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COUNCIL OF THE EUROPEAN COMMUNITIES
GENERAL SECRETARIAT

[REDACTED]

PRESS RELEASE

8129/84 (Presse 114)

940th meeting of the Council

- Environment -

Luxembourg, 28 and 29 June 1984

President: Mrs Huguette BOUCHARDEAU,
State Secretary attached to the Prime Minister,
with responsibility for the Environment
and the Quality of Life
of the French Republic

The Governments of the Member States and the Commission of the European Communities were represented as follows:

Belgium:

Mr Firmin AERTS
State Secretary for Public
Health and the Environment

Denmark:

Mr Christian CHRISTENSEN
Minister for the Environment
and for Nordic Affairs

Mr Mogens BUNDEGAARD-NIELSEN
State Secretary,
Ministry of the Environment

Germany:

Mr Carl-Dieter SPRANGER
State Secretary,
Federal Ministry of the Interior

Greece:

Mr Adonios TRITSIS
Minister for Regional Planning,
Housing and the Environment

France:

Mrs Huguette BOUCHARDEAU
State Secretary attached to the
Prime Minister, with responsibility
for the Environment and the Quality
of Life

Ireland:

Mr Liam KAVANAGH
Minister for the Environment
Mr Fergus O'BRIEN
Minister of State,
Department of the Environment

Italy:

Mr Alfredo BIONDI
Minister for Ecology

Luxembourg:

Mr Josy BARTHEL
Minister for the Environment

Netherlands:

Mr P. WINSEMIUS
Minister for Housing, Regional
Planning and the Environment

United Kingdom:

Mr William WALDEGRAVE
Parliamentary Under-Secretary
of State
Department of the Environment

Commission:

Mr Karl-Heinz NARJES
Member

SUPERVISION AND CONTROL OF TRANSFRONTIER SHIPMENT OF HAZARDOUS WASTE

The Council signified its agreement to the Directive providing for the necessary measures to ensure supervision and control, with a view to the protection of human health and the environment, of the transfrontier shipment of hazardous waste within the Community or on its entering and leaving the Community.

The Directive provides that, where a holder of waste intends to ship it or have it shipped to another Member State, to have it routed through one or more Member States or to ship it to a Member State from a third State, he must notify the competent authorities. This notification must include, in particular:

- the source and composition of the waste, including the producer's identity;
- the provision made for routes and transport insurance against damage to third parties;
- the measures taken for safe transport, particularly compliance by the carrier with the conditions laid down by the Member States for the exercise of such transport activity;
- the existence of a contractual agreement with the consignee of the waste, who should possess adequate technical capacity for the disposal of the waste in question in conditions presenting no danger to human health or the environment.

Similar provisions are laid down to cover the shipping of waste for disposal outside the Community.

The transfrontier shipment may not be executed before acknowledgement of receipt of the notification by the competent authority of the Member State concerned. The Directive also lays down periods within which the competent authorities of the various Member States concerned may, if they so wish, raise objections, or set conditions for the shipment in question.

Waste intended for recycling is covered by special provisions, which must be applied in a non-discriminatory way and may not hinder the free movement of goods and services in the Community.

In accordance with the "polluter pays" principle, the cost of implementing the system will be chargeable to the holder of the waste.

Waste for transfrontier shipments must comply with the following conditions:

- it must be properly packed;
- containers must have appropriate labels;
- transfrontier shipments must be accompanied by instructions to be followed in the event of danger or accident.

Without prejudice to national provisions concerning civil liability, irrespective of the place in which the waste is disposed of, the producer of the waste must take all necessary steps to dispose of or arrange for the disposal of the waste so as to protect the quality of the environment.

The Directive will be formally adopted after the various texts have been finalized.

The Member States are to bring into force the measures necessary to comply with the Directive as from 1 October 1985.

ASSESSMENT OF THE ENVIRONMENTAL EFFECTS OF CERTAIN PUBLIC AND PRIVATE PROJECTS (IMPACT STUDIES)

After noting with regret that one delegation could still not give its definitive agreement to this proposal for a Directive, the Council emphasized the importance it attached to a unanimous positive decision being taken as soon as possible.

AIR-QUALITY STANDARDS FOR NITROGEN DIOXIDE

Pending receipt of the European Parliament's Opinion the Council, basing itself on a compromise proposal from the Presidency, declared itself favourably disposed towards this proposal for a Directive, the purpose of which is to lay down air-quality standards for nitrogen dioxide (NO₂). This proposal, which is for a third Directive of this kind (SO₂ in 1980 and lead in 1982), is part of the package of measures currently envisaged to combat atmospheric pollution and acid rain. It provides, in particular, for a limit value and guide values for NO₂. It is understood that the Commission will look into the question of fixing a second limit value for longer-term exposure and that it will make appropriate proposals. The Council will take a final decision on this proposal for a Directive as soon as the European Parliament's Opinion is available.

DISCHARGES OF HEXACHLOROCYCLOHEXANE (HCH)

The Council signified its agreement to a Directive laying down limit values for discharges of HCH from industrial plant and the time limits for compliance with these values, together with quality objectives for HCH discharges in the aquatic environment.

The Directive also establishes a surveillance and monitoring procedure and reference methods of analysis.

This Directive falls within the framework of Council Directive 76/464/EEC of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community.

The Directive will be formally adopted once the texts have been finalized.

INFORMATION SYSTEM ON THE STATE OF THE ENVIRONMENT AND NATURAL RESOURCES IN THE COMMUNITY (1984-1987)

The Council made a full examination of the proposal for a Decision on the adoption of a work programme concerning an experimental project for gathering, co-ordinating and rendering consistent information on the state of the environment and natural resources in the Community (1984-1987).

The Council signified its general agreement to the content of the programme and instructed the Permanent Representatives Committee to seek a solution to the problem of the financing arrangements.

LIMITATION OF EMISSIONS OF POLLUTANTS INTO THE AIR FROM LARGE
COMBUSTION PLANTS

The Council held a first exchange of views on the proposal for a Directive on the limitation of emissions of pollutants into the air from large combustion plants. The Council stressed the major importance of this proposal, particularly in the context of the measures to be taken to combat acid rain, and agreed to expedite its proceedings with a view to solving the various problems arising.

LEAD IN PETROL

MEASURES TO BE TAKEN AGAINST AIR POLLUTION BY GASES FROM ENGINES
OF MOTOR VEHICLES

The Council held a first exchange of views on two proposals for Directives concerning the lead content of petrol and the approximation of the laws of the Member States relating to measures to be taken against air pollution by gases from engines of motor vehicles.

Following the exchange of views, the President drew the following conclusions:

"We have held a full discussion of the problem of motor vehicle pollution and lead in petrol.

I am pleased to note that there is now a broad consensus on the general guidelines, although detailed discussion of the draft Directives will have to continue, in particular on the basis of additional analyses and proposals which the Commission will be submitting to the Council in September and which will be discussed once the European Parliament has delivered its Opinion.

I note that we were all agreed on the ultimate introduction of leadless petrol. No country called for a date any later than 1989, and some wanted it to be as soon as possible.

There is also agreement that general efforts should be made to reduce the emission of pollutants by vehicles by fixing appropriate emission standards, on the basis of proposals from the Commission.

The Council stressed its intention of stepping up its overall campaign against air pollution whilst preserving the unity of the Community market and respecting the general aims of the Community, in particular as regards energy saving."

WASTE FROM THE TITANIUM DIOXIDE INDUSTRY

The Council noted a progress report from the Permanent Representatives Committee on work on the proposal for a Directive on procedures for harmonizing the programmes for the reduction of pollution caused by waste from the titanium dioxide industry.

At the close of the discussion the Council asked the Permanent Representatives Committee to continue its proceedings in the light of what had been said and to reach agreement as soon as possible.

CO-OPERATION WITH THE DEVELOPING COUNTRIES ON ENVIRONMENTAL MATTERS

The Council and the Member States signified their agreement to two Resolutions submitted by the French delegation in the context of co-operation with the developing countries on environmental matters.

In the first Resolution the Council expresses its support for the action initiated by international financing and development institutions to devise a common approach to environmental development problems (within the Committee of International Development Institutions for the Environment) and asks the Commission to examine the possibilities for achieving closer convergence of efforts to integrate the environmental dimension in development aid. In the second Resolution the Council notes with satisfaction the appearance of new forms of co-operation concerning water on the basis of local or regional initiatives and asks the Commission to examine how these developments could best be used.

MISCELLANEOUS DECISIONS

Other decisions concerning the environment

The Council adopted in the official languages of the Communities a number of texts approved at the previous Environment Council meeting on 1 March 1984 ⁽¹⁾:

- the Regulation on action by the Community relating to the environment;
- the Directive on the combating of air pollution from industrial plants.

The Council also adopted the Decision on the conclusion of the agreement for co-operation in dealing with pollution of the North Sea by oil and other harmful substances. This agreement provides in particular for exchanges of information, joint research and projects for co-operation at sea between those Community countries with a North Sea coastline, Sweden and Norway.

Trade questions

The Council adopted in the official languages of the Communities Regulations:

- imposing a definitive anti-dumping duty on imports of hardboard originating in the Soviet Union;
- imposing a definitive anti-dumping duty on imports of vinyl acetate monomer originating in Canada;
- autonomously extending the arrangements applicable to trade with Malta until 31 December 1984;

⁽¹⁾ See press release 5365/84 (Presse 38) of 1 March 1984.

- autonomously extending the arrangements applicable to trade with Cyprus until 31 December 1984.

Agricultural questions

The Council adopted in the official languages of the Communities:

- the Regulation extending the term of validity of Regulation (EEC) No 2692/83 derogating from the application of certain provisions relating to the adjustment of free-at-frontier values of certain cheeses;
- the Directive amending the annexes to Directive 77/93/EEC on protective measures against the introduction into the Member States of organisms harmful to plants or plant products.

Fisheries

The Council adopted in the official languages of the Communities the Regulation on the conclusion of the agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off the coast of Equatorial Guinea.

Tropical Timber

The Council took a decision on the signing by the Community and its Member States of the International Agreement on Tropical Timber 1983 which had been negotiated as part of the UNCTAD Integrated Programme. Signing is planned for 28 or 29 June 1984 in New York. It was understood that the agreement would be concluded at a later date.

Aid to refugees in the countries of the Near East

The Council adopted in the official languages of the Communities a Decision on the conclusion of the Convention between the European Economic Community and the United Nations Relief and Works Agency for Palestine refugees (UNRWA) concerning aid to refugees in the countries of the Near East. This Convention will be signed on 4 July 1984 in Brussels.

Shipping policy

The Council approved the joint note from the Community and its Member States to be sent to the Indonesian Government on the subject of Indonesia's shipping policy.

Relations with the ACP and the OCT

The Council adopted in the official languages of the Communities the Regulations opening, allocating and providing for the administration of a Community tariff quota for rum, arrack and tafia falling within subheading 22.09 C I of the Common Customs Tariff and originating respectively in the African, Caribbean and Pacific States (ACP) (1984/1985) and the overseas countries and countries associated with the European Economic Community (1984/1985).

Consumer protection policy

The Council agreed to a Directive on the approximation of the laws, regulations and administrative provisions of the Member States concerning misleading advertising.

The purpose of the Directive is to protect consumers, persons carrying on a trade or business or practising a craft or profession and the interests of the public in general against misleading advertising and the unfair consequences thereof.

The Directive provides that Member States should ensure that adequate and effective means exist for the control of misleading advertising in the interests of consumers as well as competitors and the general public.

Such means should include legal provisions under which persons or organizations regarded under national law as having a legitimate interest in prohibiting misleading advertising may:

- (a) take legal action against such advertising and/or
- (b) bring such advertising before an administrative authority competent either to decide on complaints or to initiate appropriate legal proceedings.

Under the legal provisions referred to above, Member States shall confer upon the courts or administrative authorities powers enabling them, in cases where they deem such measures to be necessary, taking into account all the interest involved and in particular the public interest:

- to order the cessation of, or to institute legal proceedings for an order for the cessation of, misleading advertising, or
 - if misleading advertising has not yet been published but publication is imminent, to order the prohibition of, or to institute legal proceedings for an order for the prohibition of such publication,
- even without proof of actual loss or damage or of intention or negligence on the part of the advertiser.

Member States shall also make provision for the measures to be taken under an accelerated procedure.

Furthermore, Member States may confer upon the courts or administrative bodies powers enabling them, with a view to eliminating the continuing effects of misleading advertising, the cessation of which has been ordered by a final decision:

- to require publication of that decision in full or in part and in such form as they deem adequate;
- to require in addition the publication of a corrective statement.

The Directive does not exclude the voluntary control of misleading advertising by self-regulatory bodies and recourse to such bodies by persons or organizations.

In civil or administrative proceedings, the courts or administrative authorities will be enabled:

- (a) to require the advertiser to furnish evidence as to the accuracy of factual claims in advertising if, taking into account the legitimate interests of the advertiser and any other party to the proceedings, such a requirement appears appropriate on the basis of the circumstances of the particular case, and
- (b) to consider factual claims as inaccurate if the evidence demanded is not furnished or is deemed insufficient by the court or administrative authority.

This Directive will be adopted formally following legal and linguistic finalization of the texts. Once it has been formally adopted, it will enter into force 24 months after its publication in the Official Journal.

PRESS RELEASE

Brussels, 2 July 1984

8129/84 (Presse 114) COR 1

CORRIGENDUM

to Press Release
8129/84 (Presse 114)
- Environment -
on 28 and 29 June 1984

SUPERVISION AND CONTROL OF TRANSFRONTIER SHIPMENT OF
HAZARDOUS WASTE

On page 4, the 2nd and 3rd paragraphs should read as follows:

"Waste intended for recycling is covered by special provisions.

In accordance with the "polluter pays" principle, the cost of implementing the system will be chargeable to the holder of the waste, on the understanding that this provision must be applied in a non-discriminatory way and must not hinder the free movement of goods and services in the Community."

MISCELLANEOUS DECISIONS

On page II, under "Agricultural questions" add:

"The Council also adopted in the official languages of the Communities the Regulation authorizing the offer or disposal for direct human consumption of certain imported wines which may have undergone oenological processes not provided for in Regulation (EEC) No 337/79."

Bruxelles 27 juin 1984

Note BIO (84) 242 aux Bureaux Nationaux
cc. aux membres du Groupe du Porte Parole

PREPARATION CONSEIL ENVIRONNEMENT 28.6.84 (O.von SCHWERIN)

Debut des travaux 10h00 a Luxembourg.
L'ordre du jour est tres charge.

1. TRANSPORTS TRANSFRONTALIERS DE DECHETS DANGEREUX (prop. dite "Seveso")

La proposition de directive de janvier 83, renforcee sensiblement apres l'affaire des 41 futs de dioxine se heurte toujours a plusieurs reserves de fond (reglement au lieu de directive, probleme de la responsabilite civile) ainsi qu'a certaines reserves specifiques (RFA: droit de refus pour le pays d'exportation de dechets. - B: exemption de dechets recyclables etc). Bien que le Conseil soit dans une position peu convaincante vis-a-vis de l'opinion publique, les chances d'un accord paraissent tres reduites encore.

2. EVALUATION DES INCIDENCES SUR L'ENVIRONNEMENT: directive qui devrait jeter les bases d'une politique preventive d'environnement et qui vient devant le Conseil pour la cinquieme fois, est entierement mure pour decision; il reste une seule reserve danoise concernant des projets qui font l'objet de procedures parlementaires nationales.

3. NORMES DE QUALITE DE L'AIR POUR LE DIOXYDE D'AZOTE: Proposition de directive de 1983 etablissant des valeurs maximales qui sont contestes comme trop severes par les delegations grecques et britanniques d'une part, comme trop peu contraignantes par les delegations allemandes et neerlandaises d'autres part. Toutefois les chances d'une adoption paraissent reelles.

4. DIRECTIVE SUR REJETS DE HCH, notamment lindane dans les eaux: 3eme directive etablissant des normes de qualite de l'eau (apres mercure et cadmium): devrait etre adoptee.

5. SYSTEME D'INFORMATION SUR L'ETAT DE L'ENVIRONNEMENT: Il s'agit d'une banque de donnees contenant e.a. les biotopes, les pluies acides, l'environnement en Mediterranee, avec une enveloppe budgetaire de 5,8 MUCE pour 3 ans, reserve notamment du cote allemand.

6. DIRECTIVE POUR LA LIMITATION DES EMISSIONS POUR GRANDES INSTALLATIONS DE COMBUSTION : Proposition de fin 1983 etablissant des valeurs maximales a realiser jusqu'en 1995, afin de combattre les degats causes par les pluies acides: en raison de la complexite et des charges considerables qu'elle comportera sur l'industrie concernee il n'y aura qu'un debat d'orientation.

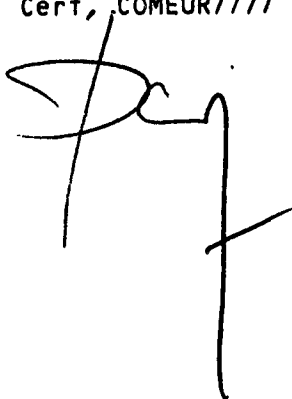
7. PLOMB DANS L'ESSENCE ET EMISSIONS DES AUTOMOBILES : Les propositions de la Commission de mai dernier (voir P 40, P46), largement commentees dans la presse ne pourront faire l'objet au Conseil que d'un premier "echange de vue".

8. DIRECTIVE SUR LA REDUCTION DE DIOXYDE DE TITANE:
Harmonisation des programmes nationaux; la proposition ne parait pas encore mure pour decision.

9. COOPERATION AVEC LES PVD EN ENVIRONNEMENT:
Initiative de la presidence francaise sous forme de 2 projets de resolution. La Commission soutient cette initiative notamment dans les negociations Lome.

Amities

Paul Cerf, COMEUR////

A handwritten signature in black ink, appearing to be 'Paul Cerf', written over the typed name. The signature is stylized with a large loop at the top and a long vertical stroke extending downwards.

note BIO+Luxembourg 3231
Bruxelles, le 29 juin 1984
Note BIO(84)242 (suite 1 et fin) aux Bureaux Nationaux
cc. aux membres du Groupe du Porte-Parole

CONSEIL ENVIRONNEMENT DU 28.6.1984 (O. von SCHWERIN)

Le Conseil a abouti apres 16 heures de negociations a
2 heures ce matin a un nombre considerable de decisions:

1. En effet le point le plus important et le plus contro-
verse, a savoir la directive dite SEVESO, a ete adopte.

Je vous rappelle qu'il s'agit d'une directive qui etablit des
regles strictes en matiere de transport frontalier des
dechets toxiques, c.a.d. un instrument juridique devenu tres
urgent apres l'affaire des 41 futs de Seveso. Sur cette base il
aura controle et surveillance systematiques de tels transports,
avec papiers d'accompagnement, responsabilite du producteur,
assurance, etc.

2. EVALUATION DES INCIDENCES SUR L'ENVIRONNEMENT:
malgre des pressions unanimes de la part des 9 autres
delegations, le Danemark a maintenu sa reserve. Le point sera
renvoye au prochain Conseil des Affaires Etrangeres.

3. NORMES DE QUALITE DE L'AIR POUR LE DIOXYDE D'AZOTE:
Il y a pratiquement accord sur la directive qui sera adoptee
formellement des que le Parlement Europeen aura donne son avis.

4. DIRECTIVE SUR REJETS DE HCH: adopte.
Il s'agit d'une 3eme directive dans le domaine protection des
eaux (apres mercure et cadmium)

5. SYSTEME D'INFORMATION SUR L'ETAT DE L'ENVIRONNEMENT:
Proposition renvoyee au COREPER en raison de l'opposition
allemande concernant les couts du projet (5,8 MUCE pour 3 ans).

6. DIRECTIVE POUR LA LIMITATION DES EMISSIONS POUR GRANDES
INSTALLATIONS DE COMBUSTION:
Pas de debat approfondi par manque de temps; pas controverse.

7. PLOMB DANS L'ESSENCE ET EMISSIONS DES AUTOMOBILES:
Il y avait un debat tres constructif et moins controverse
qu'attendu apres les commentaires qui avaient accompagne le
processus de decision de la Commission en mai dernier.
Le President a constate un large consensus sur les orientations
generales de la Commission, et plus particulierement accord sur
l'introduction a terme de l'essence sans plomb au plus tard en
1989. L'accord etait moins explicite sur les reductions des
emissions, mais ici aussi l'orientation est sur la base des
propositions de la Commission, selon la declaration de Madame
Bouchardeau.

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Le President a constate un large consensus sur les orientations generales de la Commission, et plus particulierement accord sur l'introduction a terme de l'essence sans plomb au plus tard en 1989. L'accord etait moins explicite sur les reductions des emissions, mais ici aussi l'orientation est sur la base des propositions de la Commission, selon la declaration de Madame Bouchardeau.

9. Enfin, la COOPERATION AVEC LES PVD EN ENVIRONNEMENT:

Le Conseil et les Etats membres ont marque leur accord sur deux resolutions presentees par la delegation francaise dans le cadre de la cooperation avec les pays en voie de developpement en matiere d'environnement.

Dans une Conference de Presse ce matin a Bruxelles, Monsieur NARJES s'est felicite des accords intervenus et a souligne que le Conseil ENVIRONNEMENT s'est encore une fois revele comme tres fructueux. Il a souligne l'importance de la decision intervenue notamment en matiere de dechets toxiques et il a qualifie le debat d'orientation sur le volet plomb dans l'essence et emissions de voiture comme tres constructif: aucune delegation n'aurait niee la necessite de l'introduction du petrole sans plomb au plus tard en 1989, et qu'aucun Etat Membre ne s'est prononce en principe contre l'introduction - a long terme - du standard mondial en matiere d'emissions de voitures.

Sur la question de savoir si la Commission envisagerait d'avancer cette date, Monsieur NARJES a souligne que la faculte d'anticiper existe deja dans les propositions de la Commission.

Amities

Manuel Santarelli, Comeur////

