



COUNCIL OF THE EUROPEAN COMMUNITIES
GENERAL SECRETARIAT



PRESS RELEASE

7623/86 (Presse 92)

1087th Council meeting

- Environment -

Luxembourg, 12 and 13 June 1986

President: Mr P. WINSEMIUS

Minister for Housing,
Regional Planning
and the Environment
of the Kingdom of the Netherlands

12/13.VI.86

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

Belgium:

Mrs M. SMET State Secretary for the Environment

Denmark:

Mr Christian CHRISTENSEN Minister for the Environment and for Nordic Affairs

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

Germany:

Mr W. WALLMANN Federal Minister for the Environment

Greece:

Mr Evangelos KOULOMBIS Minister for Public Works,
Regional Planning and the Environment

Spain:

Mr Javier SAENZ COSCULLUELA Minister for Public Works and
Town Planning

France:

Mr Alain CARIGNON Minister attached to the Minister for
Infrastructure, Housing, Town and
Country Planning and Transport, with
responsibility for the Environment

Ireland:

Mrs Avril DOYLE Deputy Minister for the Environment

Italy:

Mr Valerio ZANONE	Minister for Ecology
Mrs Paola CAVIGLIASSO	State Secretary, Ministry of Health

Luxembourg:

Mr Robert KRIEPS	Minister for the Environment
Mr Robert GOEBBELS	State Secretary for Foreign Affairs

Netherlands:

Mr P. WINSEMIUS	Minister for Housing, Regional Planning and the Environment
Mr W.F. VAN EEKELEN	State Secretary for Foreign Affairs

Portugal:

Mr Carlos PIMENTA	State Secretary for the Environment and Natural Resources
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United Kingdom:

Mr William WALDEGRAVE	Minister of State for the Environment
Mrs Angela RUMBOLD	Parliamentary Under-Secretary of State, Department of the Environment
Mr David MELLOR	Parliamentary Under-Secretary of State, Department of the Environment

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Commission:

Mr Stanley CLINTON-DAVIS	Member
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COMMON PROCEDURE FOR THE EXCHANGE OF INFORMATION ON THE QUALITY OF SURFACE FRESH WATER IN THE COMMUNITY

In December 1977 the Council adopted Decision 77/795/EEC establishing a common procedure for the exchange of information on the quality of surface fresh water in the Community. The object of this exchange of information was in particular to organize and develop technical exchanges between regional and national networks for the monitoring and control of pollution and to take all necessary measures to improve the accuracy and the comparative values of the arrangements set up.

At the present meeting the Council agreed to a Decision amending the Decision of 1977 designed to update and improve the procedure provided for in that Directive on the basis of experience gained in the meantime.

DISPOSAL OF WASTE OILS

The Council examined the proposal for a Directive amending Directive 75/439/EEC on the disposal of waste oils.

At the close of its discussion it noted that certain problems had failed to be resolved at this stage. It therefore instructed the Permanent Representatives Committee to continue its discussions on this subject.

SULPHUR CONTENT OF CERTAIN LIQUID FUELS (GAS OIL)

Pending receipt of the European Parliament's Opinion, the Council continued examining the Directive amending Directive 75/716/EEC on the approximation of the laws of the Member States relating to the sulphur content of certain liquid fuels (gas oil).

The Council noted that differences remained regarding the values to be set for sulphur content and agreed to resume its examination after it had received the European Parliament's Opinion.

PROTECTION OF ANIMALS USED FOR EXPERIMENTAL AND OTHER SCIENTIFIC PURPOSES

Pending receipt of the European Parliament's Opinion, the Council worked out a common position on the proposal for a Directive on the protection of animals used for experimental and other scientific purposes.

This proposal seeks to harmonize the Member States' legislative provisions on the protection of laboratory animals. It would apply in particular to the use of animals in experiments conducted for the development, production and the various testing of medicaments, foodstuffs and other substances or products and for the purposes of environmental protection. In particular the Directive lays down provisions designed to avoid unnecessary suffering for animals during experiments and to ensure that they are kept in good conditions and are given appropriate treatment.

The Council proposed to take a final decision once it had received the European Parliament's Opinion. It was also noted that three Member States had not yet completed their internal scrutiny procedures.

At the same time, the Representatives of the Member States meeting within the Council approved a Resolution covering matters within the Member States' jurisdiction in this area.

LIMITATION OF EMISSIONS FROM LARGE COMBUSTION PLANTS

On the basis of proposals prepared by the Presidency, the Council continued its discussions on the proposal for a Directive on the limitation of emissions of pollutants into the air from large combustion plants.

At the close of its discussion it concluded that, while the proposal contained features which would enable progress to be made, they needed further examination. It accordingly instructed the Permanent Representatives Committee to continue the proceedings on this basis in preparation for its next meeting.

MAJOR ACCIDENT HAZARDS OF CERTAIN INDUSTRIAL ACTIVITIES

Pending receipt of the European Parliament's Opinion, the Council noted a common position on the Directive amending Directive 82/501/EEC designed essentially to avoid major accident hazards by laying down measures for the monitoring and control of dangerous substances used particularly by certain industries.

Some of the amendments which the Council has just approved are intended to strengthen the provisions on certain industrial activities involving, or potentially involving, particularly dangerous substances (chlorine, phosgene, methyl isocyanate). The other amendments seek to give clearer definitions of certain substances and the corresponding limit quantities in order to highlight the various degrees of risk (e.g. ammonium nitrate, nickel and cobalt compounds).

As the basic Directive has been in force only a short time and experience and knowledge acquired in this area are still limited, the new Directive involves only a limited revision of the existing legislation. The Commission intends to propose a fundamental review at a later date on the basis of wider experience.

POLLUTION BY MOTOR VEHICLES

The Council noted two new proposals concerning

- particle emissions by certain diesel vehicles (private cars)
- pollutants emitted by diesel commercial vehicles (lorries, buses, etc.).

WASTE FROM THE TITANIUM DIOXIDE INDUSTRY

The Council noted a memorandum from the German delegation expressing anxiety at the lack of progress on the proposal amending the Directive on pollution caused by waste from the titanium dioxide industry. The German memorandum stresses in particular the difficult situation in this respect with regard to the North Sea.

NUCLEAR ACCIDENT AT CHERNOBYL

The Council discussed the accident at the nuclear plant at Chernobyl in the Soviet Union. It expressed its concern for all those affected.

It agreed that the Chernobyl accident confronts the international community with numerous challenges. Nuclear accidents may have major adverse consequences for human health and for the environment. There is, therefore, a need for improved international communication and cooperation in relation to all aspects of the exploitation of civil nuclear power.

The Council noted the statement by the Commission that it will shortly send a communication to it, proposing a wide range of actions at Community level, many of them directly related to environmental protection.

The Council urged that the Community's Heads of State and Government, meeting on 26-28 June 1986, should, when discussing the follow-up to the Chernobyl accident, consider its environmental aspects in depth.

MISCELLANEOUS DECISIONS

Other decisions in the environment sector

The Council adopted in the official languages of the Communities the Decision authorizing the Commission to participate, on behalf of the Community, in the negotiations on the Convention for the Protection of the Rhine against Thermal Pollution.

The Council also adopted the Decision on the conclusion of the Protocol to the 1979 Geneva Convention on long-range trans-boundary air pollution on long-term financing of the co-operative programme for monitoring and evaluation of the long-range transmission of air pollutants in Europe (EMEP).

This co-operative programme is the main instrument for determining the quantities of pollutants emitted and transmitted, as the case may be, across frontiers.

The Council adopted the Directive on the use of sewage sludge in agriculture.

The aim of the Directive is firstly to promote the use of certain types of solid waste in agriculture by stressing the agronomic value of such products and secondly to specify the precautions necessary for their proper use in agriculture in order to avoid any risk to human beings or the environment.

To this end, the Directive provides for the fixing of limit values for concentrations of heavy metals in the soil and in sludge, and the maximum quantities of heavy metals which may be added to the soil. It also determines the specific conditions for use of sludge.

The Council adopted in the official languages of the Communities the Directive amending Directive 84/631/EEC on the supervision and control within the European Community of the transfrontier shipment of hazardous waste.

The purpose of this Directive is to supplement the provisions of the abovementioned Directive as regards the export of waste for disposal in a third State, particularly in the light of an OECD resolution in this field. It amends the 1984 Directive by providing in particular:

- that the third country of destination must agree on the proposed transfer of waste;
- that the consignee of waste in the third country must have the capacity to dispose of such waste properly.

The Council also adopted, in the official languages of the Communities, the Directive on discharges of certain dangerous substances into the aquatic environment. This Directive lays down the main features and defines the basic principles which must be applied to the fixing of limit values and quality objectives for the substances in List I in Directive 76/464/EEC (particularly toxic substances). It also determines specific limit values and quality objectives for three substances, viz. carbon tetrachloride, DDT and pentachlorophenol).

Customs union

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

- opening, allocating and providing for the administration of Community tariff quotas for
 - = sherry
 - = wines of Malaga
 - = wines of Jumilla, Priorato, Rioja and Valdepeñasfalling within subheading ex 22.05 C of the Common Customs Tariff, originating in Spain (1986/1987), and
- = herrings falling within subheading 03.01 B I a) 2. of the Common Customs Tariff.

Agriculture

The Council adopted, in the official languages of the Communities, the Regulation amending Annex IV to Regulation (EEC) No 426/86 on the common organization of the market in fruit and vegetables. This amendment is designed to extend the system of import licences provided for in the aforementioned Regulation to other particularly sensitive products (peas, whether or not cooked, preserved by freezing, and cherry juice).

Fisheries

The Council adopted, in the official languages of the Communities, the Regulation laying down certain technical measures for the conservation of fishery resources in the waters of the Baltic Sea, the Belts and the Sound.

Bruxelles, le 12 juin 1986.

NOTE BIO(86)165 AUX BUREAUX NATIONAUX
CC. AUX MEMBRES DU SERVICE DU PORTE-PAROLE

Preparation Conseil Environment - Luxembourg, 12-13 June
1986 (M. BERENDT)

433

Ministers will be discussing a wide range of environmental
issues at this Council, namely :

- emissions from large combustion installations
- sulphur in gasoil
- use of animals for experiments
- major accident hazards
- titanium dioxide
- disposal of waste pile

Large combustion installations :

Commission proposals for reducing emissions of sulphur dioxide, nitrogen oxides and dust from combustion installations of 50 MW and over - which concerns power stations in particular - has been under discussion in the Council since 1984. Little progress has been made during this period and the Dutch presidency has been developing a compromise proposal in the hope of achieving some movement this week-end.

Several Member States have difficulty with the original Commission proposal, which envisages a reduction by country of 60% for sulphur dioxide and 40% for nitrogen oxides and dust between 1980 and 1995, and which sets strict standards for new plants. Ministers will be discussing a presidency text which involves a reduction of emissions at the overall Community level, allowing a differentiated approach between the Member States. The Commission can only accept this new approach if the timetable is closely linked to that originally proposed by the Commission and if satisfactory criteria can be agreed for sharing the burden of reduction between Member States. In the Commission's view it would be totally unacceptable for the Community to adopt legislation which did not even go as far as the Helsinki Protocol commitment for a 30% reduction in SO₂ by 1993.

Sulphur in gasoil :

The Commission is proposing a reduction in the legal limits for the sulphur content of gasoil, which is widely used as heating and engine fuel, with the aim of cutting back sulphur dioxide pollution. The Commission's proposal is to bring down the maximum rate from 0.5% to 0.3%, while allowing a 0.2% rate in regions with particular environment problems. The German Government has until now opposed this approach, arguing for a 0.2% general limit with derogations to 0.3%.

Animal experiments :

Rapid progress has been made in securing general agreement in Council working groups on the text of this directive, which was proposed by the Commission at the end of 1985. The basic aims of the directive are to reduce the number of animals used for experimental purposes and to safeguard their welfare to avoid all unnecessary suffering. However, certain Member States have cast doubt on the competence of the Community to legislate in this field, and wish to rely solely on the Council of Europe Convention, whose signature and ratification is proving slow. The Commission is pressing strongly for adoption of the

directive in principle. It maintains that several aspects of animal experimentation are of direct concern to the Community and that Community legislation is necessary, although accepting that certain aspects of the policy should be covered by a resolution. A number of Member States are giving priority to the adoption of the Community directive before they will sign and ratify the Convention.

Major accident hazards

The so-called Seveso directive on major accident hazards lays down certain safety and information obligations on industrial plants dealing with dangerous chemical products. In November 1985 the Commission made proposals which would tighten up the quantities of certain dangerous substances which could be held by an enterprise before the obligations would apply. No difficulty is expected on the principle of the proposal, but there is dispute over the maximum figures proposed by the Commission for substances like chlorine, sulphur dioxide and nickel. There is some hope of a compromise.

Titanium dioxide :

The British Government continues to block this directive, which would impose reductions or prohibitions on the dumping of waste products from the titanium dioxide industry. There is little sign of movement.

Disposal of waste oil :

More than 4 million tonnes of lubricants are sold throughout the Community each year which in due course become waste oil. Much of this oil is heavily contaminated with heavy metals and sometimes with PCB/PCTs and the Commission has proposed conditions on collecting firms who recycle the oil and forbidding the burning of waste oils in small installations of less than 1 MW such as garage and greenhouse burners. Both the UK and Ireland are opposed to the restrictions proposed and there is little chance of agreement.

Sewage sludge in agriculture

The proposed directive laying down limits for concentrations of heavy metals in sewage sludge and on land and cumulative quantities which can be added to soil will now pass without discussion, as the German Government has lifted its reserve.

Amities,


H. PAEMEN

DISK 2 PAGE 62
MESSAGE # 9
RCV LN 1

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DE : C.C.E. BRUXELLES - GPP46 - G.P.P.
A : C.E. WASHINGTON - WASHINGTON
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TELEX N. 140915-BIO

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M. HAYES BERL 3/97A
M. SANTARELLI BERL 2/63
M. BRENNER BERL 8/103

NOTE BIO (86) 165 SUITE NO 1
AUX BUREAUX NATIONAUX CC. AUX MEMBRES DU SERVICE DU PORTE PAROLE

BRUXELLES LE 16 JUIN 1986.

CONSEIL ECO / FIN (ETIENNE REUTER)

LE PREMIER POINT DE SUBSTANCE A L'ORDRE DU JOUR CONCERNAIT L'ABOLITION DES FRONTIERES FISCALES. IL S'AGIT DE LA MISE EN OEUVRE DE LA TROISIEME PARTIE DU "LIVRE BLANC".

LE CONSEIL AVAIT CHARGE UN GROUPE DE HAUT NIVEAU, FORME DE REPRESENTANTS PERSONNELS DES MINISTRES OU DE CHEFS DES ADMINIS-

STRATIONS FISCALES, D'EXAMINER QUELLES ETAIENT LES MESURES NECESSAIRES DANS LE DOMAINE DE LA T.V.A. ET DES ACCISES POUR REALISER UN FONCTIONNEMENT PARFAIT DU MARCHE INTERIEUR D'ICI 1992. LE RAPPORT DU GROUPE QUI RECONNAIT QUE LES PROPOSITIONS DE LA COMMISSION SONT EN MESURE DE REALISER L'ABOLITION DES FRONTIERES FISCALES, FORMAIT LA BASE DE LA DISCUSSION D'AUJOURD'HUI.

UN TROU DE TABLE, AU COURS DUQUEL TOUTES LES DELEGATIONS SE SONT EXPRIMEES, A PERMIS DE CONSTATER UN LARGE SOUTIEN POUR LES PROPOSITIONS DE LA COMMISSION. DE FACON GENERALE, LES DELEGATIONS SOUHAITENT QUE LA COMMISSION COMPLETE LES ETUDES DESTINEES A MONTRER LES CONSEQUENCES PRECISES SUR LE PLAN DE LA POLITIQUE BUDGETAIRE ET ECONOMIQUE DES ETATS MEMBRES D'UN RAPPROCHEMENT DES FISCALITES INDIRECTES AVEC LES LIMITATIONS DE LA SOUVERAINETE NATIONALE QUE

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CELA COMPORTE. D'AUTRE PART, LES ETATS MEMBRES SOUHAITENT CONNAITRE LE PLUS RAPIDEMENT ET DE FACON DETAILLEE LES MESURES EXACTES QU'EXIGERA LA MISE EN OEUVRE DES PROPOSITIONS DE LA COMMISSION, NOTAMMENT EN CE QUI CONCERNE LES MECANISMES DE COMPENSATION ET DE PEREQUATION DES RECETTES ENTRE ETATS MEMBRES.

LORD COCKFIELD A SOULIGNE LA DETERMINATION DE LA COMMISSION DE METTRE EN OEUVRE SES PROPOSITIONS ET A INVITE LES ETATS MEMBRES A ACCELERER L'ADOPTION DES QUINZE PROPOSITIONS FISCALES Y COMPRIS CELLES INDIRECTEMENT PERTINENTES POUR LE SUJET TELLES QUE CELLES RELATIVES A LA FACILITATION DES FORMALITES DE FRONTIERES, ACTUELLEMENT SUR SA TABLE. LA DISCUSSION A CONFIRME LA PRUDENCE VOIRE LA RETICENCE DES ETATS MEMBRES A L'EGARD DE LA PARTIE FISCALE DU MARCHE INTERIEUR. L'ACCENT A ETE MIS SUR LA NECESSITE D'ASSURER LA NEUTRALITE BUDGETAIRE DES MESURES ENVISAGEES BIEN QUE PLUSIEURS DELEGATIONS AIENT SOULIGNE LA NECESSITE ET L'URGENCE D'UN SAUT QUALITATIF. LE FONCTIONNEMENT DU MECANISME DE COMPENSATION CONTINUE D'INTRIGUER. ON DOIT NOTER QUE LE MINISTRE FRANCAIS A PRATIQUEMENT PIRATE LA PROPOSITION DE LA COMMISSION CONCERNANT LE ''STAND-STILL'' (GEL DES ECARTS ACTUELS ENTRE FISCALITES INDIRECTES DES ETATS MEMBRES SEUL LE RAPPROCHEMENT VERS LA ZONE MEDIANE ETANT PERMIS AINSI QUE LIMITATION A TROIS DU NOMBRE DES TAUX DE T.V.A.). LA COMMISSION SE REJOINT DE CET APPUI.

LORD COCKFIELD A CONSIDERE QUE CETTE DISCUSSION AVAIT ETE HELPFUL''

LA PRESIDENCE A TIRE LES CONCLUSIONS CONSTATANT NOTAMMENT QUE LA COMMISSION, ALLAIT EN TENANT COMPTE DU RAPPORT DU GROUPE AD HOC, FAIRE DES PROPOSITIONS COMPLETES POUR LE 1ER AVRIL 1987 ET INSTRUISANT LE COREPER A TRAITER AVEC DILIGENCE LES PROPOSITIONS CONCERNANT LA PERIODE INTERIMAIRE D'ICI L'ACHEVEMENT ET DEJA PRESENTEES PAR LA COMMISSION.

AMITIES

ETIENNE REUTER

16.6.1986
3231 COMEUR LU/

16.6.1986

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16.6.1986

Luxembourg, 12.6.86

Bio 165 (suite 2 et fin) REV.

Aux bureaux nationaux
cc: aux membres du service du porte-parole

Environment Council (M. Berendt)

The Council concluded after midnight with some unexpected successes and unpredicted failures:

Use of animals for experiments

The Council agreed in principle on a directive which will provide the Community system governing the use of animals in experimentation. The opinion of the European Parliament is still awaited on this proposal. The directive will reduce the number of animals used in experiments to a minimum and will lay down rules to minimise suffering. It will provide on a Community basis the main requirements of the Council of Europe Convention which has so far been signed by only four Member States of the Community and would still have to be ratified. The Council decision therefore gives more certain effect to the aims of the Convention and is on a somewhat stricter basis.

The text is agreed at referendum by Denmark, France and Germany, but this nonetheless represents a remarkable pace of work since the Commission made the proposals only 6 months ago.

Major accident hazards

A compromise was reached on the maximum quantities of certain dangerous chemicals which can be held on site or used for manufacture before the protection and reporting obligations of the Seveso directive on protection and information become fully applicable. Safety requirements already apply for smaller quantities, but if stocks or throughput exceed the new limits laid down, then the company concerned must register with the authorities locally full details of the manufacturing operations, safety precautions, emergency procedures, etc. A total of 178 chemicals are covered by the directive, of which limits have been modified for 13.

The figures agreed today represent a substantial tightening of the previous limits. For instance, the quantity of chlorine which can be stored without the full reporting system has been reduced from 200 to 75 tonnes; for phosgene the quantity falls from 20 tonnes to 750 kg and for methyl isocyanate (implicated in the Bhopal disaster) from 1000 kg to 150 KG). The rules will apply to storage (fertilizers held by agricultural merchants, for example) as well as to manufacturers.

Sulphur in gasoil

After general agreement had been reached on the basis of the Commission's proposal for reducing the sulphur content of gasoil to 0.3% with the possibility of a stricter limit of 0.2% in certain regions, the Danish delegation blocked a unanimous decision. The Danes are demanding the right for a Member State to apply a stricter level of its own choosing, even lower than 0.2%, and this demand made an agreement impossible. The current Danish level is 0.3%. The European Parliament has yet to give its opinion on this issue. Meantime, no decision can be taken, and limits remain at the higher level.

Disposal of waste oils

Although the Council came close to an agreement which would provide for national measures to govern the operation of combustion units (the use of waste oil of up to 3 MW and for Community legislation above that level), there was still disagreement on certain details of the proposal which has therefore been referred back to Coreper for further discussion.

Nuclear power

Several Member States raised the matter of post-Chernobyl policy emphasizing the importance for Environment Ministers to be involved in policy development in this field. There was wide agreement on the need for better information exchange, emergency procedures in case of accident and tolerance limits for radioactivity. Commissioner Clinton Davis responded to the discussion by telling ministers that "we have to end the law of silence in the nuclear industry". He explained the plan of action which the Commission was now putting to the Council. In relation to a Community nuclear inspectorate, he indicated that the Commission was still considering whether to propose such a body.

The Council concluded with a modest resolution recalling the importance of discussion of nuclear questions on the June European Council.

Large combustion installations

Attempts to agree on directive besides of a Presidency compromise were unsuccessful. M. Clinton Davis maintained the Commission's reservation on several aspects of the proposal.

A-points

The Council agreed as A-points:

- improvements to the system of exchanging informations on fresh surface waters
- the directive of the use of sewage sludge in agriculture
- the notification arrangements of exports of dangerous waste.