

EUROPEAN PARLIAMENT

Working Documents

1980 - 1981

14 April 1980

DOCUMENT 1-55/80

Report

drawn up on behalf of the Committee on the Environment, Public Health and Consumer Protection

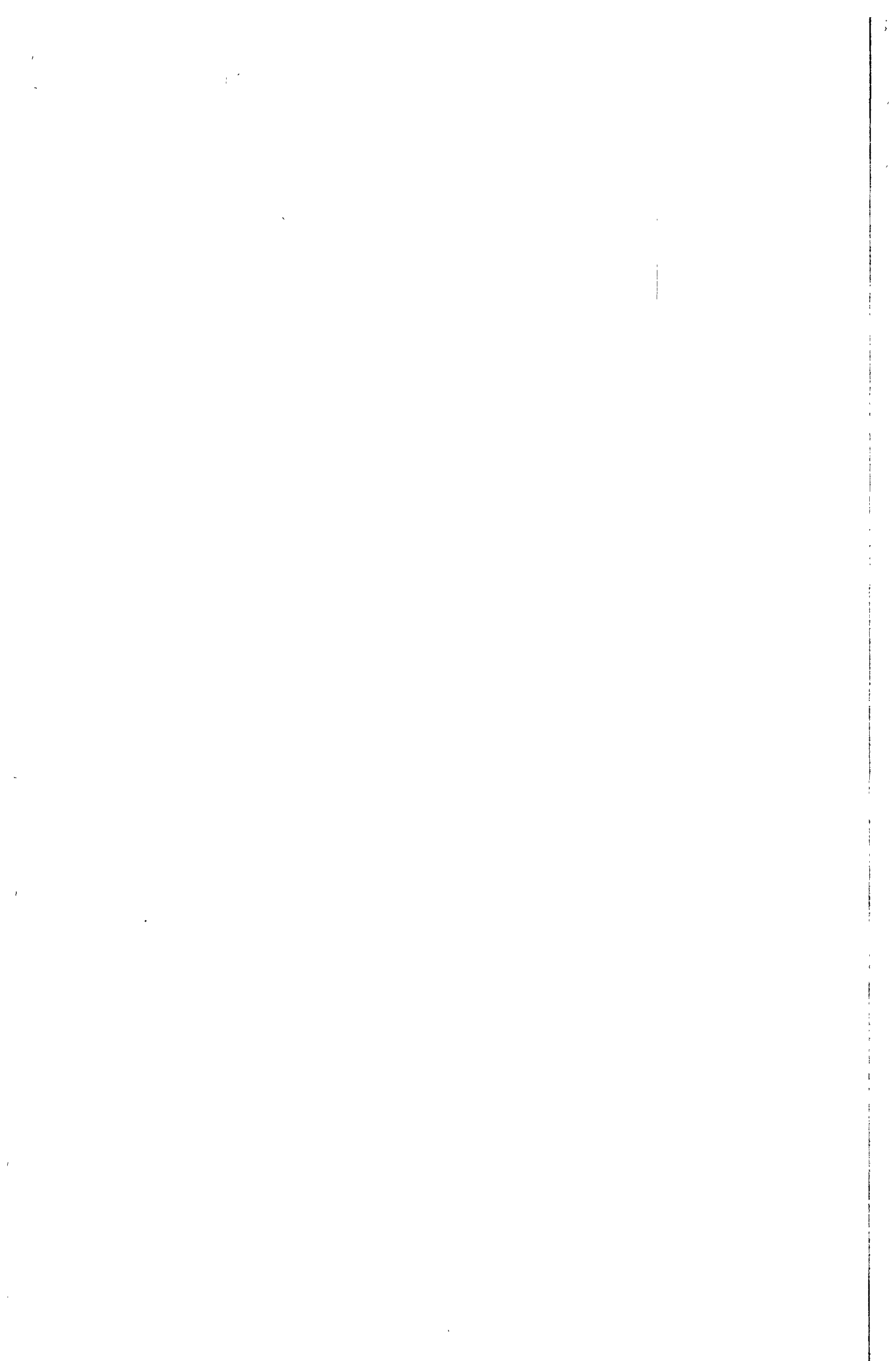
on the proposal from the Commission of the European Communities to the Council (Doc. 210/79) for

- I. a Directive on the limit values applicable to discharges of mercury into the aquatic environment by the chlor-alkali electrolysis industry
- II. a Directive on the quality objectives for the aquatic environment into which mercury is discharged by the chlor-alkali electrolysis industry

Rapporteur : Mrs Y.M. FUILLET

COMMUNITY  
WASHINGTON SERVICE  
WASHINGTON, D. C.

121



By letter of 2 July 1979 the President of the Council of the European Communities requested the European Parliament to deliver an opinion on the proposals from the Commission of the European Communities to the Council for

- I. a directive on the limit values applicable to discharges of mercury into the aquatic environment by the chlor-alkali electrolysis industry,
- II. a directive on the quality objectives for the aquatic environment into which mercury is discharged by the chlor-alkali electrolysis industry,

(Doc. 210/79).

The President of the European Parliament referred these proposals to the Committee on the Environment, Public Health and Consumer Protection.

On 25 September 1979 the Committee on the Environment, Public Health and Consumer Protection appointed Mrs Y. M. FUILLET rapporteur.

At its meeting of 23 November 1979 it considered the proposed directives and at its meeting of 21 March 1980, adopted the motion for a resolution with 14 votes in favour and one abstention.

Present: Mr Collins, chairman; Mr Johnson, vice-chairman, Mrs Weber, vice-chairman; Mrs Fullet, rapporteur; Mr Adam, (deputizing for Mr O'Connell), Mr Colla (deputizing for Mrs Roudy), Mr Estgen, Mr Forth (deputizing for Mrs Hooper), Mr Geurtsen (deputizing for Mr Hamilius), Mr Ghergo, Mr Remilly, Mrs Seibel-Emmerling, Mr Sherlock, Mrs Spaak and Mr Verroken.

C O N T E N T S

	<u>Page</u>
A. MOTION FOR A RESOLUTION	5
B. EXPLANATORY STATEMENT	11
Summary of the Commission proposals for Directives	11
Examination of the Commission proposals for Directives	11

The Committee on the Environment, Public Health and Consumer Protection hereby submits to the European Parliament the following motion for a resolution, together with explanatory statement:

MOTION FOR A RESOLUTION

embodying the opinion of the European Parliament on the proposals from the Commission of the European Communities to the Council for

- I. a Directive on the limit values applicable to discharges of mercury into the aquatic environment by the chlor-alkali electrolysis industry,
- II. a Directive on the quality objectives for the aquatic environment into which mercury is discharged by the chlor-alkali electrolysis industry

The European Parliament,

- having regard to the proposal from the Commission to the Council<sup>1</sup>,
- having been consulted by the Council (Doc. 210/79).
- having regard to the framework directive of the Council of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community<sup>2</sup>,
- wishing to reduce the present level of discharges of mercury and its compounds as well as the concentration of mercury in the aquatic environment of the Community,
- having regard to the report of the Committee on the Environment, Public Health and Consumer Protection (Doc. 1-55/80),

FIRST PROPOSAL FOR A DIRECTIVE (on limit values)

1. approves the first proposal for a directive subject to the following remarks;
2. requests the Commission to submit at an early date proposals to regulate other polluting industries (notably those manufacturing plastics, the cellulose industry, electrical engineering and medical laboratories);
3. in the light of the framework directive of 1976 allowing Member States to choose in the matter of monitoring procedures between limit values and quality objectives, asks that the two monitoring procedures be equally effective in protecting Community waters;

<sup>1</sup> OJ No. C 169, 6.7.1979, p. 2 et seq.

<sup>2</sup> OJ No. L 129, 18.5.1976, p. 23 et seq.

4. rejects the proposed three-stage legislation for recycled-brine plants and requests that the maximum permitted quantity laid down by the Commission for the final stage in 1979 should in fact apply from 1986; in the case of lost-brine plants, however, approves the proposed first two stages and requests a review of the maximum permitted quantity by 1 July 1986;
5. considers that indirect discharges, to reduce which Article 4 provides for national programmes, are of limited importance and difficult to evaluate;
6. requests the Commission and Council to consider whether the two proposals for directives should not be combined in a single text for the sake of clarity;

SECOND PROPOSAL FOR A DIRECTIVE (on quality objectives)

7. approves the second proposal for a directive subject to the following remarks;
8. considers that for the reasons set out in paragraph 5, Article 3 of the proposal for a directive must be deleted;
9. requests the Commission to adopt the following amendments, pursuant to Article 149(2) of the Treaty establishing the European Economic Community

---

Proposal for a Council Directive on the limit values applicable  
to discharges of mercury into the aquatic environment by the  
chlor-alkali electrolysis industry

---

First three recitals : unchanged

Whereas, since the pollution  
caused by discharges of mercury  
into water arises principally from  
the electrolysis of alkali chlorides,  
in the first instance limit values  
should be established for this  
industry and its discharges made  
subject to prior authorization;

Whereas, since the pollution  
caused by discharges of mercury  
into water is caused, to a large  
extent, by the electrolysis of  
alkali chlorides, in the first  
instance limit values should be  
established for this industry and  
its discharges made subject to  
prior authorization;

Remainder of the recitals : unchanged

Articles 1 to 3 : unchanged

Article 4

The Member States shall draw up  
programmes for the gradual reduction  
and eventual elimination of pollution  
caused by indirect discharges into the  
waters referred to in Article 1(2).  
These programmes shall provide for an  
analysis of the consumption of mercury  
by industrial establishments and shall  
lay down intermediate objectives to be  
reached seven years after notification  
of this directive.

Article 4

Deleted

Articles 5 to 8 : unchanged

---

<sup>1</sup>For complete text see OJ No. C 169, 6.7.1979, p.2

ANNEX I

Paragraph 1. : unchanged

2. Maximum quantities

2.1. Existing recycled-brine plants

Such plants may not discharge, on an average monthly basis, directly into the waters referred to in Article 1(2) more than:

- (a) 1.5 g mercury/t chlorine at 1 July 1983
- (b) 1 g mercury/t chlorine at 1 July 1986
- (c) 0.5 g mercury/t chlorine at 1 July 1989.

In this and subsequent paragraphs the expression 't chlorine' refers to the production capacity.

2.2. Existing lost-brine plants

Such plants may not discharge, on an average monthly basis, directly into the waters referred to in Article 1(2) more than:

- (a) 8 g mercury/t chlorine at 1 July 1983;
- (b) 5 g mercury/t chlorine at 1 July 1986;
- (c) 2.5 g mercury/t chlorine at 1 July 1989.

2. Maximum quantities

2.1. Existing recycled-brine plants

Such plants may not discharge, on an average monthly basis, directly into the waters referred to in Article 1(2) (letters (a) and (b) deleted) more than 0.5 g mercury/t chlorine at 1 July 1986.

In this and subsequent paragraphs the expression 't chlorine' refers to the production capacity.

2.2 Existing lost-brine plants

Such plants may not discharge, on an average monthly basis, directly into the waters referred to in Article 1(2) more than:

- (a) 8 g mercury/t chlorine at 1 July 1983;
- (b) 5 g mercury/t chlorine at 1 July 1986;
- (letter (c) deleted)

The Commission shall review the maximum permitted quantity before 1 July 1986 and, where appropriate, propose to the Council an adjustment in the light of the latest findings.

Paragraph 2.3: unchanged

ANNEX II: unchanged



---

Proposal for a Council Directive on the quality objectives for  
the aquatic environment into which mercury is discharged by the  
chlor-alkali electrolysis industry

---

First five recitals : unchanged

Whereas, since the pollution caused  
by discharges of mercury into water  
arises principally from the electrolysis  
of alkali chlorides, quality objectives  
should, in the first instance, be laid  
down for the aquatic environment into  
which mercury is discharged by this  
industry and these discharges should  
require prior authorization;

Whereas, since the pollution  
caused by discharges of mercury into  
water is caused, to a large extent  
by the electrolysis of alkali  
chlorides, quality objectives  
should, in the first instance, be  
laid down for the aquatic environ-  
ment into which mercury is discharged  
by this industry and these dis-  
charges should require prior  
authorization;

Last three recitals : unchanged

Articles 1 and 2 : unchanged

Article 3

The Member States shall draw up  
programmes for the gradual reduction  
and eventual elimination of pollution  
caused by indirect discharges into  
the waters referred to in Article 1(2).

These programmes shall provide  
for an analysis of the consumption of  
mercury by industrial establishments  
and shall lay down intermediate  
objectives to be reached seven years  
after notification of this Directive.

Articles 4 to 7 : unchanged

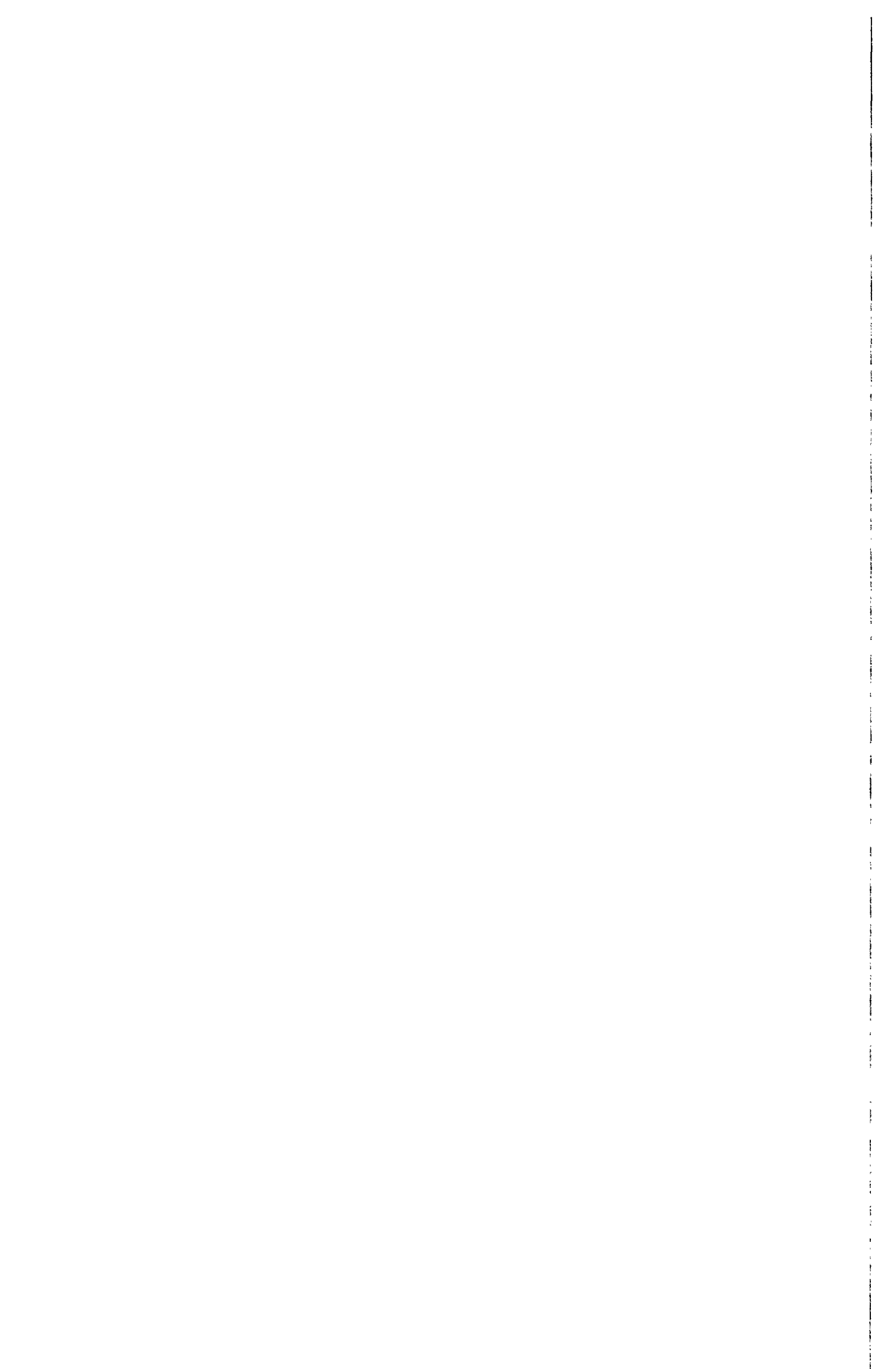
ANNEXES I and II : unchanged

Article 3

Deleted

---

<sup>1</sup>For complete text see OJ No. C 169, 6.9.1979, p.6



EXPLANATORY STATEMENTSUMMARY OF THE COMMISSION PROPOSALS FOR DIRECTIVES:

1. The two Commission proposals contain implementing arrangements adopted in accordance with Articles 6 and 12 of the framework directive of the Council of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community. This directive leaves the Member States free to choose their monitoring procedure (application of emission limit values or quality objectives).

2. The purpose of these proposals is to lay down Community limit values for emission standard and quality objectives for the substances included on the black list (List I of the framework directive of 1976), notably mercury and its compounds, in order to reduce the pollution of Community waters by those substances.

EXAMINATION OF THE COMMISSION PROPOSALS FOR DIRECTIVES:

I. Directive on the limit values applicable to discharges of mercury into the aquatic environment by the chlor-alkali electrolysis industry

3. After the various disasters that have occurred in recent years (Japan, Guatemala, Iraq) with serious consequences for both the environment and public health, one cannot but welcome this Commission proposal to establish limit values applicable to discharges of mercury into the aquatic environment by the chlor-alkali electrolysis industry, mercury and its compounds being extremely toxic substances, especially methyl mercury.

4. However, it is important to note that the share imputable to the chlor-alkali electrolysis industry in the overall pollution of the environment has diminished a good deal in certain Community Member States.

5. Indeed, in reply to a number of questions, the Commission stated that the share of industry as a whole in total mercury discharges was probably between 75 and 90% and that of the electrolysis industry about 30%. While these figures prove that the electrolysis industry is one of the main sources of pollution, it is not the most important.

6. The Economic and Social Committee concedes that:  
'discharges of mercury by dentists and laboratories are on a similar scale to those of the chlor-alkali industry, while discharges by the electrical appliances and instrument industry are markedly greater'.

Proposals covering all mercury discharges ought therefore to be drawn up very quickly.

7. With regard to monitoring procedures, the framework directive of 1976 leaves Member States free to opt either for limit values or for quality objectives. Although an identical monitoring procedure would have been preferable, both procedures must necessarily ensure equally effective protection of the aquatic environment of the Community.

8. In Annex I of the proposal for a directive, the Commission lays down maximum quantities as follows:

#### Recycled-brine plants

Such plants may not discharge directly, on an average monthly basis, more than:

- 1.5 g mercury/t chlorine at 1 July 1983
- 1 g mercury/t chlorine at 1 July 1986
- 0.5 g mercury/t chlorine at 1 July 1989.

#### Lost-brine plants

Such plants may not discharge directly, on an average monthly basis, more than:

- 8 g mercury/t chlorine at 1 July 1983
- 5 g mercury/t chlorine at 1 July 1986
- 2.5 g mercury/t chlorine at 1 July 1989.

9. According to the Commission, the first stage, i.e. 1 July 1983, corresponds to levels of performance already attained, or about to be attained, by electrolysis establishments. The limits laid down for the second stage - 1 July 1986 - are already satisfied by lost-brine and recycled-brine plants.

10. In fact, in almost all the Community Member States, where the only plants are of the recycled-brine type, the levels of performance set by the Commission for 1989 will already be attained by 1983. Problems arise, however, in respect of the United Kingdom and Italy, where lost-brine plants still exist. Even so the Commission affirms, that these plants have also made considerable efforts and already comply with the

emission limit values laid down for 1983.

11. Accordingly, the committee unanimously agreed that the Commission's three-stage reduction was unnecessary in the case of recycled-brine plants and that the maximum permitted quantity of 0.5 g of mercury/t chlorine could be achieved by 1 July 1986.

II. Directive on the quality objectives for the aquatic environment into which mercury is discharged by the chlor-alkali electrolysis industry

12. As with the proposal for a directive on limit values, it must be accepted that limits need to be fixed for other emissions (other than those arising from the electrolysis of chlor-alkalis) if the quality objectives proposed by the Commission are to be met.

13. In its Article 3 (Article 4 in the first directive) the Commission asks that the Member States draw up programmes for the gradual reduction of pollution caused by indirect discharges.

According to the Economic and Social Committee, the impact of indirect discharges into the aquatic environment is extremely limited, especially as such discharges are very difficult to evaluate.

14. The committee therefore feels that both Article 3 of the second directive and Article 4 of the first directive should be deleted.

