

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(77) 687 final

Brussels, 9 December 1977

Communication from the Commission to the Council

Problem of adaptation to technical and scientific progress of
directives of the Council, in the environmental field

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A. Background

1. The Council Resolution of 15 July 1975^{1/} on the adaptation to technical progress of directives or other Community rules on the protection and improvement of the environment recognizes that it may be necessary to adapt certain measures contained in these Directives or Community rules to scientific and technical progress, particularly in the environmental field, in accordance with an ad hoc procedure.

2. On 8 December 1975, the Council adopted a directive relating to the quality of bathing water. This directive includes provisions for an Adaptation Committee whose mandate relates to the parameters given in the Annexes, as well as to the methods of analysis. This directive is the only one adopted under the Environment Programme to contain the Adaptation Committee, though there are, as already noted, several such Committees in other fields, i.e. in the framework of the elimination of technical barriers to trade and in the agricultural sector.

3. Committees on adaptation to scientific and technical progress are proposed in the context of four draft directives which will be considered by the Environment Council at its meeting on 12 December. These draft directives are :
 - Proposal for a Council Directive on toxic and dangerous waste;
 - Proposal for a Council Directive relating to the quality of water for human consumption;

- Proposal for a Council Directive concerning health protection standards for sulphur dioxide and suspended particles in the urban atmosphere;
 - Proposal for a Council Directive concerning the preservation of birds.
4. Objections have been raised by certain delegations to the specific application in the context of these four directives of the procedure provided for in the Council Resolution of 15 July 1975. The detailed positions of the different Member States are given in the documents before the Council which deal with the individual directives and need not, therefore, be summarized here.

B. The Commission's View

5. The Commission recognizes the importance of the arguments raised on all sides. For the purposes of the Environment Council of 12 December, it should be possible to adopt a solution to the problem. The essential features of such a solution would be as follows:
- (a) as provided for in Point C of the Resolution of 15 July 1975, in the case of each of the four directives under consideration it will be clearly specified for which provisions the Adaptation Committee procedures shall be invoked;
 - (b) the mandate of the Committees would relate to those aspects of the directive which are essentially of a scientific and technical character.
- in the case of the toxic waste directive, the mandate of the Committee would be limited to (i) clarifying the description and composition of the toxic or dangerous substances and materials listed in the Annex to the directive and (ii) adding to the Annex dangerous

substances and materials unknown at the time of notification of the directive (new Article 18, 1st and 2nd lines);

- in the case of the drinking water directive, the mandate of the Committee would be limited to the models and frequency of the standard analyses set out in Annex II, and the methods of analysis set out in Annex III, to the directive (Article 13, 2nd and 3rd lines);
- in the case of the sulphur dioxide standards directive, the mandate of the Committee would be limited to adapting the measurement methods of Annex III (Article 6, 3rd line);
- in the case of the birds directive, the mandate of the Committee would cover the adaptation of Annexes I & V.

(c) the proposed statement in the minutes by the Commission, which figures in Doc R/2639/77, would be withdrawn.

Conclusion

6. The Council is asked to agree to the proposals made in Paragraph 5 (a) (b) and (c) above as a means of resolving the problems relating to the Adaptation Committee in the four draft directives which are covered by this note.

