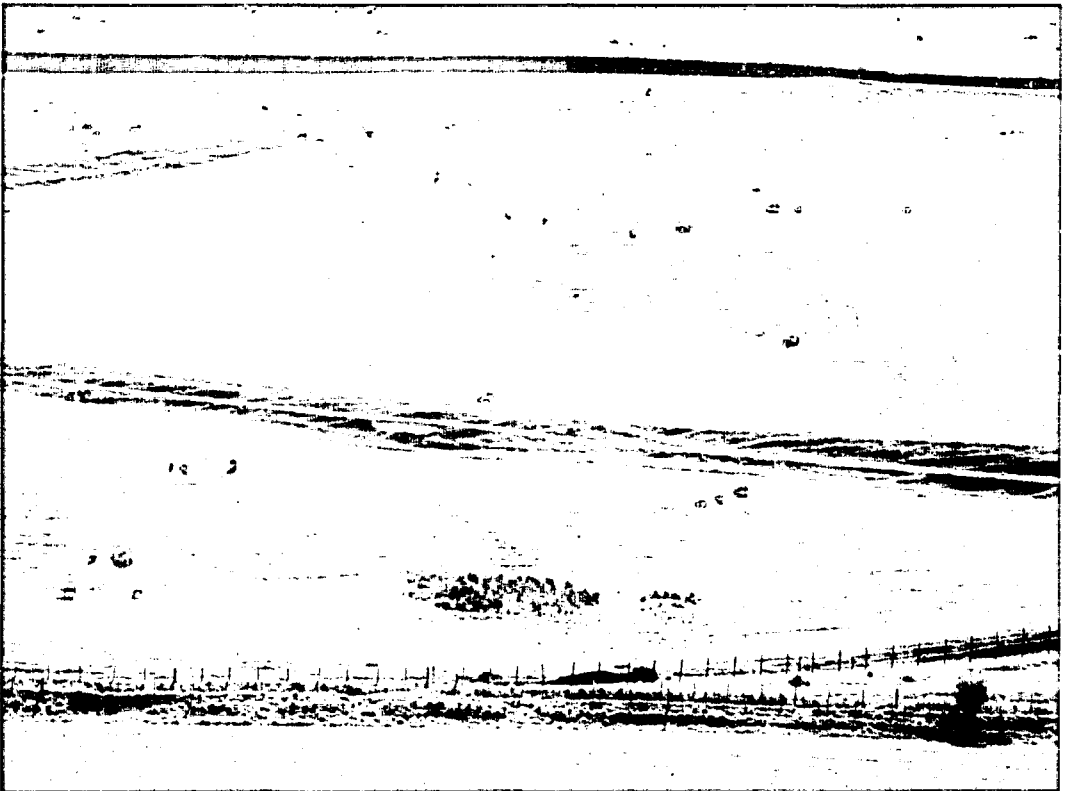


ENVIRONMENTAL POLICY IN THE EUROPEAN COMMUNITY



This publication is also available in the following languages:

ES	ISBN 92-826-1410-7	Política de medio ambiente en la Comunidad Europea
DA	ISBN 92-826-1411-5	Miljøpolitik i Det Europæiske Fællesskab
DE	ISBN 92-826-1412-3	Die Umweltpolitik in der Europäischen Gemeinschaft
GR	ISBN 92-826-1413-1	Η περιβαλλοντική πολιτική στην Ευρωπαϊκή Κοινότητα
FR	ISBN 92-826-1415-8	La politique de l'environnement dans la Communauté européenne
IT	ISBN 92-826-1416-6	La politica ambientale nella Comunità europea
NL	ISBN 92-826-1417-4	Het milieubeleid in de Europese Gemeenschap
PT	ISBN 92-826-1418-2	A Política de Ambiente na Comunidade Europeia

Cataloguing data can be found at the end of this publication

Luxembourg: Office for Official Publications of the European Communities, 1990

ISBN 92-826-1414-X

Catalogue number: CB-NC-90-005-EN-C

© ECSC - EEC - EAEC, Brussels · Luxembourg, 1990

Reproduction is authorized, except for commercial purposes, provided the source is acknowledged.

Printed in the FR of Germany

Environmental policy in the European Community

(Fourth edition)

Manuscript completed in March 1990

Cover: Photo Fulvio Roiter

Contents

Introduction	5
I — Why a Community policy?	7
II — The state of the EC environment	11
III — Costs of pollution	13
IV — The political realities	15
Public opinion	15
Governments	16
V — The legal realities	19
VI — The financial realities	25
VII — Enforcement	29
VIII — Education and the environment	33
IX — Waste management	35
X — Agriculture	39

XI — The international dimension	41
XII — The European Environment Agency	43
XIII — Specific actions	45
Air pollution	45
Noise	48
Water	49
Chemicals	51
Flora and fauna	53
Nuclear energy/safety	54
Further reading	57

Introduction

Environment policy — developed in fits and starts over the last two decades — today commands a position at the very centre of the European Community stage.

To a large extent this can be attributed to rising popular and political alarm at the threat which uncontrolled economic expansion poses to human safety and health.

But it also reflects the fact that concern for the environment and the careful husbandry of natural resources at our disposal lies at the heart of the Community's plans to achieve a single market by 1992.

Major disasters like Chernobyl and Bhopal, global problems like ozone depletion and the greenhouse effect, and quality of life issues such as drinking water and air pollution have all contributed in recent years to a 'greening' for European public opinion, to a widening consensus in favour of 'cleaner' and more sustainable economic growth.

This idea found formal expression in the Community in 1972 when Heads of State or Government meeting in Paris laid down a series of basic environmental principles, declaring in their summit conclusions that 'economic expansion is not an end in itself'.

It was not until 15 years later, though, that the need for a dynamic policy on the environment was given explicit legal and political backing in the amendments to the Treaty of Rome known as the Single European Act.

In a key passage which represents the only qualitative condition anywhere in the revised Treaty, the act calls on the Commission when putting forward proposals concerning health, safety, the environment and consumers to take as a base a high level of protection.

The 1992 programme — whose course was set by the terms of the Single European Act — is too often seen in terms of one-dimensional economic benefits like additional GDP growth, market efficiency, and lower unemployment. Politicians and commentators have a tendency to forget that the new Treaty established a number of separate, if complementary, objectives for the Community designed to make sure that the material advantages of removing its internal frontiers are both evenly spread and prudently controlled.

Environmental concern lies at the centre of the single market debate and seems certain to remain so. One reason is that new solutions are urgently required to deal with the addi-

PUBLIC CONCERN ABOUT THE ENVIRONMENT

Pressure from the population and from special-interest groups has been of great importance for the acceleration of environmental policy within the Community. The latest elections for the European Parliament in June of this year (1989), which resulted in a more than 100% increase of Green Members of the European Parliament, have clearly shown how much the European population is concerned about the condition of the environment. It is quite easy to see why. The quality of the environment is closely linked to the quality of life in general.

If people become ill because of the deterioration of the environment, if people read in the newspapers that life expectancy is lower in environmentally deteriorated areas, it is quite understandable that the population becomes concerned. If we follow this line of thinking one may even say that the deterioration of the environment can be the source for political instability.

**Mr Carlo RIPA di MEANA,
Member of the European Commission,
speaking at Sofia, 16 October 1989**

tional pollution likely to be generated by the 1992 process. By accelerating economic expansion 1992 has effectively rendered more acute the problems which were already becoming serious as a result of Europe's growing prosperity.

Another reason is that a single market will only function properly if the 12 Member States of the Community — all coloured different shades of green at the moment — are able to agree and apply common standards of environmental protection.

A fundamental challenge for the EC is to prevent unilateral moves by 'greener' countries which may be seen by fellow members as effective non-tariff barriers to trade. At the same time the Community must always guard against the danger that acting in unison will be used as an excuse for a half-hearted and ultimately inadequate environmental policy.

I — Why a Community policy?

In early November 1986 between 10 and 30 tonnes of chemicals, among them deadly mercury compounds, escaped into the Rhine following a blaze at a chemicals plant near Basle, in Switzerland.

In the days that followed, the poisoned water washed menacingly against the banks of the Federal Republic of Germany, France and the Netherlands, killing millions of fish and other wildlife along the way, forcing Dutch citizens to seek alternative drinking-water supplies, and continued its trail of destruction as it spilled out into the North Sea.

Nothing could have demonstrated more vividly to European public opinion that pollution knows no frontiers and that it must be tackled on an international scale.

The accident at Basle was just one of a series of disasters in the 1980s — the leak of dioxin at Seveso, the airborne pollution leading to the destruction of forests in Germany were others — which have underlined this inescapable truth.

When the European Community first adopted a formal environment policy at the Paris Summit in 1972, however, the case for transnational initiatives was less clear. Against a background of relative prosperity and stability the Heads of State or Government felt that economic expansion should equally result in improvements in the quality of life, including better environmental protection, and to this end they charged that the institutions of the Community should establish the first environmental action programme in the course of 1973.

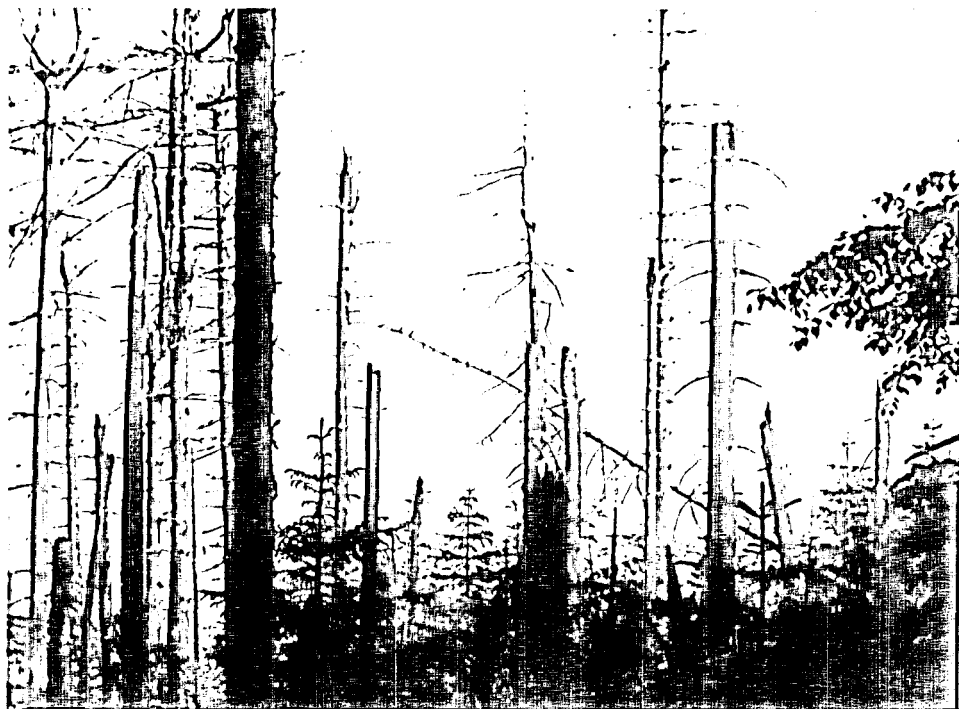
The restrictions and burdens on companies which such a programme was seen to involve proved all the more difficult to sell as a result of the oil crisis of 1973-74 and the recession which followed. In spite of this the Community quickly managed to develop the basis of a substantial policy, a process which continued rapidly in the more prosperous 1980s and which has been given new impetus in the run-up to 1992.

The Community's first environmental action programme in 1973 — and the second one in 1977 — listed a large number of essentially remedial measures seen as necessary at European level.

It was only in 1983 with the publication of the third action programme that progress in the Community's thinking became visible and the principles which underpin policy today began clearly to emerge.

By this stage, for example, the preventive approach — i.e. the idea that economic and social developments should be undertaken in such a way as to avoid environmental problems — had become central. The resources of the environment were recognized as con-

stituting the basis of, but also setting limits too, further social and economic advances. And it became a central imperative that the new objectives were to be achieved by taking into account environmental considerations when formulating other national and Community policies. (This obligation is now firmly enshrined in the Treaty of Rome thanks to the amendments of the Single European Act.)



A dying forest in Alsace. The trees are slowly killed off by pollution.
(Photo: European Pressphoto Agency)

The Community's environmental impact assessment Directive — which came into force on 3 July 1988 — is a weapon which has given force to this important principle. It integrates ecological awareness into the planning and decision-making process in all sectors, notably agriculture, the oil industry, energy, transport, tourism and regional development.

Certain categories of project — crude oil refineries, thermal power stations, chemical installations and motorway constructions, for example — must be subjected to an impact assessment. Others shall undergo such an assessment under certain conditions only at the discretion of the Member States.

The assessment has to identify the effects of a project on human beings, fauna and flora; soil, water, air, climate and landscape; the interaction of all these factors; and material assets and the cultural heritage.

Under the directive the competent planning authority must take into account information and opinions received in the environmental study before taking its decision. The public must be consulted and can propose alternatives.

Another key principle of Community policy lies in the conviction that strict standards of protection are an economic as well as an environmental necessity — that given the 'greening' of consumers and the growing demand for environmentally friendly goods, EC industry will not be successful unless it gears up to confront the challenge of an increasingly polluted society.

It is therefore at the core of Community thinking that high environmental standards should no longer be seen as imposing red tape and unnecessary costs on industry, transport and agriculture; rather, that strict norms can and should be associated with economic growth and job creation.

In line with this approach the Community's ACE programme (actions by the Community relating to the environment) has provided valuable financial support for demonstration projects aimed at developing clean technologies, techniques for recycling and reusing waste, locating and restoring sites contaminated by waste and hazardous substances, and methods for measuring and monitoring the quality of the natural environment.

EC actions, meanwhile, are increasingly framed in the light of the 'polluter pays' principle, although there have been differences of interpretation and practice as to the extent of the polluter's responsibility: while there is broad agreement that such responsibility covers the costs of compliance with pollution control standards there has been a certain ambiguity about the extent to which polluters should pay for damage. The Commission's recent draft directive establishing the civil liability of those responsible for creating waste is indicative of the Community's tough new approach.

A significant limitation of EC environment policy to date has been the somewhat narrow emphasis on administrative instruments — licensing standards, emission limits, bans and restrictions. While a few Community directives expressly permit economic incentives — e.g. the directives on waste oils and on large combustion plants — this tool of policy has progressed little beyond declarations of intent in successive environmental programmes. Such an approach is likely to be developed in future as the EC's institutions search for more radical solutions to the problem.

Other limitations of Community policy have also become apparent in recent years — notably the way in which policy has been segmented according to the various media which have to be protected (e.g. air, land, water and wildlife).

Many of the problems such as acid deposition or water pollution arise because of the transfer of pollution from one part of the environment to another. Action to limit the damage is consequently more effective when it is taken at source (as with the 1985 asbestos Directive, and the approach to chemicals) rather than in each sector separately.

There is, therefore, an urgent need to develop Community policies not so much for the media themselves but to the inputs into them. Hence the importance of prevention as a priority over cure.

II — The state of the EC environment

The European Community is marked by a wide variety of climates, cultures, and economic structures. Such pressures add to the diversity of environmental conditions in an area which stretches 3 600 km from north to south, and a similar distance from east to west.

The EC topography, for example, ranges from the high mountains of the Alps to the lowlands of northern Germany, from the cliffs of Scotland to the coastal lagoons of the Mediterranean. There are 300 different types of soil, more than 200 types of vegetation, more than 6 000 plant species, around 100 000 invertebrate species and almost 600 different types of bird.

Threats to wildlife are of particular concern to the Community. No country or region is immune to the problem but research carried out by the *Institut Royal des Sciences Naturelles de Belgique* in 1989 showed that it is more serious in the newer Member States of Spain and Portugal. More than 40 different species are known to be threatened in these countries — where conflicts between conservation and economic development are particularly acute — whereas in most of northern Europe less than 20 types of bird are thought to be in danger from development.

Acid deposits on soil remain a major problem. Figures published in August 1989 showed that most Member States contain areas with poorly 'buffered' soil — land, in other words, which is unable to absorb deposits without adverse environmental consequences. Forecasts suggest that on current trends the most industrialized countries of the Community will exceed the ecological standard of 1 400 acid deposition equivalents applied in the Netherlands, while all Member States will exceed the tougher Scandinavian norms (400 acid deposition equivalents). Acid rain, in short, remains a major threat.

River, coastal and air pollution are generally smaller problems in less industrialized, more peripheral regions of the Community, though major river estuaries everywhere bear the brunt of man's carelessness. Estuaries, after all, are where rivers tend to deposit much of their loads, where sewers and ships discharge the bulk of their wastes, and where most of the deliberate dumping takes place.

The mixed environmental trends in the EC were last spelt out in detail in *The state of the environment in the European Community, 1986*. It concluded that levels of

EUROPEAN COOPERATION ON THE ENVIRONMENT

The transfrontier nature of important environmental problems confronts the whole European region. The mutual responsibility of all European countries for their common environment has become more and more acknowledged.

Ministers and the Commissioner therefore welcome the growing multilateral cooperation between all European countries, in particular in the context of the UN Economic Commission for Europe and the Conference on security and cooperation in Europe. (They) stressed the great importance of increased bilateral cooperation between countries of East and West Europe, i.e. with the aim to achieve environmental goals agreed upon in multilateral forums.

From the declaration of a conference of Environment Ministers
from EFTA and EC countries
and the Member of the European Commission responsible
for the environment,
meeting in Noordwijk, The Netherlands,
26 October 1987

phosphorus, nitrogen and oil pollution seemed to be rising in the North Sea, that heavy metal concentrations were on the increase off the Netherlands coast, and that accidental spillages remained a particular problem in the Mediterranean. More encouragingly though, it found that levels of heavy metal, PCB and pesticide contamination were falling in marine organisms in the southern Bight and that the activity level of caesium-137 and other radionuclides had declined in the North Sea.

The question was left open whether these improvements were the result of national and Community environmental policies or whether they can be explained by transient fluctuations relating to a drop in industrial activities.

The same report suggested that some forms of air pollution — emissions of smoke and sulphur dioxide, for example — were in decline but that others, like emissions of carbon dioxide, nitrogen oxides and hydrocarbons, had increased.

The impact on rivers of the growing agricultural use of nitrogen fertilizers is vividly illustrated by the increased concentrations found by studies carried out between 1970 and 1985.

III — Costs of pollution

What evidence there is suggests that the financial costs of environmental policies at the moment are relatively slight — at most a few hundred ecus of expenditure per head. An analysis in the independent report on *1992 and the environment* concluded that the macroeconomic impact of additional investments in environmental protection equivalent to 1% of Community GDP would be minor and would in no way offset the benefits of the single market.

One of the key justifications for environmental action is the cost of doing nothing, the price of waiting for the pollution bill to come thudding on to the doormat. Inevitably this is also difficult to calculate precisely since the exercise often involves comparing the situation before a policy was introduced with what happened afterwards.

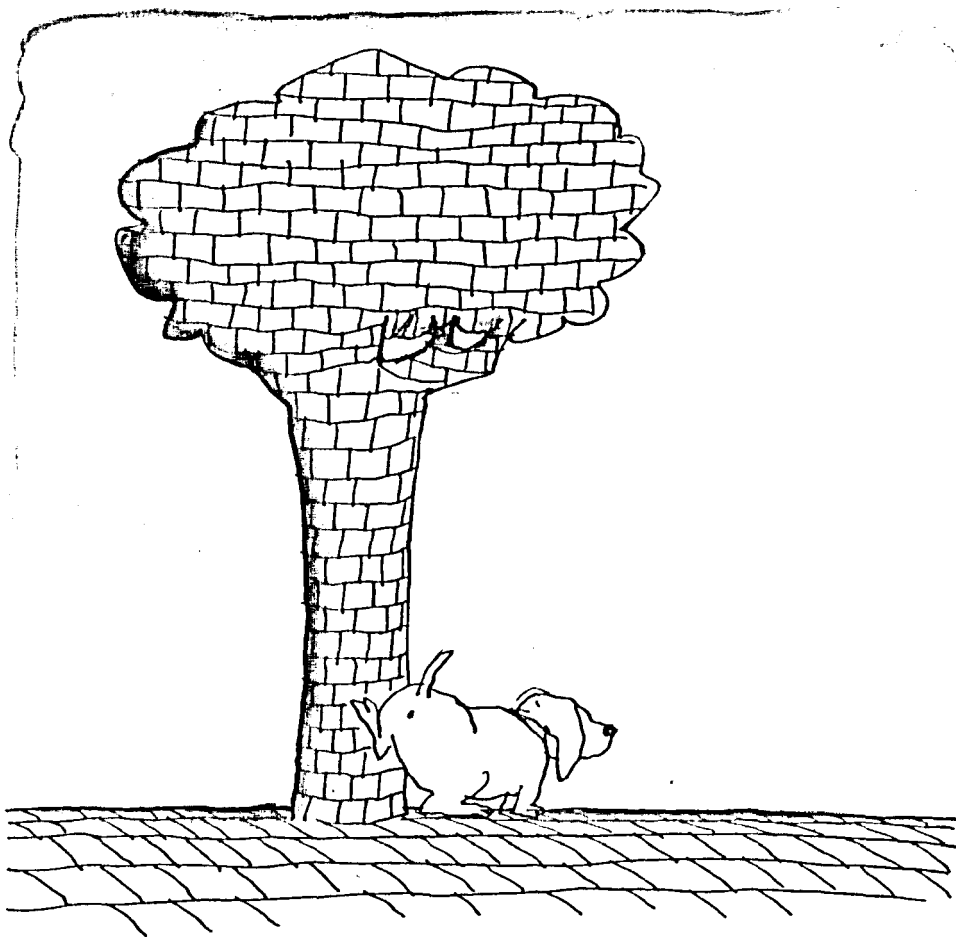
One study in Germany estimated that the effects on health by air pollution — including lost working hours, medical costs and the cost in human life — amounted to between ECU 1.1 and 2.7 million per year. In France, damage to health from sulphur dioxide and particulates was estimated in 1978 at ECU 1.2 billion or between 0.35 and 0.43% of GDP.

Considerable savings are also possible through other remedial actions, notably water treatment, noise insulation and building repair resulting from environmental damage. Water purification, for example, is a major cost in almost all Member States: in France the total estimated cost of water purification, excluding investment, was ECU 1.4 billion in 1982.

The damage to buildings by acid deposition in the EC was estimated in the early 1980s at ECU 540 million to ECU 2.7 billion per year, while a separate study calculated that savings of between ECU 81 and 230 million could be made by reducing salinity levels of the Rhine in the Netherlands. A large proportion of this would be through an increase in recreational activities.

Arguably, the biggest benefit could result from reducing the knock-on effects of industrial pollution on other economic activities. Tentative estimates in the state of the environment report of 1986 suggested that the damage to forests caused by acid deposition was around ECU 300 million per year, while lost agricultural production for the same reason was valued at almost ECU 1 billion.

Accidents, meanwhile, generate large and more immediate costs for those affected. Industrial explosions, accidental releases of chemicals (e.g. the Seveso incident), and major oil spills like the *Amoco Cadiz* are notorious examples. The implementation of suitable preventive measures should reduce, if they do not eliminate, disasters of this kind.



IV — The political realities

No European Community policy can develop in isolation from attitudes in the Member States. Surveys show that in recent years public opinion has swung dramatically in favour of a more dynamic environment policy — a trend which has encouraged Community action and reinforced support for a rigorously green approach in the European Parliament. At the same time sharp political differences in the attitudes of Member State governments have consistently complicated efforts to reach a consensus at Community level.

Public opinion

There is ample evidence — both in opinion polls and in the public pronouncements of politicians — that Community citizens are getting 'greener'.

Public opinion surveys carried out in the 1980s show, for example, that awareness of environmental issues has increased. Three-quarters of those interviewed for a poll in 1988 felt that environmental problems were immediate and urgent, while an overwhelming majority thought that economic development ought to have an environmental dimension. A survey published by the European Commission in *Eurobarometer* in June 1989 demonstrated strong support for a common EC-wide approach to environmental protection.

In June 1989 green parties won more than 30 seats in the European Parliament making them the fifth largest grouping in the Strasbourg assembly and proving in the process that environmental politics had come of age. Barely a week after the results were announced the European Summit of EC leaders concluded their meeting in Madrid with a stronger than ever declaration that the Community must play an active role in environmental protection, both in terms of EC legislation and through participating in international initiatives. As if to ram home the point, the following month the world economic summit spoke of the pressing need for 'decisive action ... to understand and protect the earth's ecological balance'.

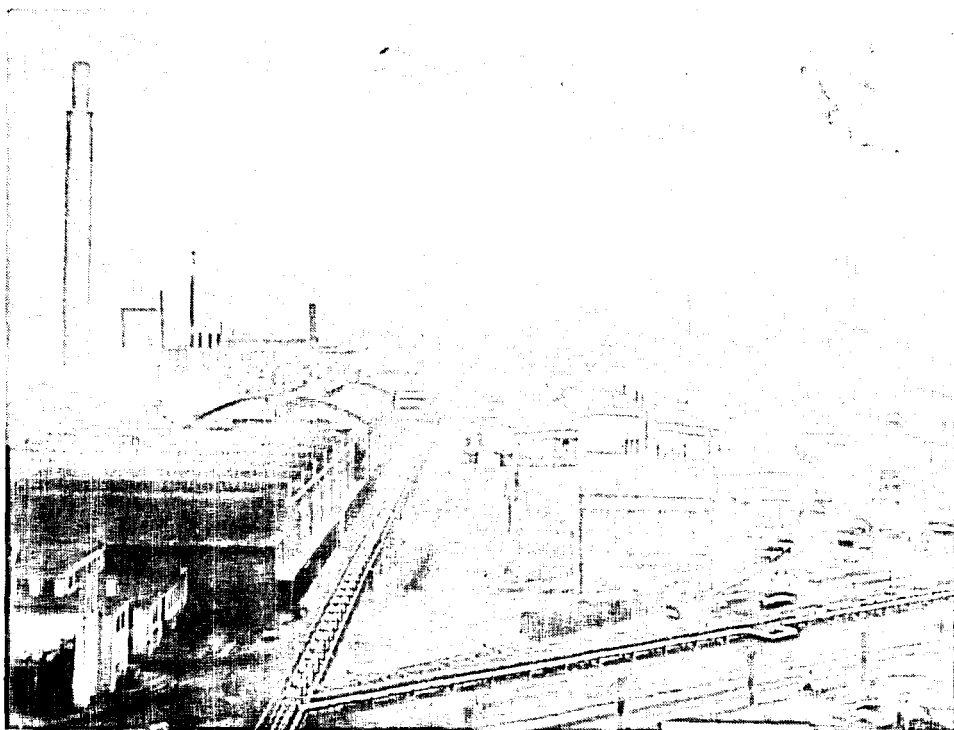
Significantly, public perceptions are also reflected in the attitudes of industry: a survey covering 600 businesses undertaken in France in January 1989 showed that the environ-

ment was generally regarded as a modern feature of industry, that half the respondents saw environmental concerns as being of major importance for them, and that two-thirds thought this importance would be even greater in the near future.

Governments

The growing consensus of public opinion in favour of tougher environmental protection is a vital spur to Community policy. Inevitably, however, this is not always translated into agreement among the Member States when they come to negotiate the principles and instruments of individual actions.

The diversity of attitudes to the environment — albeit a constantly shifting one — is vital to any understanding of Community policy.



Smoke billows from an industrial site. It is not only site workers and nearby residents who have to inhale the polluted air, but also people living far away — as smoke respects no boundaries.

(Photo: Belga)

In some countries — notably Germany, Denmark and the Netherlands — popular concern has been particularly acute and green parties directly or indirectly have been an influential force in national politics.

In Germany, for example, the visible destruction of forests by acid rain has inspired efforts to slash emissions of SO₂ and encouraged far more effort than in most neighbouring countries to control pollution in heavy industries like chemicals and power engineering.

In the Netherlands, alarmed by the prospect of turning into the dustbin of Europe and grappling with waste from the most intensive agricultural system in the Community, all political parties have favoured a tough programme against pollution. Around 70% of the Dutch would forgo higher living standards for a cleaner country.

Denmark, meanwhile, is influenced in part by green Scandinavian neighbours like Sweden which has set higher environmental standards for products like washing powder and petrol than those agreed by the European Community.

If these three Member States have most frequently been in the vanguard of moves to give environmental issues a high priority in Community debates, it is fair to say that all countries are now responding to popular pressures and to growing evidence of the global ecological threat. The last couple of years have been marked by a distinct jockeying for position on the diplomatic front with hitherto reluctant Member States keen to be seen to be taking the lead on new initiatives and publicizing their green credentials whenever and wherever they can.

Encouraging as this is, tensions lurk below the surface and occasionally break out. There are important differences between those Member States who support nuclear industry — seeing it as the best way to slash carbon emissions — and those who do not. There is friction between those who demand strict Community norms to control pollution and those who believe in the setting of less severe quality objectives. And especially since the enlargement of the Mediterranean bloc in the Community in the mid-1980s there has been a fundamental split between those who stress the legislative, standard setting approach of Community policy, and those who seek more concrete but costly actions to help Member States and their regions remedy problems like soil erosion, forest fires and coastal pollution.

The important Community debate on car exhaust emissions is instructive in two ways. It provided a striking example of political differences — notably the insistence of some Member States that they could only agree to an early compromise if the Dutch Government was pursued in the European Court for its unilateral measures to promote higher US norms.

The denouement, on the other hand — later acceptance by the Council of Ministers of the very norms which earlier in the year had been opposed — vividly illustrated the power of public opinion and the way in which Europe's growing green fervour could be tapped.

V — The legal realities

Public and political opinion — the increasing if sometimes uneven commitment of citizens and their governments to a cleaner environment — may be one of the most crucial influences on Community policy. The pace at which new measures are introduced — and the shape and form which they ultimately take — are also likely to depend on the use of important new legal provisions in the Single European Act, the amendments to the Treaty of Rome which were primarily designed to streamline EC decision-making.

It is perhaps one of the more remarkable achievements of EC policy in this area that prior to the Single European Act taking effect in 1987 there was no explicit legal provision for Community environmental actions. In spite of that more than 100 instruments, mainly directives, were adopted in the 15 years after EC Heads of State or Government took the first tentative steps towards developing a policy at the Paris Summit in 1972.

The main impetus in the early days came from that first political engagement, as well as from the provisions of Article 30 of the Treaty of Rome guaranteeing the free move-

THE SINGLE EUROPEAN ACT AND ENVIRONMENT POLICY

Provision is thus made in the Single European Act for action on the environment. This victory went unnoticed in 1985-86: it equipped us for action, and action was taken at a time when emotions united with what the experts were saying to give the first taste of success to all who have been fighting for the environment, even though much still remains to be done. Let me remind you that the Treaty also calls for the prudent and rational use of natural resources, and action on the environment is closely linked with other Community policies.

Jacques Delors,
President of the European Commission,
Paris, 11 May 1989

ment of goods and services between Member States, to which certain exceptions, including measures capable of justification on environmental grounds, are now accepted.

As a result, environmental initiatives were pursued either under Article 100 of the Treaty of Rome — the principal basis for harmonizing laws which directly affect the establishment or functioning of the common market — or under the more wide-ranging Article 235 which allows the Community to take appropriate measures to attain one of the objectives of the Community not expressly provided by Treaty powers. The EC's directive on the conservation of wild birds is an example of this latter approach.

In practice, therefore, Community environment policy was often driven by the collective desire to remove trade distortions — measures as much to ensure consistency of practice between the Member States as to secure an improvement in environmental standards.

The significance of the Single European Act — notably in Articles 100 A and 130 R, S and T — is that for the first time it acknowledges the need to combine free trade objectives with a high level of environmental protection, as well as the desirability of pursuing environmental objectives as a legitimate end in itself.

Article 100 A, to be precise, states in the third paragraph that: 'The Commission in its proposals laid down in paragraph 1 concerning health, safety, environmental protection and consumer protection, will take as a base a high level of protection'.

Article 130 R, paragraph 1, says that: 'Action by the Community relating to the environment shall have the following objectives: (i) to preserve, protect and improve the quality of the environment; (ii) to contribute towards protecting human health; (iii) to ensure a prudent and rational utilization of natural resources'.

Article 130 R, paragraph 2, enshrines in the Treaty the Community's underlying philosophy, namely that: 'Action by the Community relating to the environment shall be based on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source, and that the polluter should pay. Environmental protection requirements shall be a component of the Community's other policies'.

Sceptics, understandably, wonder whether these carefully drafted phrases have any practical meaning, whether the rhetoric will seem hollow once the combined weight of vested interests in the Member States are brought to bear on the EC's decision-making institutions. Will individual Member States seeking to step up the fight against pollution, they ask, not be frustrated by a consensus which reflects (pessimistically) the lowest common denominator rather than (optimistically) the highest common factor?

The answer cannot be clear cut but there is good reason to think — theoretical and legalistic though some of the arguments tend to be — that the Single European Act will serve as an ally for those seeking a high level of environmental protection.

For one thing, measures taking as a base a high level of protection put forward under Article 100 A — such proposals must be linked to the internal market programme — can now be agreed by a qualified majority of Member States, rather than unanimously, as was the rule prior to 1987. This means that one or two 'dirty' countries are no longer in a position to block Community actions on their own, though by the same token the more progressive among the Member States can always be outvoted by a cautious majority (where, that is, the Commission is prepared to go along with them).

Much will depend on the European Commission as guardian of the Treaty to insist that a high level of protection is attained — but even where economic and industrial

BETTER TO ACT TOGETHER ON ENVIRONMENTAL POLICY, THINKS PUBLIC

Asked if Member States of the European Community should act collectively or individually to protect the environment, over three-quarters of those asked felt they should act collectively.

Opinion poll replies as to whether Member States should act together or separately to protect the environment (%)

	Together	Separately	Don't know
Belgium	61.0	8.6	30.5
Denmark	70.4	12.0	17.6
FR of Germany	83.2	5.7	11.1
Greece	69.0	18.4	12.6
Spain	60.5	19.0	20.5
France	80.6	15.9	3.5
Ireland	64.4	29.1	6.5
Italy	83.3	7.7	9.0
Luxembourg	83.7	11.6	4.7
The Netherlands	91.0	7.2	1.8
Portugal	62.3	10.2	27.5
United Kingdom	76.0	16.5	7.5
EUR 12	77.1	12.2	10.6

Source: ZEUS report, January 1990, based on an analysis of the *Eurobarometer* opinion poll, conducted for the European Commission in the 12 Member States of the European Community in the summer of 1989.

arguments are seen to prevail over environmental concerns the scope for Member States to go it alone appears to have been widened.

Take the outcome of the Danish bottle case, for example, published in the ruling of the European Court of Justice of 20 September 1988. The Commission on this occasion argued that the Danish system for requiring returnable containers for beer and soft drinks, and for licensing new types of container, represented a barrier to trade and should therefore be outlawed as contrary to the principles of the free market.

The Court accepted that there was indeed a constraint on trade but in what has been widely seen as a landmark judgment it said that the Danish measure could be justified on grounds of environmental protection.

The Court specified that it was up to a Member State to respect the principle of proportionality — in other words it would be wrong if the means were so drastic as to be disproportionate to the final objective — and that efforts should be made to minimize the effect on freedom of exchange. On the substance of the arguments, however — and in the absence of a common rule concerning the commercialization of the products in question — it upheld the Danish position.

That is not, one can be sure, the end of the matter and other challenges are bound to be considered by the Court. What will happen, some ask pointedly, if at some time in the future there is a common EC rule which is at odds with an important national environmental concern?

In such a case Article 100 A, paragraph 4 of the amended Treaty offers a possible way out. This states clearly that: 'If, after the adoption of a harmonization measure by the Council acting by a qualified majority, a Member State deems it necessary to apply national provisions on grounds of major needs referred to in Article 36, or relating to protection of the environment or the working environment, it shall notify the Commission of these provisions'

It is then up to the Commission to verify that they are not a means of 'arbitrary discrimination of a disguised restriction on trade' — note the use of the word disguised — a process the Member State in question can challenge in the European Court of Justice if it is not satisfied with the outcome.

It looked at one stage as though these issues might have been aired during the debate on EC car-exhaust standards in 1989 (prior to the remarkable political shift towards US-style norms by hitherto reluctant Member States). But failing a new test case, who is to say that the high-minded environmental approach in the Danish bottle ruling will not be upheld in the future?

The Commission stated categorically in the fourth environmental action programme adopted in 1987 that it intends to make full use of the new provisions in the Treaty, notably the majority voting possibilities provided by Article 100 A. So far, this article has been employed primarily to introduce measures related to products, i.e. rules to guarantee free trade, but it is not impossible that Article 100 A will in future be extended to smoothing out distortions to competition (where new measures are introduced, for example, to fix common standards for industrial discharges into air or water).

Two additional points about Article 100 A: firstly, a majority of Member States will only get its way if the Commission agrees to amend its original proposal (Member States can only overturn a Commission proposal by unanimity).

Secondly, experience suggests that the powers of revision granted to the European Parliament where proposals are submitted under Article 100 A will be used to favour pro-environmental positions.

There is perhaps less reason for the green lobby and greener governments to be optimistic about proposals put forward under Article 130 for the simple reason that these can only be agreed unanimously (hence the lowest common denominator argument).

Against this, however, it should be pointed out that legislation in the past has sometimes been adopted on the basis that individual Member States could go further if they wished; that a consensus agreement is usually better than no agreement at all (and on the pollution-knows-no-frontiers principle better than a series of ill-timed unilateral moves), and that Article 130 T reads as follows: 'The protective measures adopted in common pursuant to Article 130 S shall not prevent any Member State from maintaining or introducing more stringent protective measures compatible with this Treaty'.

VI — The financial realities

The principles of prevention and polluter pays are central to the Community's environmental policy — but financial support is also required to meet the goals of a cleaner Europe. Important efforts have been made recently to increase the amount of money available from the EC budget for this purpose, though the Commission acknowledges that resources are still inadequate given the immense scale of the problem.

The prime financial instruments in the battle for better environmental protection are the Community's structural Funds: the European Social Fund, the non-price support section of the European Agricultural Fund and, notably, the European Regional Development Fund. These have long served the EC in a variety of ways, but since the relaunching of the internal market programme in the mid to late 1980s they have been fine tuned as part of the overall effort to reduce economic disparities within the Community and to promote the least-favoured regions.

Thus in June 1988 it was formally agreed to concentrate on five main priorities: promoting the restructuring of the most economically backward areas of the Community; transforming areas affected by industrial decline; combating long-term unemployment; easing access to the jobs market for young people; and improving agricultural structures and developing rural communities in the light of the reforms of the common agricultural policy.

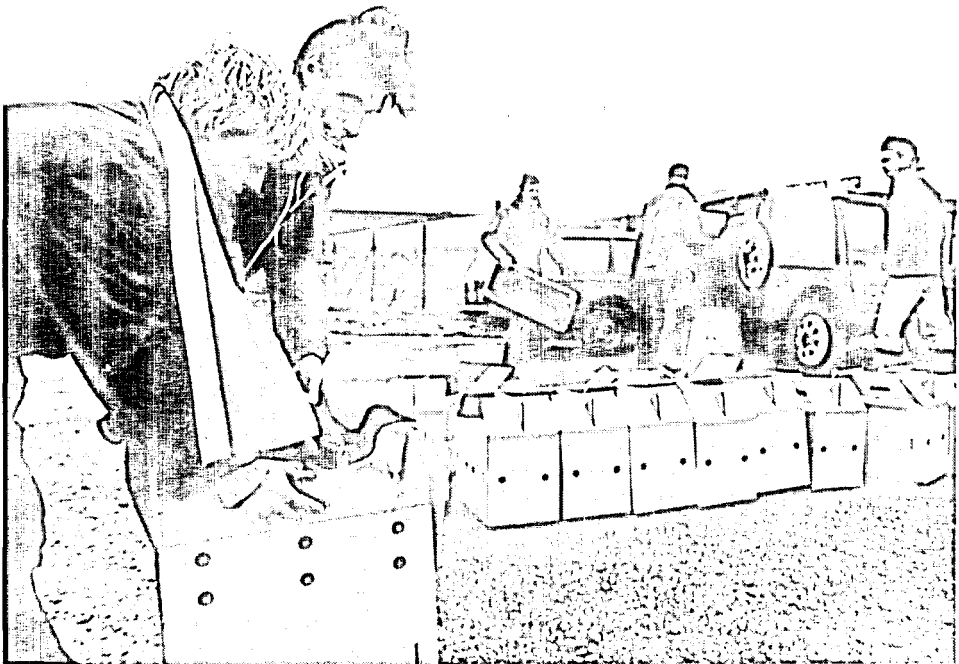
A damaged environment is often a feature of disadvantaged regions and initiatives in this field are likely to be of long-term economic benefit as well as fitting in with the Community's broader environmental objectives. The European Regional Development Fund has contributed to many projects over the years, ranging from the laying of sewers, wastewater treatment and the incineration and recycling of waste, but the Community's policy is now firmly directed towards stepping up this effort.

Around ECU 1.2 billion, for example, has specifically been earmarked for environmental projects for the period 1989-93 in the regions identified as being less developed. Measures financed are likely to include schemes to combat air pollution, to conserve the countryside, to promote clean technologies, and to combat soil erosion and desertification (the phenomenon, often caused by pollution, of cultivated land returning to its original state).

Conscious that more specific initiatives are urgently needed, the Commission, in late 1989, agreed to set up a special programme (Envireg) to tackle pollution in the most depressed coastal areas of the Community, notably in the Mediterranean. A complementary programme (Medspa) was simultaneously approved to cover coastal regions of the Mediterranean not eligible for structural Fund resources, as well as for non-EC countries in the Mediterranean basin.

The aim of Envireg and Medspa is not just to improve the quality of life for people living in the regions concerned, but to enhance their tourist appeal and thus boost their prospects of longer-term economic expansion.

Money from Envireg will help install purification systems and equipment to combat pollution from tourists and industrial plants, and to improve inadequate sewage facilities. It has been calculated that 250 coastal towns with populations of between 10 000 and



Saved! Members of Rotterdam Bird Watch put polluted birds into boxes so they can be taken to an animal protection station where volunteers try to clean the birds.
(Photo: ANPFoto, Amsterdam)

100 000 inhabitants in regions eligible for Envireg support either have no infrastructure for disposing of or treating sewage, or are deficient in some way. In Italy 48% of the existing 1 580 sewage treatment works no longer function — a figure which rises to 66% in the south of that country. In Spain 80% of municipalities are without treatment plants and some existing ones do not work.

The other major purpose of Envireg will be to help improve incineration and storage facilities for toxic and other dangerous industrial wastes in coastal areas. In line with the Commission's efforts to promote the recycling of waste where possible, support will only be provided in the case of non-recyclable wastes.

A key objective of Envireg and Medspa — and indeed of all Community financial support for the environment — is to improve the Member States' generally poor record of compliance with Community standards legislation. In this context directives covering sea pollution caused by dangerous substances, bathing water quality, toxic and hazardous wastes, the disposal of waste oils, PCBs and PCTs, and the conservation of wild birds all spring to mind.

Less eye-catching than the ECU 500 million allocated to Envireg in the period 1990-93, but potentially just as important, is the ACE programme (actions by the Community relating to the environment) established for the first time in 1987 to fund demonstration projects. Encouraging the development of clean or low-polluting technologies, new techniques for reusing waste, and new methods for measuring and monitoring the quality of the environment are among the priorities here, with the Community's contribution typically anywhere between 30 and 50% of the costs.

Projects providing an incentive to protect or to reclaim land threatened by fire, erosion and desertification, or contributing to the maintenance or re-establishment of seriously threatened habitats of endangered species, are also eligible for support under ACE.

Last but not least among the sources of funds for environmental ends is the European Investment Bank (EIB). The EIB tends to concentrate its medium and long-term lending (up to 20 years) on the more depressed regions of the Community, but since 1984 has extended its criteria specifically to include projects for environmental protection, such as those designed to clean up air and water supplies. The EIB now assesses all projects on the basis of their environmental impact, while EIB project managers encourage customers to make investments which involve minimal pollution.

VII — Enforcement

Few green issues have inspired as many column inches as the quality of European Community drinking-water.

The decision of the European Commission in 1989 to take the United Kingdom to the Court of Justice, for example, created intense public interest because of the UK Government's plans to privatize the water industry. But the UK, as it turned out, was only following in the footsteps of Belgium and France, and has since been joined by Germany and Luxembourg, and will almost certainly be joined by other Member States in due course.

The drinking-water row is just the tip of a much bigger challenge for the Community in making its environmental policy stick. This stems from the fact that the EC's major legislative weapon has been the directive, a legally binding instrument whose manner of implementation is nevertheless left to individual Member States to sort out.

Directives have been mainly concerned with the setting of common standards for environmental quality, for emissions, and for treatment procedures, such as waste storage and disposal. These are backed up in many cases with agreed monitoring procedures.

To be translated into effective action, however, two steps are required after they have been passed into EC law. First, each Member State must pass the appropriate national legislation; second, this national legislation must be applied and enforced at ground level.

During both steps the original objectives of a directive may be misinterpreted or distorted, thereby reducing its effectiveness.

The EC's fourth environmental action programme in 1987 emphasized that: 'the effective implementation of Community environmental legislation by all Member States will be of primary importance for the Community'

As a result the Commission itself has been giving the matter urgent attention, identifying deviations and omissions in national law and starting infringement proceedings with a view to bringing offenders into line. Legal actions often arise from failure to transpose EC directives into national legislation, or refusal to provide details to the Commission, as well as from failure to enforce agreed standards.



*A welcome shower for an oily guillemot at an RSPCA oiled-bird cleaning unit. The bird had been found on a beach in Somerset, England, with feathers clogged up with oil that had been released into the sea.
(Photo: Greenpeace/Midgley)*

At the same time public pressure plays an important role in improving Member States' compliance record. The Commission, for example, receives an increasing number of complaints about the actual situation in the Member States from non-government organizations, local authorities, Members of the European Parliament, local pressure groups and private individuals.

In 1984 there were less than 11 submissions of this kind covering all the EC directives; by the end of the decade the figure was about 450 per year.

It is hoped that the Community's new Environmental Agency will provide data to help the Commission in its policing role — but especially in the absence of a full-time EC inspectorate the information gathered by the public is vital to the achievement of the Community's environmental goals.

VIII — Education and the environment

Public opinion has played a major role galvanizing governments and the Community into making the environment a high priority policy. Keeping the public, especially young people, informed about the environment and the impact they as individuals can have on it is thus vital to the achievement of the Community's aims.

One of the most important initiatives in this regard was the 1987 European Year of the Environment (EYE), which was marked by a series of public activities from trade fairs and exhibitions to nature conservation camps and clean-up campaigns. Surveys suggest that EYE helped stimulate Community citizens to give serious new thought to the problems of the environment and helped raise awareness at all levels of the importance of integrating environmental thinking into all elements of policymaking.

The aim is that EYE should not be a one-off event and will be followed up with other measures involving the public.

The European Commission, meanwhile, has organized a pilot project aimed at encouraging the teaching of environmental studies in primary and secondary schools as part of the curriculum. A number of brochures have been produced to assist teachers.

Training schemes have also been introduced for professional people, such as university staff, engineers and scientists, while conferences, seminars and scholarships on all aspects of environmental protection are held regularly.

On a broader front the Commission provides financial and technical support to the European Environmental Bureau, a Brussels-based lobby group linking more than 100 organizations in the Member States. Officials regularly meet EEB members and participate in their events.

The Commission also encourages complaints and reports from citizens about cases of damage or neglect in the Member States. These are all investigated and remedial action taken where appropriate.

In recent times much of the evidence which led to the Commission starting legal proceedings against the United Kingdom Government for failing to comply with the 1985 drinking-water Directive was provided in this way. Another successful private action was

the case of the rare white-fronted Greenland goose whose winter feeding ground on the island of Islay in Scotland was threatened by peat cutting.

After the Commission had drawn attention to the problems of cutting the peat — needed for the production of local malt whisky — an alternative solution was found.

IMPORTANCE OF PROTECTING THE ENVIRONMENT

Asked to put 12 main political issues in order of importance, respondents to an opinion poll throughout the European Community made protection of the environment second only to unemployment. Asked to grade how important it was 94% of those questioned thought environmental protection very important.

The five most important national and international issues per country (summer 1989)

Percentage who think issues very important

	B	DK	D	GR	E	F	IRL	I	L	NL	P	UK
Environmental Policy	90	97	98	92	94	93	91	94	95	97	91	93
Unemployment	94	95	95	93	98	97	98	96	92	94	95	94
Stable prices	87	84	90	93	93	83	93	89	91	—	94	86
Personal security	80	—	—	—	—	—	—	—	—	—	—	—
Arms limitation	75	79	89	86	87	—	—	82	—	82	—	—
Balance of payments	—	88	—	—	—	—	—	—	—	—	—	—
Pension security	—	—	95	—	—	—	—	—	—	—	—	—
Education	—	—	—	88	—	96	—	—	—	—	—	—
Terrorism	—	—	—	—	95	—	—	—	—	—	—	—
Social protection	—	—	—	—	—	94	—	—	—	—	—	—
Emigration	—	—	—	—	—	—	93	—	—	—	—	—
Northern Ireland	—	—	—	—	—	—	84	—	—	—	—	—
Tax reform	—	—	—	—	—	—	—	81	—	—	—	—
Site advantages	—	—	—	—	—	—	—	—	91	—	—	—
Pensions	—	—	—	—	—	—	—	—	85	—	—	—
Equal rights	—	—	—	—	—	—	—	—	—	85	—	—
Law of labour	—	—	—	—	—	—	—	—	—	—	90	—
Housing/homeless	—	—	—	—	—	—	—	—	—	—	—	94
Health service	—	—	—	—	—	—	—	—	—	—	—	94
Health reform	—	—	—	—	—	—	—	—	—	—	91	—
Combating crime	—	—	—	—	—	—	—	—	—	—	94	—

Source: ZEUS report, January 1990, based on an analysis of the Eurobarometer opinion poll, conducted for the European Commission in the 12 Member States of the European Community in the summer of 1989.

IX — Waste management

The problem of how to deal with waste — above all dangerous or toxic wastes — poses a growing challenge for industrialized and developing worlds alike. Responding to it has become a major priority for Community environment policy.

Against a background of worsening oil and energy crises in the mid-1970s, the emphasis of policymakers tended to be on finding ways to preserve and recycle precious raw material supplies. The idea of waste as a valuable secondary resource remains an important feature of the Community's approach — but the threat it poses in terms of uncontrolled pollution is now considered an equally pressing concern.

More than 2 billion tonnes of waste is thought to be generated in the Community each year. Of this 150 million tonnes arises from industrial sources, depending on national definitions, with 20 to 30 million tonnes of that classified as hazardous. Completion of the internal market in 1992 — and the faster economic growth expected to ensue — seems certain to add to these quantities in future.

The Community's policy response is inspired in part by the increasingly unacceptable — and potentially unsustainable — economic cost of environmental damage caused by waste. With roughly 60% of household waste dumped, 33% incinerated, and 7% composted there is already a clear shortage of disposal facilities in the Community, notwithstanding the size of the waste treatment sector (at least 2 million employees and sales somewhere in the range of ECU 100 to 200 billion). Severe pressure on landfill sites in the more densely populated areas of the Member States is a clear manifestation of the malaise.

Solutions are urgently needed due to the proximity of 1992, meanwhile, to deal with more serious threats from hazardous wastes. Only Germany ships ordinary domestic waste across frontiers for disposal (to neighbouring France and the German Democratic Republic) but cross-border trade in the hazardous variety is more significant as a proportion of total production, and on present trends is likely to become more so. Community citizens are justly alarmed by the spectre of large quantities of dangerous waste moving freely across Europe in search of the cheapest and least regulated outlets.

Controls on cross-frontier transfers of hazardous wastes were improved by the Community in 1985 — in the wake of the chemical spill known as the Seveso affair — but the

disappearance of national borders in 1992 removes an important means of policing them. Other ways of enforcing them must therefore be found.

The Community's waste management policy has developed three key strands over the years: waste prevention, waste recycling, and safe disposal, with a growing emphasis recently on the potential contribution of clean technologies and clean products.

Preventing waste is clearly the number-one priority and the support provided to demonstration projects under the ACE programme is of key significance. The Commission believes more resources should be made available, while it has also put forward proposals for a green labelling scheme to inform consumers accurately about the ecological character of the products they are buying and the packaging they are wrapped in.

As for reuse, the Community has already adopted rules for the recycling of waste oils, waste paper, and drinks containers. Proposals for used batteries and plastic waste have now been tabled, while the ban on metal packaging in some Member States has highlighted the need for a common Community approach in this field.

With disposal still the only option for vast quantities of waste, harmonization of dumping standards is also an urgent Community priority. The Commission believes dumping should be a last resort and that every possible alternative treatment should be examined and encouraged, but it acknowledges that at the very least dumping will remain the final destination for residues from other processes.

At present the pattern of regulation in the Member States is distinctly uneven, with growing differences of site selection, site development, site operation, pre-treatment, and supervision. The Commission has presented proposals for approximating dumping standards and has drawn up a list of wastes which should either not be dumped at all or should be covered by special conditions.

Conscious that economic and social disparities will inspire a shift in investment behaviour — thereby putting pressure on some regions and leaving others underequipped — the Commission believes that measures should be taken to encourage the disposal of waste as close as possible to the place where it is generated.

The external dimension should not be forgotten in this context, not least because of the way in which tighter Community controls on cross-border consignments of hazardous wastes have tended to increase exports beyond the EC, sometimes to countries with inadequate disposal facilities.

New export controls were introduced under a directive of 1986 and have been reviewed in the light of the international convention on hazardous waste shipments signed by the Community and its Member States among others in Basle in March 1989.



Special windbags are used to measure the purity of the air in Lower Saxony, Germany. A sample of air is caught in the bags in different places. It is then examined to find the dust content and concentration of waste gas per unit of air.

(Photo: Belga)

The Community, meanwhile, intends to adhere to the polluter-pays principle and in 1989 the Commission sent the Council a proposal for a directive on civil liability in respect of waste. The Community nevertheless supports R&D into techniques for cleaning-up operations — the rehabilitation of abandoned sites, for example, is covered in the science and technology for environmental protection programme (STEP) — and also contributes through the Regional Fund to the cost of rehabilitating contaminated sites in declining industrial areas.

X — Agriculture

Farmers have traditionally lived and worked in harmony with nature, shaping, maintaining and protecting their land from damaging ecological consequences. To a large extent this remains true today.

In the past 40 years, however, agriculture has undergone a technological revolution which has led to widespread mechanization, the growing use of agrochemicals, and vastly improved cultivation techniques. Such intensification of farming has produced higher yields and greater wealth but has also fuelled the growth of Community food surpluses and left its mark on a bruised countryside.

Among specific environmental problems relevant in this regard are the deterioration of animal habitats and the extinction of some species due to disturbance, pollution and wetland drainage; low water quality arising from the misuse or overuse of chemicals, animal manures and other organic material; soil degradation or erosion, caused as much if not more by the abandonment of farming in uneconomic hilly or mountainous regions as by the direct application of intensive farming techniques; and declining air quality due to ammonia evaporation from fertilizers and manure.

The recent review of the common agricultural policy — besides the price cuts and market adjustments which grabbed most of the public attention — provided an opportunity to reflect on the role of agriculture in the economy and on society as a whole.

It led all Community institutions to affirm the importance of taking environmental considerations into account, and ensured among other things that a major objective of the newly reformed structural Funds would be the encouragement of agricultural practices compatible with the environment.

The Community has already adopted agricultural measures directly or indirectly aimed at promoting environmental objectives and reducing the impact of modern farming, including the payment of aids to farmers who comply with certain practices in environmentally sensitive zones, subsidies to help maintain farming in mountainous or so-called less-favoured areas, the prohibition of harmful pesticides, and incentives for less intensive farming, the setting-aside of surplus arable land, and early retirement.

The newly enlarged structural Funds of the Community are an important instrument in the integration of the EC's environmental and agricultural objectives. Applications for

aid for large-scale agricultural projects such as the restructuring of holdings, changes in the water regime or road building, are now subject to environment impact assessments to make sure they conform with the Community's objectives in this important area.

The general objective of Community policy is to reduce, to a strict minimum, the use of chemicals for agriculture, both because of the potential hazards to humans, animals and plants and because of uncertainty as to their long-term effect on the environment. To this end the Commission is considering plans to control the authorization, distribution and application of pesticides.

Another major problem is the pollution generated by intensive livestock farming, the modern practice of rearing large numbers of animals on a small amount of land. The danger comes when animal waste exceeds the absorption capacity of soil and vegetation, creating the risk of excessive concentrations of nitrates, toxic trace elements and pathogenic micro-organisms in surface and ground waters.

The Commission has presented to the Council proposals for programmes to be implemented in Member States aimed at cutting the quantities of nitrates leaching into the soil and into the water table in so-called sensitive zones.

With the reduction of chemical inputs also in mind, the Commission has also sought to encourage the practice of organic farming. It recently came forward with a series of rules governing the production and labelling of organic foodstuffs, thereby providing a guarantee to increasingly green-conscious consumers.

XI — The international dimension

As the Community's internal environmental policy has been developed and reinforced, so has its role as a leading actor on the international stage.

The significance of this is demonstrated by the EC's participation in a growing number of international conventions, including most recently the Vienna convention on the ozone layer, the Montreal protocol on chlorofluorocarbons (CFCs) and the Basle global convention on the control of transfrontier movements of hazardous wastes.

It is self-evident that global and regional environmental problems are closely linked. Pollution does not stop at national boundaries and it is clearly in the Community's interest to stimulate support for a high level of protection in other parts of the world, not least in neighbouring countries.

Financial and technical support for the countries of Eastern Europe, for example, will include help to foster environmental improvements in an effort to stem the flow of air and water pollution into the Community.

In the Mediterranean basin, the Envireg programme aimed at cleaning up coastal zones in Member States has been supplemented by another scheme, Medspa, which is open to non-EC countries with a Mediterranean coastline.

The Community intends to be closely involved in the work of the intergovernmental panel on climate change, one of the key issues of the late twentieth century. The measures to be adopted will have a significant impact on European industry because of the heavy responsibility of industrialized countries for emissions affecting the atmosphere.

Neglecting the environmental problems of the Third World, meanwhile — desertification, deforestation, degradation of cities — could have a disastrous effect on the global ecological balance. The actions taken under the third and fourth Lomé Conventions, the European action plan to combat desertification, and resolutions on development and the environment clearly demonstrate the Community's determination to treat environmental protection and the conservation of natural resources as an integral part of economic development.

It is important to note that the recent Commission communication on the conservation of the tropical rain forests stresses that Community aid and development cooperation programmes should, either directly or indirectly, promote activities that avoid deforestation and at the same time should provide alternative solutions, such as the promotion of sustainable techniques, introduction of agro-forestry, sound management and the creation of plantations.

XII — The European Environment Agency

The Community's commitment to tackling environmental problems is nowhere better illustrated than by its proposal to set up a European Environment Agency.

Its task will be to provide objective and comparative data on the state of the environment in Member States, thereby providing a sound scientific basis for newly drafted Commission directives and enhanced authority for those trying to enforce existing ones.

The agency, which will publish periodic state of the environment reports, will not have a policing role like the powerful United States Environmental Protection Agency.

The new organization, which will act as the nerve centre of an existing network of national and regional facilities, will fill a gap which has existed in the monitoring of environmental quality and trends on a European scale. By identifying areas where more attention needs to be given it should also improve monitoring at the national level.

Particular emphasis will be attached to atmospheric emissions and air quality, water quality and the marine environment, soil erosion and pollution and important land resources, and biotopes and nature conservation.

Flexibility and decentralization are intended to be key elements in the agency's operating style and most of the projects will be carried out at existing centres in the Member States.

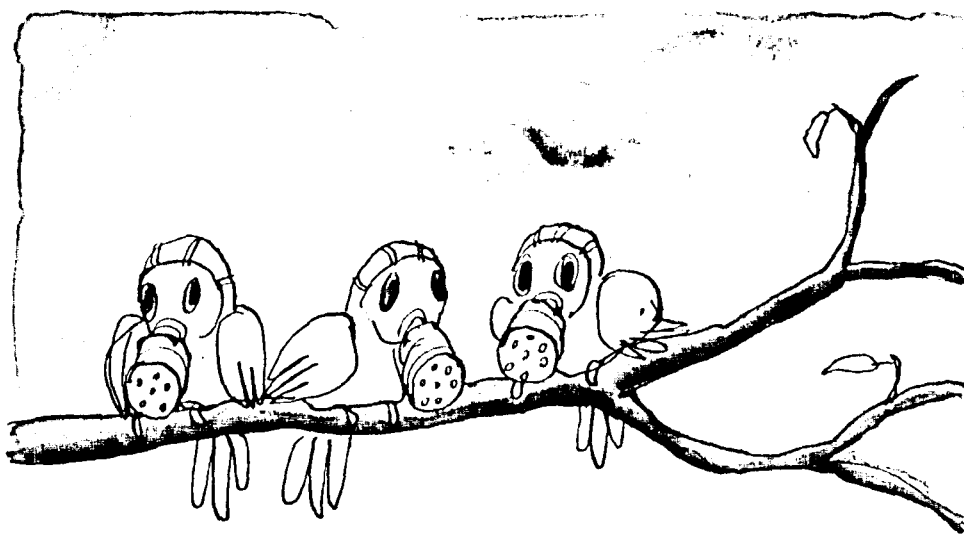
While primarily a Community body, an important feature of the agency is that participation will be open to non-EC members, such as the countries of the European Free Trade Association and the Eastern bloc. This illustrates the international nature of the environmental problem and the multinational character of much environmental work.

XIII — Specific actions

Air pollution

The 1980s may well be remembered as a time when efforts to curb air pollution in the Community first yielded tangible results.

The decade began gloomily with growing popular alarm at the damage caused in Scandinavia and Germany by acid rain; it ended triumphantly with far-reaching agreements by the Council to reduce sulphur emissions from power stations, and to cut substantially the level of noxious gases from motorcars.



For the first time Community citizens were brought face to face with the costs of protecting the environment — clean cars, after all, cost more than dirty ones — while the whole debate over exhaust emissions probably did more than any other issue to raise public awareness of the need for a greener economic policy approach. It also brought about the growing involvement and influence of the European Parliament, and raised more directly than ever the potential clash between national environmental priorities and the unity of the common market.

Air pollution measures got off to a slow start in the 1970s — at least by comparison with clean water initiatives — largely because of the energy crisis. An example of the difficulties was the Commission's draft directive to restrict the sulphur content of heavy fuel oils, presented in 1975, which eventually had to be withdrawn because of determined opposition from the Member States. Certain large countries, including Germany, were against the whole thrust of policy on the grounds that they could not respect the sort of standards being proposed without incurring unacceptable costs.

The change of mood can be traced directly to the damage caused to forests in northern Europe by acid rain, notably in the Black Forest. Germany found itself forced to take tough measures against air pollution and persuaded the rest of the Community to follow suit. Renewed interest and concern was particularly marked in the declarations of the European Council meeting at Stuttgart in June 1983.

Community policy to curb air pollution can be divided into five main headings:

- (i) Air quality standards. Guide values and limit values were set for sulphur dioxide and suspended particulate matter (in 1980), lead (1982) and nitrogen dioxide (1985).
- (ii) Product quality standards. A 1975 directive fixes the maximum sulphur content of gas oils (though not heavy fuels), while a 1978 directive (before the Community had turned its attention to lead-free fuel) set the maximum authorized lead content for petrol.
- (iii) Clean cars. This concept covers a number of initiatives designed not only to encourage lead-free petrol but to reduce the level of pollutants contained in vehicle exhaust gases.

The Commission's directive on lead-free petrol — supported by a series of resolutions from the European Parliament — was adopted in 1985 (with an amendment agreed in 1987). It fixed the maximum permitted lead content at the same level as the 1978 directive — namely between 0.4 and 0.15 grammes per litre with the lower figure set as a desirable target — and established as a principle that Member States should ensure the compulsory introduction and distribution of lead-free petrol by 1 October 1989.

In varying degrees all member countries had complied with this directive by the deadline, with public opinion and national tax incentives to offset the higher cost of lead-free petrol playing a major part in this development.

The other aspect of the Community's clean cars approach concerns lower exhaust emissions. This issue was the subject of successive negotiations in the Council which culminated in an agreement in June 1989 expected to cut exhaust gases by 60 to 70% when it is fully implemented at the end of 1992.

The new standards — 19 to 22 grammes per test cycle for carbon monoxide and 5 to 5.8 grammes per test cycle for a combination of hydrocarbons and nitrogen oxide — are equivalent to those which have applied in the United States and Japan since the beginning of the decade. The June deal only applied to small cars under 1 400 cc, but in line with Member States political commitment at the time the Commission has since tabled similar proposals covering the other two categories: medium and large vehicles.

Under the rules, up to 85% of the cost of fitting a catalytic converter — at the time the only known technology for meeting the tougher norms — can be subsidized under voluntary national schemes.

- (iv) Air pollution from industrial plants. Community action requires Member States to authorize new plants only where all preventive measures have been taken, and to use the best available technology in their construction provided this does not entail excessive cost. An important breakthrough was made in 1988 with the adoption of a directive committing Member States to a 15-year plan to counter acid rain pollution from power stations and other heavy industrial plants. Emissions of sulphur dioxide are to be cut by 60% from their 1980 levels in three stages ending in the year 2003 (25% by 1993, 40% by 1998). Nitrogen oxides are to be reduced by 30% in two stages ending in 1998.
- (v) Chlorofluorocarbons (CFCs). These gases, thought to contribute to the thinning of the earth's ozone layer, thereby exposing humans to dangerous ultraviolet rays, have been the subject of several Community resolutions over the years. In 1988 the Community signed up to the United Nations sponsored Montreal protocol, which commits signatories to a 50% reduction in CFCs by the end of the century, but in March 1989 the Council passed a resolution agreeing to ban most CFCs by the end of the century. The Commission has proposed a phasing out by 1997 and an 85% reduction in use by 1995.

Noise

Community measures to limit noise were first thought of in the context of removing technical barriers to trade.

The problem of free circulation, for example, was a major issue in countries like France and Italy, where companies traditionally manufactured noisy products, and in Member States like Denmark and the Netherlands where national noise standards tend to be very strict.

All measures adopted by the Community so far have been concerned with the setting of maximum noise emissions from products, notably motor vehicles, motor cycles, aircraft, tractors, plant and equipment, lawnmowers and household appliances. The rules of the directives require companies to provide details of noise levels — generally conforming with norms already established by international standards bodies — and to make it easy for official inspections to be carried out.

In the framework of the Community's social action programme, the Council, in 1986, adopted an important directive on the protection of workers from noise.

This is intended to reduce risks from noise at the workplace to the lowest practical level. It requires employers to implement a programme of measures once a certain decibel level is reached and, where this is impossible, to provide protectors for the workforce. It also sets up a system of checks in order to diagnose hearing loss as a result of excessive noise levels.

Public opinion surveys have confirmed that noise is an environmental problem which Community citizens consider to be of great importance. There has been some suggestion that the Commission should move beyond its traditional product approach to deal with overall noise quality, but for the moment at least this appears unlikely.

The Commission is nevertheless keen to look more closely at a method of measuring noise which would not be exclusively static, as is currently the case for the construction plant directives, but which would take into account all noises when a machine is in operation.

It would also like to see Member States include noise levels in the routine technical inspections carried out on motor vehicles — thereby encouraging policies which discourage the sale of noisy products and discriminate in favour of quieter ones.

Water

Measures to combat water pollution were among the first to be taken by the Community, mainly because this problem seemed the most urgent at the time.

More than 25 directives or decisions have been adopted since the mid-1970s, covering both fresh water and sea water, and adding up to one of the more complete and comprehensive bodies of Community legislation and initiatives on the environment.

Community action to clean up water has generally taken one of two forms. The first consists of trying to prevent the discharge of dangerous substances, the other concerns the setting of minimum quality standards for receiving water depending on its final use (e.g. drinking, bathing).

In June 1976 the Council adopted a framework directive aimed at preventing pollution by products which, because of their toxicity, persistence and bio-accumulation, posed a



special and lasting threat to the environment and human health. This was a hard-fought compromise and contrary to the Commission's initial proposal allowed Member States to choose between applying strict emission standards for the substances concerned and setting quality objectives for the water in question.

The framework was later used as the basis for specific directives limiting discharges of, among others, cadmium, mercury, aldrin, dieldrin, endrin, and hexachlorocyclohexane (HCH) from industrial sources.

On top of measures to control different substances, action has also been taken to control specific industries. A particular priority has been the titanium dioxide industry, which has a tendency to dump its waste at sea or in estuaries with harmful consequences. Three directives have been adopted limiting discharges from the titanium dioxide industry.

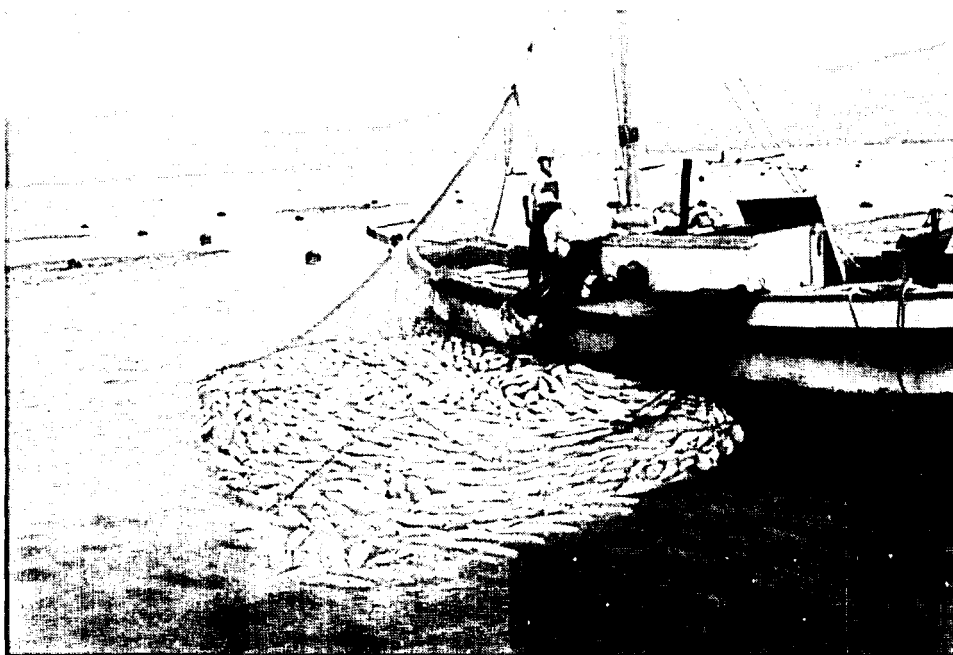
Several directives, meanwhile, have been adopted by the Council setting objectives for various types of water. The quality of surface water intended for the abstraction of drinking water was the subject of a measure agreed in 1975; bathing water (excluding swimming-pools and spas) followed later the same year with Member States given 10 years to come up to scratch; water for freshwater fish was covered in a directive of 1978; and water for shellfish was finally adopted in 1979.

The 1980 drinking-water directive required Member States to fix the values to be applied to water for human consumption for more than 60 different parameters. The directive also establishes how often and by what means monitoring should be carried out and, by way of reference, gives a method of analysis for each parameter.

The Community, meanwhile, has taken a number of measures to counter marine pollution from oil — a problem never so graphically illustrated as by the spill from the tanker *Amoco Cadiz* off the Brittany coast in 1978. This disaster helped inspire an action programme which includes an information system for preventing and fighting spills when they occur.

This system includes an inventory of the means for combating such pollution; a catalogue containing descriptions of all types of clean-up facilities, a compendium of hydrocarbon properties, and a study of the different impact of hydrocarbons on flora and fauna. Within the Commission there exists a task force whose job is to put all these things at the disposal of Member States or States affected by an oil spillage.

The Community, meanwhile, has concentrated its efforts to curb pollution from less sensational sources (waste dumping by ships, for example) at the international level and is signatory to a number of international conventions outlawing dumping at sea.



Fishermen remove netfuls of dead fish, poisoned by industrial pollution of the sea.
(Photo: Pana)

Chemicals

Community policy on controlling chemicals in the environment is a classic example of the preventive approach.

Many chemicals are hazardous or toxic, highly mobile in the sense that they move swiftly and freely once released, and persistent to the extent that small quantities can do considerable damage. Ensuring that they do not escape has long been a priority for the EC.

Early measures covering classification, packaging and labelling in the 1960s were driven mainly by the need to avoid distortions to trade. But by the late 1970s — and particularly by the time of the sixth amendment in 1979 — the primary motivation was environmental concern.

The vital sixth amendment (of a much earlier directive) established a common notification procedure for new chemicals, and a classification and labelling procedure for dangerous ones. The central idea was to provide a single doorway through which all new

substances would have to pass on their way to the Community market, and which would involve a screening for potentially adverse human and environmental impacts.

Under the rules, manufacturers and importers have to supply information, among other things, on the quantities of the chemicals being produced, the uses to which they are to be put, details of safety measures, results of toxicological and ecotoxicological tests, and ways of rendering the substances harmless. Once a chemical is notified properly in one Member State it may be marketed throughout the Community.



*Soapy detergent foam disfigures the Bruges-Ostend canal in 1972, when factories were still pumping tons of waste into the canal.
(Photo: Belga)*

Under the same directive existing, as opposed to new, chemicals, have been put on a special Community inventory and those that are dangerous are gradually being classified and labelled accordingly.

Classification and listing is clearly crucial but as the Seveso disaster in Italy in 1976 and the Bhopal incident in India in 1984 vividly illustrated chemicals can still escape into the environment, either illegally or as a result of industrial accidents.

Following Seveso the Community adopted a directive, in 1982, which establishes a notification system covering emergency planning and response in the case of major disasters of this kind. It allocates responsibility carefully between plant operators, the Member States, and the European Commission.

Manufacturers must consider the potential risk of accidents in their plants and introduce contingency plans, Member States must ensure that these responsibilities are met, and the Commission must maintain a register on accidents. Notification procedures for about 180 very dangerous chemicals must be respected when they are produced in quantities above given thresholds.

More recently the Community has turned its attention to biotechnology and adopted directives on the contained use of genetically modified micro-organisms and on the deliberate release into the environment of genetically modified organisms.

Flora and fauna

The protection of flora and fauna is one of the more recent areas of Community action and is one of undoubted concern to public opinion.

One of the major instruments of policy is the 1979 directive concerning the conservation of wild birds, a typical transfrontier problem that calls for common approach.

Europe contains a wide variety of biotopes (forests, peatlands, marshes, dunes, etc.) and is home to a considerable range of different species, both plant and animal, which are of scientific, social and economic value.

These are threatened by the continuous progress of industry, agriculture, tourism, and transport, which can disturb or destroy their habitat and lead to extinction. Other factors, such as quarrying, urbanization, pesticides, waste dumping and fertilizers sometimes have an irreversible effect on the ecosystems in the Community.

The 1979 directive on wild birds covers general rules of protection, limits the number of species which can be hunted and the methods of hunting, regulates the trade in wild birds, and provides for the preservation of habitats. Over 600 species of wild bird (and their eggs, nests and habitats) are covered.

In August 1988 the Commission sent the Council a proposal for a directive on the protection of natural and semi-natural habitats and of wild fauna and flora. In an accompanying memorandum the Commission pointed out that the fundamental aim is to establish,



at the latest by the year 2000, a comprehensive network of protected areas in all regions of the Community.

Other EC actions include the prohibition of whale imports for commercial purposes, successive bans on the import of seal-pup skins, a directive laying down rules covering animals used for experimental purposes, and regulations on the protection and wellbeing of bred animals.

Nuclear energy/safety

The Treaty of 1957 establishing the European Atomic Energy Community (Euratom) recognized nuclear energy as an essential resource for industrial development.

In the wake of successive oil crises in the 1970s nuclear power was seen as a way of reducing the Community's imported energy needs; more recently its contribution towards limiting carbon emissions from oil and coal-fired power stations (thought to be a key cause of the greenhouse effect) has also been acknowledged.

The Commission's communication to the Council on energy and the environment in November 1989 observes that if the 140 or so nuclear reactors in the Community were closed down and the electricity generated had to be obtained from coal, CO₂ emissions would increase by around 550 million tonnes.

Nuclear power, though, is not without serious risks and it has always been a priority of Community policy to ensure that this form of energy is developed in conditions of maximum public safety. The point was tragically underlined by the disaster at the Chernobyl nuclear site in the Ukraine (USSR) in November 1986.

Community actions in the field of nuclear energy focus mainly on the dangers to public health and the threat to the environment.

Community research into radiation has long been used as the basis for fixing permissible levels for workers and the general public. These standards, which must be respected under each country's national laws, are revised every so often by the European Commission and a group of scientific experts from the Twelve.

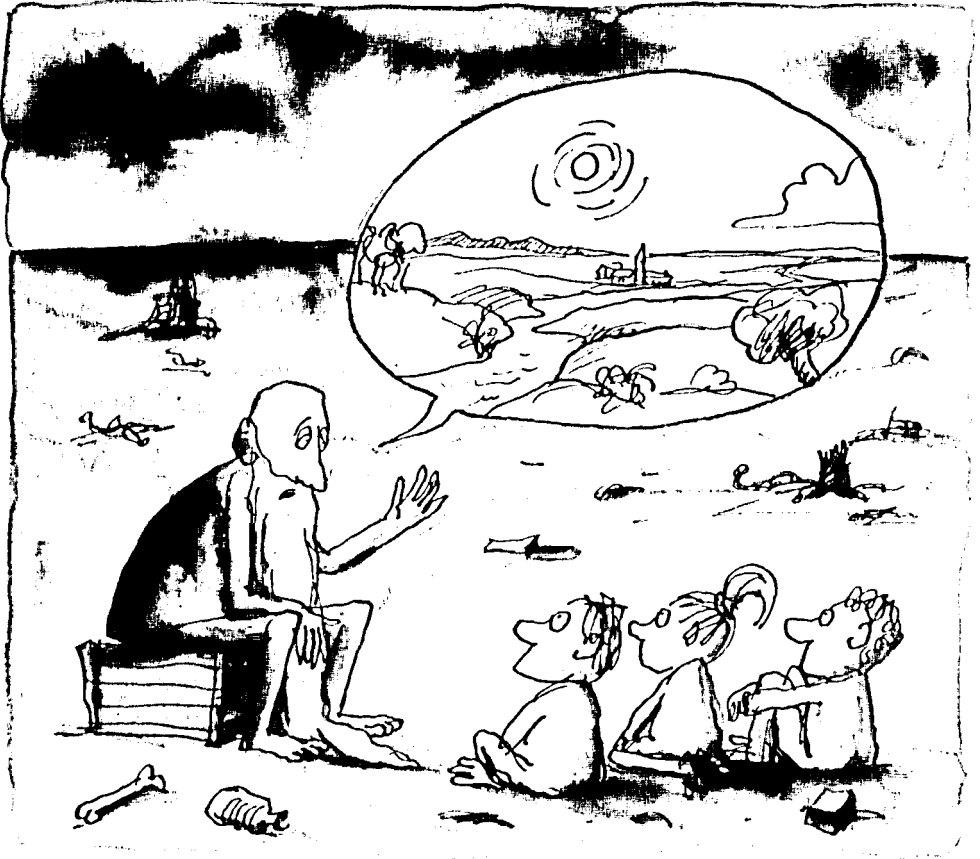
Each Member State, meanwhile, has to install permanent methods of monitoring radioactive levels (in the atmosphere, water and earth) and has to communicate the results to the Commission. Effluent levels from new installations have to be sent to Brussels so that the impact of cross-border contamination can be assessed.

General data on any plan for disposing of radioactive waste has to be sent in advance to Brussels.

In the wake of Chernobyl a number of special measures were introduced, which have significantly added to the effectiveness of the Community's nuclear safety policy:

- (i) Maximum levels of contamination of foodstuffs were set, and certain imported products temporarily banned, to protect Community citizens. Proposals have been adopted by the Council to make these standards permanent;
- (ii) A rapid exchange information system for radiological emergencies was introduced. This liaises closely with the International Atomic Energy Agency (IAEA), under whose auspices an international convention on the early notification of a nuclear accident was adopted in September 1986 (and to which the Community and the Member States are all signatories);

- (iii) Mutual assistance and protection networks were established. The Chernobyl accident made it possible to identify improvements which could be made in systems of alert and health protection for areas around the site of a nuclear installation;
- (iv) Public information. As a result of the lessons of Chernobyl, the Commission submitted a proposal for informing the public on health protection measures in the event of a radiological emergency.



Further reading

EC publications

- Communication concerning the participation of the Community at the first European conference on environment and health. Brussels: EC Commission, 1989. 8 pp. (SEC Documents 1989/1833 final).
- '1992': the environmental dimension. Task Force report on the environment and the internal market. Brussels: EC Commission, Task Force, 1989. (pag. diff.)
- Byrne, C.D. Community water quality policy for the nineties. Luxembourg: EC Commission, 1989. V, 8 pp. Environment and quality of life. 1989. (Reports EUR 12156).
- Koppen, Ida Johannes. The European Community's environment policy. From the Summit in Paris, 1972 to the Single European Act, 1987. Florence: EUI, 1988. 68 pp. Bibliogr. pp. 66-68. (EUI working papers. 328).
- European Community environmental legislation 1967-1987. Ed. by Cynthia Whitehead. Brussels: EC Commission, 1988. 1. General policy and nature protection. 2. Air and noise. 3. Chemical and waste. 4. Water.
- Community policy concerning the management of dangerous waste. Luxembourg: European Parliament, 1987. 75 pp. Research and documentation papers. Environment, public health and consumer protection Series. 11.
- Environment and agriculture. Brussels: EC Commission, 1988. 17 pp. (COM Documents 1988/0338 final).
- Environment and the CAP. Brussels: EC Commission, 1987. 20 pp. (*Green Europe*. Newsletter on the common agricultural policy. 219.)
- Report on the draft resolution on the continuation and implementation of a European Community policy and action programme on the environment (1987-92) submitted by the Commission of the European Communities to the Council (COM(86) 485 final — Doc. C2-129/86). European Parliament: Committee on the environment, public health and consumer protection. Rapporteur: Simone Martin, Luxembourg: EP 1987. 22 pp. (PE 112.013/fin.) (EP Documents 1987/0022.A2.)
- Report on public access to environmental pollution information. European Parliament. Committee on the environment, public health and consumer protection. Rapporteur: B. van der Lek. Luxembourg: EP 1987, 27 pp. (PE 111.012/fin.) (EP Documents 1987/0030.A2.)
- European environment policy. Air — water — waste management. Luxembourg: Economic and Social Committee. 1987. 48 pp.

Rehbinder, Eckhard; Stewart, Richard. Environmental protection policy. Assoc. ed. Patrick Del Duca. European University Institute. Berlin: De Gruyter, 1985. XXIV, 350 pp. Bibliogr. (Serv. Jur.) Integration through law. Europe and the American federal experience. (European University Institute. Series A: Law. 02.)

Other publications

- La CEE et l'environnement. Quinze ans de politique communautaire de l'environnement/Bruxelles: Observatoire social européen 1989. 2^e édition mise à jour.
- La protection de l'environnement par les Communautés européennes/Sous la direction de Jean Charpentier. Centre européen universitaire de Nancy; Trans European Policy Studies Association. Ouvrage honoré d'une subvention de la Fondation européenne de la culture. Paris: Pedone 1988. XI, 170 p. (XII, Service juridique)
- L'Acte unique européen et la protection de l'environnement. Réflexions sur quelques nouvelles dispositions du droit communautaire/Ludwig Kraemer. *Revue juridique de l'environnement*. 1987/04, pp. 449-474
- L'autre Europe «verte»: la politique communautaire de l'environnement/Stanley Johnson, Guy Corcelle. Paris: Nathan 1987. 431 p.
- L'Europe et la pollution chimique/Étude rédigée par le Club de Bruxelles avec la collaboration de Patrick Baragiola. Bruxelles: Agence européenne d'informations 1987. (pag. diff.)
- Rapport annuel/Institut pour une politique européenne de l'environnement. Bonn 1984 (1985)
- Jans, Jan H., Article 7 EEC and a non-discriminatory transfrontier environmental policy. (*Legal issues of European integration*. 1988/01, pp. 21- 33.)
- Sheate, W. R.; Macrory, R. B. Agriculture and the EC environmental assessment directive: lessons for Community policymaking. (*Journal of common market studies*. 1989/ 28/01, pp. 68-81, tables.)
- Haigh, Nigel; Bennett, Graham; Kromarek, Pascale; Lavoux, Thierry. Comparative report on water and waste in four countries. A study of the implementation of the EEC directives in France, Germany, the Netherlands and the United Kingdom. London: Graham & Trotman, 1986. 106 pp. (*European Community environmental policy in practice*. Institute for European Environmental Policy. 01)
- Howarth, William. Water pollution law. London (etc): Shaw, 1988, XXXVI, 608 pp. Bibliogr. pp. 580-594.
- Dietz, Frank J.; Heijman, Willem J. M. (eds.). Environmental policy in a market economy. Selected papers from the congress 'Environmental policy in a market economy', Wageningen, Netherlands, 8 to 11 September 1987. Wageningen: Pudoc, 1988, 205 pp.
- EEC agricultural policy and the environment. London: Agra Europe, 1988, VI, 53 pp. (*Agra Europe special report*. 043.)
- Nollkaemper, Andre. The European Community and international environmental cooperation — legal aspects of external Community powers. (*Legal issues of European integration*. 1987/02, pp. 55-91.)
- Holmes, Andrew. A changing climate. Environmentalism and its impact on the European energy industries.

- The Single European Act and the environmental policy of the European Economic Community. Vandermeersch, Dirk. (*European law review*. 1987, 12/06, pp. 407-429).
- Chemicals and the environment: the EEC opts for a preventive policy. Study dir. by Olivier Leroy. Rixensart: European Study Service, 1987. VIII, 592 pp.
- Fourth environmental action programme with evidence. London: HMSO, 1987. 127 pp. House of Lords, Select Committee on the European Communities. Session 1986/1987, report. 08 (III).
- Europas miljøproblemer. En diskussion im miljøpolitikken i EF/John Iversen, Jan Spøndergaard. Højbjerg: Hovedland 1988. 122 s. Bibliogr. s. 121-122.
- Umweltschutz und Wirtschaft/Steffen Gronemeyer. Saarbrücken: Europa-Institut des Saarlandes 1987. 48 p. Vorträge, Reden und Berichte aus dem Europa-Institut.
- Auslegung und Umsetzung der EG-Richtlinie zur Umweltverträglichkeitsprüfung. Konkretisiert anhand der Probleme im Abfallrecht/Hans D. Jarass. Baden-Baden: Nomos 1989. 99 p. Bibliogr. pp. 97-99. Schriftenreihe Europäisches Recht, Politik und Wirtschaft.
- Europäisches Umweltrecht und europäische Umweltpolitik. Referate und Diskussionsberichte der Tagung des Arbeitskreises Europäische Integration in Osnabrück vom 5. bis 7. Febr. 1987/Hrsg. von Hans-Werner Rengeling. Köln: Heymann 1988. X, 206 p. (Serv. jur.)
- Umweltvorsorge und ihre Grenzen im EWG-Recht. Zu Grenzwerten für Pflanzenschutzmittel in der EWG-Richtlinie über die Qualität von Wasser für den menschlichen Gebrauch (80/778/EWG)/von Hans-Werner Rengeling. Köln: Heymann 1989. X, 72 p. Recht, Technik, Wirtschaft. 050.
- Landwirtschaft, Umwelt und ländlicher Raum. Herausforderungen an Europa. Hermann Priebe zum 80. Geburtstag/Winfried von Urff, Heino von Meyer (Hrsg.) Mit Beitr. von Dieter Biehl (u.a. Baden-Baden: Nomos 1987. 413 p. (VI).
- Dicke Luft in Europa. Aufgaben und Probleme der europäischen Umweltpolitik/Hrsg. von Lothar Guendling und Beate Weber. Heidelberg: Müller 1988. X, 242 p. (XI).
- Umweltpolitik — eine europäische Aufgabe/Zsgst. und eingel. von Sabine Pag-Kuhn und Otto Schmuck. Institut für Europäische Politik. Bonn: Europa Union Verl. 340 p. Bibliogr. pp. 327-332. Materialien zur Europapolitik.
- Luftverschmutzung und Haftung in Europa. Anspruchsmöglichkeiten auf nationaler, internationaler und völkerrechtlicher Ebene/Alfred Rest. Kehl: Engel 1986. IX, 141 p. Bibliogr. pp. 135-141.
- Naturschutzrecht mit Artenschutz, Internationalen Übereinkommen, EG-Recht, Bundes- und Landesrecht sowie fortgeltendem Reichsrecht/Albert Lorz. München: Beck 1985. XIV, 430 p. (Serv. jur.) Beck'sche Kurz-Kommentare.
- Armando Montanari: *Ambiente, agricoltura e sviluppo economico nelle regioni meridionali della CEE*. «Rassegna economica». 1989, 53/03, pp. 533-554.
- La giurisprudenza ambientale europea e la banca dati enlex della CEE*. Atti del convegno di Roma, 14-16 maggio, 1987/A cura di Amedeo Postiglione, Milano, Giuffrè, 1988, 228 p. Informatica e ordinamento giuridico.
- Ambiente, economia, diritto*. Forum internazionale: giustizia e ambiente, Roma 9 - 11 maggio 1986/A cura di Amedeo Postiglione, Rimini, Maggioli, 1988, 340 p.

Maria, Marotta: *Distorsione della libera concorrenza nel trattato CEE e procedura di valutazione d'impatto ambientale*, in «Annali», Istituto di studi europei A. de Gasperi, 1987/09, pp. 359-373.

Claudia Pasqualini Salsa: *Il diritto dell'ambiente*, Milano, Ed. del Sole 24 ore, 1988, 183 p. L'esperto risponde.

Antonello Capria: *Direttive ambientali CEE: stato di attuazione in Italia*, Milano, Giuffrè, 1988, VI, 211 p., bibliografia. «Quaderni della Rivista giuridica dell'ambiente»

Le direttive CEE in materia ecologica e la tutela dell'ambiente in Italia. Atti del convegno nazionale tenutosi a Milano il 27 aprile 1985/A cura di Fausto Capelli e Ester Friz, Centro internazionale di studi e documentazione sulle Comunità europee, Milano Commissione delle Comunità europee, ufficio di Milano (ecc), Milano, CISDCE, 1987, 217 p.

Het milieubeleid nader bekeken. Vervolg op de visite van VNO en NCW op het milieu- en ruimtelijke ordeningsbeleid 1982. Nederlands Christelijk Werkgeversverbond. 's-Gravenhage: Verbond van Nederlandse Ondernemingen, 1985. 59 blz. Bibliogr. blz. 58-59.

Poluição atmosférica/Instituto Progresso Social e Democracia Francisco Sá Carneiro. Lisboa: IPSD-FSC 1986. 196 p.

European Communities — Commission

Environmental policy in the European Community

(fourth edition)

Luxembourg: Office for Official Publications of the European Communities

1990 — 60 pp. — 16.2 x 22.9 cm

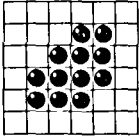
European Documentation series — 5/1990

ES, DA, DE, GR, EN, FR, IT, NL, PT

ISBN 92-826-1414-X

Catalogue number: CB-NC-90-005-EN-C

Brochure giving general information on and describing the outlook for the European Community's environment policy.



Environmental protection has become a theme of major significance. This is true for the Member States and the Community as a whole: it is common knowledge that pollution is no respecter of frontiers and it is therefore essential to fight it on the widest possible scale.

The White Paper on completing the single European market attaches great importance to environment policy because environmental problems may become even more acute through the 1992 objectives being achieved and as a result of the expected acceleration in economic growth. Identical standards of environmental protection must be applied by the Member States in a single market.

This brochure describes and explains the European Community's projects on environmental protection.

ISBN 92-826-1414



OFFICE FOR OFFICIAL PUBLICATIONS
OF THE EUROPEAN COMMUNITIES
L-2985 Luxembourg



9 789282 614143