve the problem of protecting its environment by acting in isolation. This is one of the reasons why Europeans have been so slow in organizing this protection.

Most countries have tightened up their legislation to combat certain of the various categories of nuisance. Most of them have created inter-institutional bodies to examine the problems and to coordinate action. The French Government, for example, recently created a new Ministry of Nature and Environment. But not one country in Europe today has developed an overall approach to the problem, a comprehensive environment policy.

The European Communities have a very important role to play in elaborating and implementing a policy of this kind, by what they do themselves and through their collaboration with countries which are not members of the Community and with the international organizations.

## II. Towards a Community policy on the environment

The Treaties, which form a sort of constitution of the Communities - Treaty of Paris of 1953 establishing the Coal and Steel Community, and the two Treaties of Rome of 1957 establishing the EEC and Euratom - did not give the Communities general responsibilities in this field, for at that time the problem of environment had not yet come to the fore as it has done in recent years.

The Euratom Treaty, however, contained provisions which made it possible to establish Community norms on protection against ionizing radiation. Much more important, because of their wider scope, are the provisions in the EEC Treaty regarding harmonization of legislation and abolition of distortion of competition. Likewise, the decision taken in 1967 to coordinate research policies may open the way to joint action in the matter of environmental management.

In order to remove obstacles to the free movement of goods in the Common Market, the Community has already decided to harmonize laws imposing safety rules for a large number of consumer products, vehicles and capital goods. A general program was adopted in May 1969.

The program sets time limits and establishes the principles for the complete elimination of technical obstacles to trade. However, to prevent European economic unification being compromised by new regulations taken in certain Member States which, for example, trying to find remedies against pollution, might in this manner

introduce or reinforce obstacles to intra-Community trade, the general program also includes an agreement between the Member States on a status quo arrangement and on how the Commission has to be kept informed of legislative intentions. Under this agreement the status quo must be maintained for a minimum period in order to allow the Community to begin harmonization of legislation, or complete it where already begun.

The present situation as regards the implementation of the general program on environmental problems is as follows:

The Council has approved two directives:

- (i) The first on February 6, 1970, concerning permissible noise levels and the exhaust system of motor vehicles;
- (ii) The second on March 20, 1970, relating to air pollution by emission of noxious gases from engines of motor vehicles.

Further directives will be submitted by the Commission to the Council on: agricultural tractors, fertilizers, dangerous preparations, detergents and pesticides.

So far, the Community's action has remained very limited as regards distortions of competition as well as research. But on the subject of the environment the new Commission, in particular Mr. Spinelli who is responsible for scientific research, technological development and industrial policy, intends to draw up an overall Community plan.

This plan will be based on the following considerations:

(1) Free movement of goods and free competition would be impaired if the Member States took uncoordinated measures. In a common market all producers should be subject to rules and restraints which, if not identical, should at least be harmonized, taking into account special local or regional needs.

(2) In order to avoid the risk of divergent national policies and also in order to secure better employment of public funds, any very costly research needed must be coordinated at the Community level. Certain research projects should even be carried out jointly.

(3) The implementation of policy decided on jointly must be undertaken by joint bodies. For example, agencies must be set up for the numerous river basins which extend over several countries. Likewise, supervision of manufacturers and manufacturing methods must be undertaken in a harmonized manner.

(4) The harmonization of fiscal policy inside the Community will take into account the possible use of taxation in order to reduce pollution.

(5) The Member States, regions and provinces, towns and municipalities will be given or maintain wide powers in environmental matters. Here the Community's responsibility will generally be a subsidiary one. The Community would take action only where necessary

to avoid obstacles and distortion, to ensure better utilization of public funds and the effectiveness of actions undertaken at national, regional or local levels.

(6) European policy on the environment will, however, have to cover fields other than the campaign against nuisances and pollution. In particular, a big effort will have to be made, using all the means at the Community's disposal, to ensure a better distribution of economic activity throughout Community territory.

(7) The Community will endeavor to cooperate as closely as possible with the other international organizations and with non-member countries.

This latter point is worth developing further.

The Community is not an international organization of the traditional type because its aims and responsibilities and the powers of its institutions by far exceeds those of such organizations. The Community, for instance, can make rules directly applicable in the Member States. Another example is that not only the European Commission, but also any citizen concerned, may apply to the European Court of Justice in Luxembourg for a national regulation or even a law to be declared void if the regulation or law conflicts with Community legislation. Many judgements by the Court have already permitted such regulations to be eliminated.

That is why the Community's activities in no way duplicate those of the traditional international organizations, but must dovetail with them. I shall give two examples:

- (a) The OECD has undertaken very interesting work on the economic aspects of nuisances and on who is to carry the burden they involve. The Community will refrain from making such studies, but will participate in OECD's work and will derive from this work useful guidelines for its own decisions.
- (b) GATT has undertaken a survey of non-tariff barriers to trade. The campaign against pollution could create a large number of such barriers. The Community has already taken part in GATT's work, and will continue to do so, with the greatest interest, in order to prevent the multiplication of such obstacles and, where possible, to reduce or eliminate those that already exist.

As the Kennedy Round showed with regard to customs duties, such negotiations will have much better chances of success if the Member States of the Community negotiate together as a Community.

By the time the Community has worked out and begun to implement the common policy I referred to above, it will probably consist no longer of six Member States but of ten. Then, the United States will be able to cooperate far more easily with Western Europe organized



as a Community than under the present circumstances. In the field of environment, as in all others, European integration, far from complicating cooperation with non-member countries, in particular the United States, can only facilitate it.

### Conclusion

The urgent need for efficacious protective action and the necessarily international character of such action must be generally admitted.

No task, except of course the efforts made to prevent an atomic war, is more important than that of protecting the miraculous equilibrium which has permitted the development of life and the expansion of our species on the earth's surface. Like collective security, protection of the environment cannot be sacrificed much longer to the maintenance of the absolute sovereignty of individual nations. The way must be prepared for a better organization of the world in this and other spheres. It is a long-term task, one which must be extended to the control of population growth throughout the world, but we must start right away to take steps to ensure that protection against pollution does not turn into protection against foreign competition and does not become a source of new restrictions to trade or of international conflict. By contributing to the unity of the peoples and nations of Western Europe, the European Communities are contributing to these important objectives. The more united Europe becomes, the better it will be able to face up to its world-wide responsibilities.