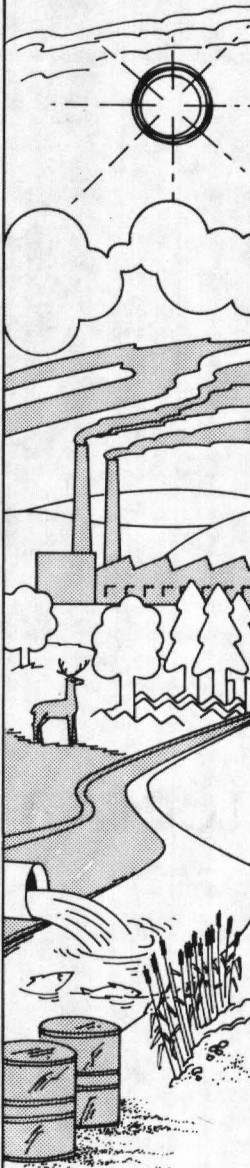


# EUROPEAN FILE





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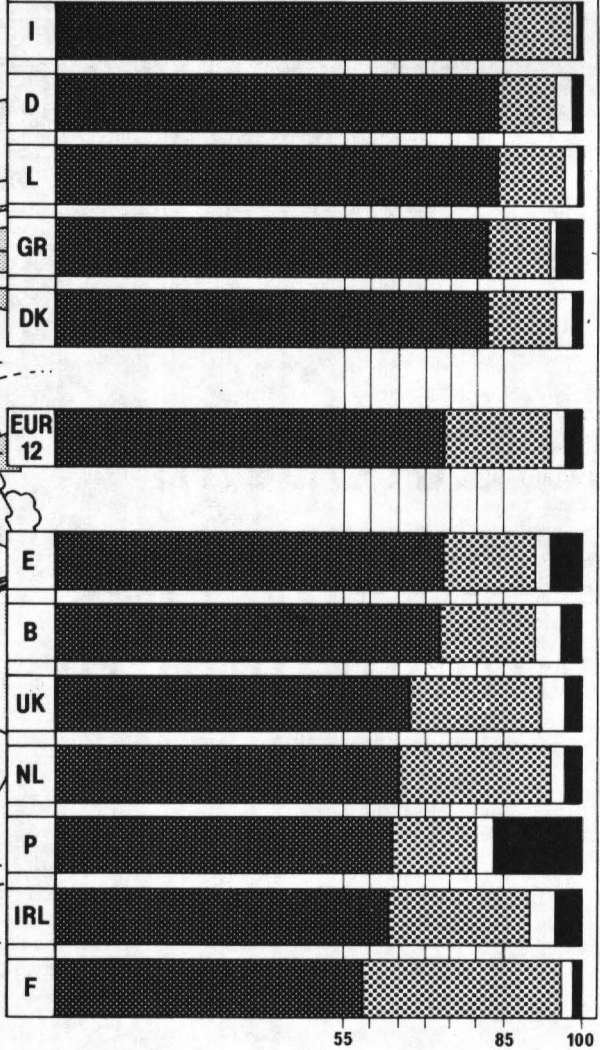
## The European Community and environmental protection

# Environmental protection and public opinion (%) \*



'Protection of the environment is...':

-  an urgent and immediate problem
-  a problem for the future
-  not really a problem
-  no answer



\* Replies to a survey organized for the European Commission by 'European Omnibus Survey' (11 729 people questioned throughout the Community in March and April 1988).

The second half of the twentieth century will be remembered as a time of unprecedented urban, industrial and agricultural development. However, there has been a price to pay, in the form of waste of scarce resources and a build-up of pollution, harmful effects and technological hazards which pose a threat to human health and to the natural environment. To cope with this, all the countries of the Community adopted environmental protection policies during the 1960s. As national frameworks were soon seen to be too cramped, the Heads of State or Government in 1972 laid the foundations for a common policy on the environment. Today this policy has many achievements to its credit, but the environment of Europe continues to deteriorate — and demands more sustained efforts. Besides, environmental problems are increasingly seen as planetary matters: the heating of the earth's atmosphere, the depletion of the ozone layer and the destruction of tropical forest concern all of humanity. It means that the Community must play a greater role in the international bodies concerned with these questions<sup>1</sup>.

### **Why a Community policy?**

Though it was contested to begin with, the need for the Member States to have a common environment policy now seems obvious.

- In the first place, pollution knows no borders. Masses of polluted air and toxic waste circulate throughout Europe; many lakes and watercourses are shared by several States. In that context, the Community is clearly the most appropriate forum for resolving many of the problems. It represents a happy medium between the national framework, which is frequently too narrow, and deliberations on a world scale, which cannot produce binding measures. Also, when international action on the environment is being decided, the Twelve can have more influence on key questions by speaking with one voice. In addition, exchanges among national specialists and those responsible for the environment at all levels, together with pooling or coordination of frequently costly scientific research, produces a chain reaction and achieves better results, faster — to everyone's benefit.
  
- To have different policies in force in the different Member States of the Community could increase the differences in quality of living and working standards for citizens in the different Member States. It could also cause economic disparities which would affect the functioning of the common market: differing national standards would prevent the free movement of goods among member countries, while the inequality of costs for businesses would distort competition. Hence the economic advantage of a common policy, particularly in the context of completion of the internal market of 1992. It must also be ensured that the economic and social advances expected from the large market are not obtained at the cost of further damage to the environment: that is another responsibility of the Community.

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<sup>1</sup> This file replaces our No 5/87. Manuscript completed in January 1990.

- The Treaty of Rome, which instituted the Community, gave it the task of improving the living and working conditions of its inhabitants and of ensuring a balanced development of economic activity. How can that be achieved without more rational management of resources and of the environment? The Single Act signed in 1986 supplements the Community Treaties and takes them much further: it has a whole chapter on environment policy, which is henceforth explicitly within the competence of the Community.

### **From cure to prevention: four Community action programmes**

The first two environmental action programmes initiated by the Community in 1973 and 1977 were oriented first and foremost towards a search for immediate answers to serious problems posed by pollution. Very soon, however, though remedial action remained necessary, it was recognized that prevention was better than cure. Thus the third programme, adopted in 1983, set out a global preventive strategy to safeguard the environment and resources. The fight against pollution and damage to scarce resources is less costly, more effective and better for economic development if the demands of the environment are taken into account from the beginning in planning and deciding all economic activity, whether it involves agriculture, energy, industry, transport or tourism. The key instrument of this preventive approach is a Community directive adopted in 1985 which makes authorization for big industrial and infrastructural projects conditional on a prior study of their impact on the environment. Prevention also requires a conceptual revision of many industrial processes, so the Commission has initiated the ACE programme, which has among its aims promotion of the development of clean technology and recycling techniques.

The fourth programme, which is currently in operation (1987-92), goes further and makes environmental protection an essential element of all economic and social policy. This new approach implies:

- *Systematic integration of environment policy into other Community policies*, in such areas as industry, transport, tourism, energy or development cooperation. The European Commission has also adopted internal procedures, based on the principle of impact studies, which should enable it to ensure that activities financed by its Regional and Agricultural Funds are compatible with the needs of environmental protection. This drive for compatibility and integration has already influenced the reorientation of the Community's agricultural and transport policies. It is also made necessary by the development of trade and the growth which will result from the creation of the large market of 1992; that is why the Commission has given a group of national experts the task of gauging the effectiveness of the financial and fiscal incentives (taxes on oil products, for example) sought by economists specializing in the environment. As an integrational and preventive approach also requires a good knowledge of the ecological state of affairs, the Commission has proposed that a European Environment Agency be set up. This body would be largely autonomous and would be open to European countries which are not members of the Community. It will have the task of collecting and distributing the scientific and technical information needed for implementing effective policies; in particular it will manage an environmental data bank which is at present being assembled under the Corine programme.

- *Establishment of stricter environmental standards as part of the realization of the large European internal market.* This is an economic as well as an ecological imperative: to be competitive on a world scale European industry must adapt to the growing demands for stricter standards and non-pollutant products. We should add that the manufacture of quality products involves investment which should benefit employment. The strengthening of Community standards on gas emissions from vehicles is an example of this policy.
  
- *Developing investment in improving the environment.* The Community already plays a significant role in this regard. The European Investment Bank (EIB) gives loans for installing waste treatment equipment, for purifying stations, for projects to improve water quality or reduce air or noise pollution, etc. Other EIB lending under the headings of high technology, regional development or energy frequently has positive effects for the environment. In the Mediterranean countries the EIB cooperates with the World Bank to promote the financing of projects in favour of the environment. Many grants given by the European Regional Development Fund have similar aims, and these will be increased under the new Envireo programme, designed for this very purpose. Moreover, since 1984 the ACE programme enables the Commission to give financial support to Community environmental activities concerned with the development of clean technology, making use of waste and conserving important biotopes. One particular programme, Medspa, is to be devoted to improving the Mediterranean environment. Looking ahead, the Commission envisages the creation of a European Environment Fund, which would enable the range of financial aid to be widened. It has already authorized public authorities to give financial aid, within certain limits, for anti-pollution investment by businesses. A basic Community principle, 'the polluter pays', implies that improvement of the environment should be paid for firstly by those responsible for damaging it.
  
- *Better information at all levels.* The Council of Ministers should soon adopt a proposal from the European Commission that aims, on the one hand, to improve people's right of access to information held by the authorities responsible for the environment and, on the other hand, to encourage those authorities to distribute the information more widely. People will thus be better enabled to know their rights and defend their interests; they can also become more aware of the basis for the measures taken by the authorities in order to protect and improve the environment. It is in the same spirit that the Commission is continuing activities initiated during the European Year of the Environment (1987); the European prizes for a better environment, which are aimed at industry; the '1 000 localities' operation, which gets local representatives and associations involved in projects to improve the environment; the 'European Blue Flag' campaign, which selects the Community's cleanest beaches and ports.
  
- *Effective implementation of Community legislation.* The Member States are too often slow in implementing on their territory the 200 or so legal texts adopted by the Community. As a result the European Commission is obliged to start infringement procedures, which can lead to the defaulting Member States being brought before the European Court of Justice. These *a posteriori* measures are not

enough; the Commission intends to supplement them with mechanisms for encouraging proper implementation of Community law by giving new status to the dialogue with national services.

- *The use and coordination of a wide range of approaches to pollution prevention and control.* The diversity and complexity of the problems makes necessary a wide variety of methods. There are approaches focused on the source of pollution, on the pollutant substance or on the actual environment affected, as well as measures defining product standards, emission limits or environmental quality objectives, and also economic incentives. This diversification should not distract from the need for coordination of sectoral activities: this is indispensable for avoiding transfers of pollution, which can sometimes require very specifically targeted measures.

Community environment policy is concentrated around two principal themes: combating pollution and environmental damage on the one hand, and improving management of space, the environment and natural resources, on the other. In recent years international action and scientific research have also become increasingly important elements of the policy.

### **Combating pollution and damage to the environment**

- *Cleaner water.* There are several Community directives concerned with protecting underground and surface water, both salt water and fresh. Quality objectives have been set for bathing water, drinking water, fresh water suited to fish life and water used for rearing molluscs and crustaceans. A system of prior authorization, quantitative limits and quality objectives regulates discharge of dangerous substances which figure on 'grey' and 'black' lists according to their toxicity; limits for waste and quality objectives for the aquatic environment have been set in regard to mercury, cadmium, lindane, DDT and a long list of chemicals — a list which is destined to be further extended in the future. In parallel with these measures, specific ones provide for the control and gradual reduction of waste from the titanium dioxide industry, which causes the infamous 'red mud'. The Community is also preparing to take measures to protect fresh, coastal and sea waters against pollution by nitrates from agricultural effluent and from municipal purifying plants, as well as provisions in regard to treatment of urban waste water, dumping of waste at sea and specific waste products from certain industries. Measures to improve the overall quality of the Community's surface water are envisaged besides. In addition to these legal provisions we must mention procedures for exchange of information on the results of freshwater pollution measures as well as on controlling and reducing pollution caused by discharging hydrocarbons and other dangerous substances at sea. By implementing a wide range of measures, the Community is doing its best to have better prevention in the most sensitive zones, zones which are often covered by international conventions to which the Community is a party: the Rhine, the North Atlantic and North Sea, the Mediterranean<sup>1</sup>.

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<sup>1</sup> For further details see *European File No 8/89: 'The European Community and water'*.

- *Clean air.* Community directives set quality objectives and limits for pollution by lead, sulphur dioxide and suspended particles. For control of suspended particles, there is an information exchange procedure which links together the national monitoring networks. Since the 'acid rain' phenomenon made headlines, the directives on pollutant emissions from petrol and diesel vehicles have been considerably strengthened; the fact that lead-free petrol is now coming into general use is also due to the efforts of the European institutions. With the same aim of protecting human health, nature and our architectural heritage, the Community has adopted a framework directive on fighting atmospheric pollution from large industrial plants. This measure is supplemented by others which deal with large-scale combustion plants, and with centres for incineration of municipal waste and disposal of used oil. In addition, the Twelve have set air quality standards in respect of nitrogen dioxide and adopted joint preventive measures to reduce asbestos pollution. A vast work programme was recently initiated to study the greenhouse effect and to find ways to limit the heating-up of the atmosphere. Specific measures are also envisaged to reduce pollution by substances such as photochemical oxidants. Finally, on the international plane, the Community is an active participant in the work of the Geneva Convention on long-distance cross-border atmospheric pollution.
  
- *Less noise.* To combat the harmful effects of noise, the Community programme attaches priority to reducing noise at the source. As a result, Community directives are aimed mainly at the noisiest sources: road vehicles (cars, motorcycles, trucks), aircraft, worksite machinery, lawnmowers, etc. These measures must be regularly stepped up and adapted to technical progress. Where aircraft are concerned, the directive aims to regulate so as to authorize the use only of models which meet certain noise standards. In future the European Commission will make every effort to develop a more global anti-noise strategy, going beyond the approach based on the noise emission levels of products.
  
- *Better control of the risks related to chemicals and to advances in biotechnology.* A Community directive provides a general procedure for notification, evaluation and control of chemicals put on the market since September 1981; to provide complete protection against chemical risks, chemicals marketed before that date must be listed in the EINECS (European inventory of existing commercial chemical substances). In addition, measures have been taken in regard to the classification and labelling of dangerous substances and preparations; the lists of these substances are regularly added to and particular attention is paid to carcinogenic ones. In 1988 the Twelve also adopted an action programme against cadmium pollution of the environment. The Community has restricted the use of other dangerous products and preparations such as PCBs and certain phyto-pharmaceutical preparations. Biodegradability standards have also been set for detergents, and labelling of detergents and of household cleaning products is the subject of a recent agreement between the European Commission and industry. Also, because of the disturbing depletion of the ozone layer which protects us from ultraviolet rays, the Community has adopted a series of measures to bring about a substantial reduction of CFCs and other substances responsible for this phenomenon; internationally it is taking an active part in the work of the Vienna Convention on the protection of the ozone layer.

In addition, following the accident at Seveso, a directive was drawn up in 1982 and reinforced in 1986 and 1988 with the aim of preventing major accidents resulting from certain industrial activities and limiting their consequences where they do occur, by requiring safety measures and emergency plans to be drawn up. Developments in biotechnology have also been taken into account: the Council of Ministers reached agreement in 1989 on two directives, one to regulate the confined use of genetically modified micro-organisms and the other to lay down rules on the deliberate release of such organisms into the environment. These measures provide for assessment of the risks as well as procedures for notification (and in some cases authorization) of research, production and marketing of products. Finally, it should be recalled that the Community has a civil protection programme; a range of measures has been taken in that context to promote mutual assistance and coordination of aid in case of major technological disaster or natural catastrophe<sup>1</sup>.

- *Enhanced nuclear safety.* The Community has drawn up basic standards for protection of the population and of workers against radiation risks. After the Chernobyl accident it took initiatives in several fields: protection of health against contamination of food, improvement of information systems relating to radiation emergencies, installation of networks for mutual protection and assistance in case of accident or emergency, public information. The Community is also pursuing several research programmes in the field of nuclear safety<sup>2</sup>.

## **Conservation of nature and of natural resources**

- *Protecting our natural heritage.* This requires more rational management of the Community's territory, which is much in demand for agricultural and industrial development. As farming and forestry occupies more than 80 % of its territory, the Community has undertaken many studies. These have resulted notably in the banning of certain pesticides and in a directive to regulate the use of sewage sludge in agriculture. The fourth environmental protection programme provides for other measures to deal with the main causes of deterioration in the quality of the soil: contamination by dangerous substances, physical deterioration (particularly erosion) and improper use of soil. The quantity of chromium in sewage sludge for agricultural use should also be restricted soon. In addition, in liaison with its agricultural and regional policies, the Community is continuing its efforts to assist coastal and mountain regions, in which the environment is threatened by the great changes of our time (rural depopulation, tourism, etc.). It is in the process of studying ways of rehabilitating certain urban areas which are in decline. A five-year programme to protect forests from fire and acid rain was initiated in 1987.

On a wider scale, the Community hopes to develop a strategy for the conservation of tropical forests, the destruction of which is contributing at an alarming rate to

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<sup>1</sup> For further details see *European File* No 8/88: 'Towards a European society; civil protection'.

<sup>2</sup> For further details see *European File* No 12/89: 'Nuclear safety: the European Community after Chernobyl'.



the greenhouse effect and causing the extinction of many living species. To meet the threat of certain species of flora and fauna becoming rare or dying out, the Community has joined the international convention on trade in threatened species. The Community rules adopted in this regard go further than the convention in several respects: a directive on the conservation of wild birds, for example, is also aimed at protecting their habitats and restricting hunting and commercialization, in particular by prohibiting the use of non-selective means of hunting or capture. In the same spirit the European Commission submitted to the Twelve in 1988 a more general proposal for protecting all the natural habitats of wild animals and flowers. Community aid is already given for the conservation of such threatened biotopes and species as the Bonelli eagle, the wolf and the brown bear. The Community has also put an end to the importation of products made from the skins of baby seals and the ivory of African elephants. It has restricted the use of animals for scientific purposes and is preparing to prohibit the importation of furs from countries which allow the use of jaw traps.

- *The management of waste and the promotion of clean technology.* Every year the Community produces more than two billion tonnes of waste of all kinds, of which more than 30 million tonnes is dangerous; about 80 % of this waste can be put to use in one way or another (re-use, recuperation of secondary raw materials, energy production, etc.). Various directives adopted since 1975 are aimed at establishing a system of waste management. They provide for Member States to designate competent authorities with the task of managing waste in certain areas by drawing up disposal plans which include approval of treatment sites and the monitoring of waste from where it is produced to where it is disposed of. There are also specific directives which apply to PCBs, to used oil, to packaging of liquids for human consumption and to sewage sludge for agricultural use. Where treatment plants are concerned, the Council of Ministers has also adopted two directives which set the minimum conditions for the functioning of municipal waste incinerators. Taking account of changing situations and technology, the Commission has proposed a number of changes in the existing legal measures, which must above all be strengthened and better harmonized, particularly in regard to the definition of waste products. New directives have also been proposed. The purpose of one is to establish a harmonized system of marking and collecting batteries and accumulators which contain lead, mercury or cadmium. Another proposal makes provision for a system of civil responsibility without fault, focused on the producer of waste from a professional activity.

On the international level, in 1989 the Commission signed the Basle Convention, which established a system for keeping track of and supervising cross-border movements of dangerous waste; after that convention and in preparation for the large market of 1992, the Commission has undertaken a revision of the Community directive on the supervision of such movements. In the same context, the Community agreed during the renegotiation of the Lomé accords to prohibit all exports of Community waste to African, Caribbean and Pacific countries, who in their turn prohibit all such imports from all sources.

Finally, the Commission has adopted a waste management strategy which defines five lines of action; forestalling the making of waste by greater use of clean technology and production of 'green' products; promoting re-employment of

materials, improving disposal by setting drastic European standards for waste, reinforcing the rules for the transport of dangerous materials and making contaminated sites safe. What is involved here is the disposal of waste in a Community without internal frontiers; this strategy is based on the idea that waste must be disposed of at an adequate centre which is the nearest to the place of production and which complies with strict environmental requirements; sustained efforts will be needed to translate this idea into fact so that there is a coherent disposal network to provide the best possible guarantees for the environment.

### **Scientific research**

To provide the scientific data necessary for the implementation of environment policy, the Community has developed a dynamic research policy, now centred on the new STEP programme. Various work has been carried out jointly in the laboratories of member countries and of the Community. Some of the subjects of research are directly concerned with the protection of the environment as such: the effects of pollutants on health and the environment, the impact of chemicals, quality of air, water and soil, recycling of waste, clean technology, etc. Other subjects relate to nuclear safety, natural and climatological hazards, major technological risks and the observation from space of pollution and agricultural and forestry resources. To assess the viability of economic growth, the Commission has just created a network of scientific models to evaluate the links between the economy, pollution and environmental policies.

### **International action**

Environmental problems all the time increasingly overflow the borders of the Community. That is why it has joined a large number of international conventions which have the aim of protecting fauna, flora, the air or fresh and salt water, or managing dangerous waste. The Community coordinates the positions of Member States in many international forums; it also exchanges information with countries all over the world and carries out joint research with several non-member European countries. With the intensification of planetary problems such as the greenhouse effect, the depletion of the ozone layer, the destruction of tropical forests, the disappearance of species and their habitats, the effects of acid rain and cross-border transfers of toxic waste, the Community's international activity has continually increased. In this context it intends to become a centre of initiative, in relations with the countries of Central and Eastern Europe as well as in North-South relations and in big international organizations like the United Nations Environment Programme. This aim presupposes strengthening the commitment of Member States to the Community's main objectives. As they are closely attentive to the environmental problems of the Third World, the European Commission and the EIB are already watchful of the impact which projects financed by Community grants or loans could have on the environment. The Community has also established a notification system for the export of dangerous chemicals and gives financial and technical support to efforts against such great scourges as desertification, deforestation and deterioration of soil and water in the Third World ■

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