

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(82) 430 final.

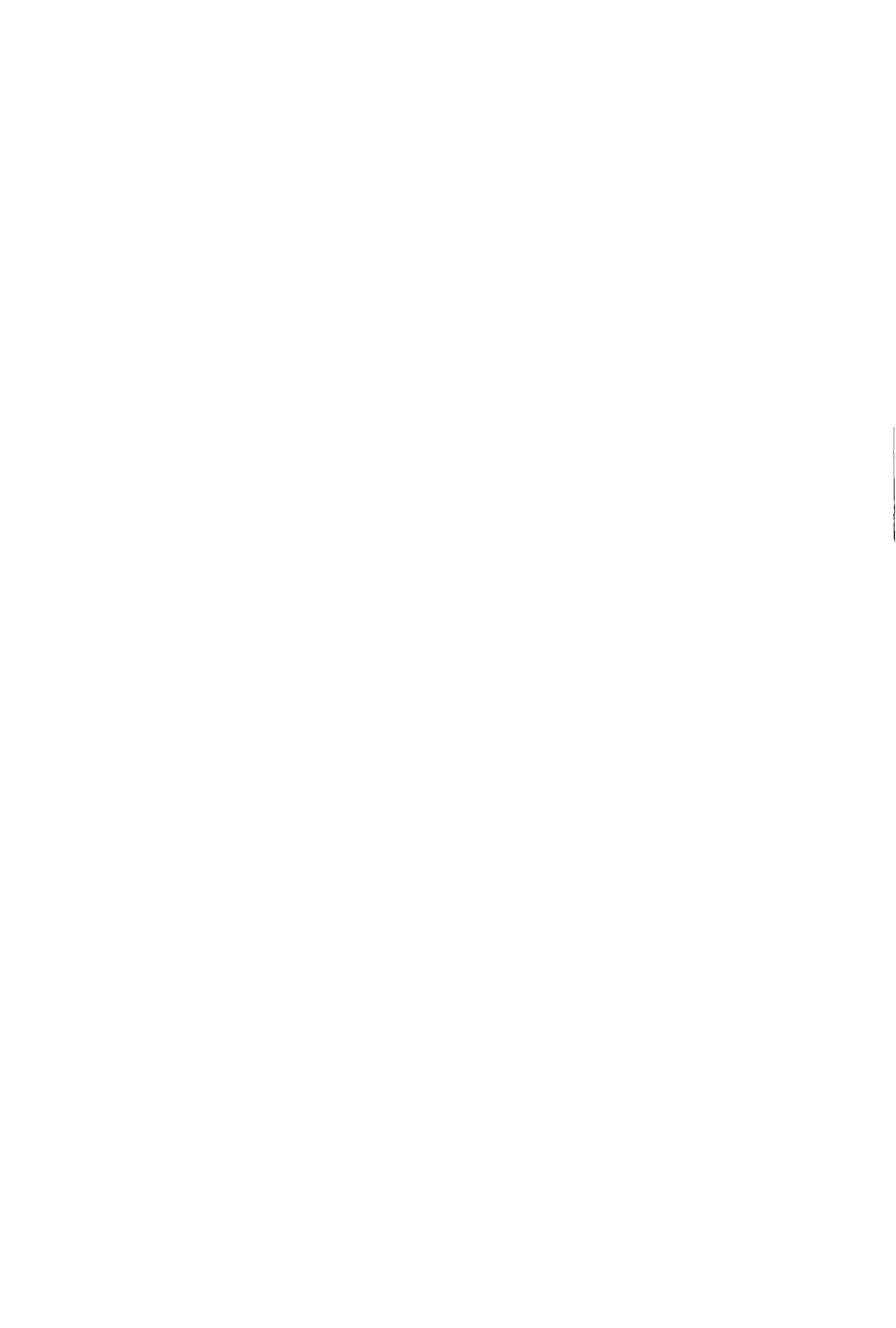
Brussels, 8 July 1982

Proposal for a
COUNCIL DIRECTIVE

amending Directive 78/176/EEC of 20 February 1978 on waste
from the titanium dioxide industry

(submitted to the Council by the Commission)

COM(82) 430 final.



1. INTRODUCTION

Under the environmental action programme of the European Communities of 20 December 1973, the Council adopted on 20 February 1978, the Directive on waste from the titanium dioxide industry (78/176/EEC), the purpose of which is to prevent and gradually reduce pollution from the titanium dioxide industry with a view to eliminating it.

The various Articles of this Directive lay down suitable measures for achieving this purpose, such as prior authorisations to discharges waste issued by the competent authority in the Member State on whose territory the waste arises, and the drawing up of programmes for the gradual reduction of the pollution with a view to its elimination.

Article 9 of the Directive stipulates, inter alia, that Member States shall draw up programmes for the progressive reduction of pollution caused by waste from industrial establishments producing titanium dioxide. These programmes were to be forwarded to the Commission by 1 July 1980 at the latest.

The programmes must cover all existing establishments and set general targets for the reduction of pollution from liquid, solid and gaseous waste to be met by 1 July 1987 at the latest. They must also include interim targets. They shall, moreover, contain information on the state of the environment concerned, on the measures to reduce pollution and on methods for treating waste that is directly due to the manufacturing process.

It is also foreseen that six months after receipt of all the national programmes suitable proposals for the harmonization of these programmes will be submitted to the Council and that the Member States will bring these programmes into operation by 1.1.1982 at the latest.

2. COMMENTS ON THE PROPOSAL FOR A DIRECTIVE

2.1. Pursuant to Article 9(3) the Commission received the Member States' reduction programmes between 3 July 1980 and 15 October 1981 after several reminders.

2.2. It emerged from initial study of the programmes received that the information supplied by the Member States pursuant to Article 9 (2) did not enable the Commission to send the Council suitable proposals

on harmonisation in connection with the reduction of pollution with a view to its elimination or to improve conditions of competition in the production of titanium dioxide.

Indeed, the information received from the Member States was not identical, comparable, or exhaustive as required by Article 9(2) and so the Commission was unable to assess the programmes as a whole.

2.3. In order to fulfil its obligations, the Commission has asked the Member States for additional information on (a) technical matters relating to the discharge effluents (tonnage, composition, frequency and discharge conditions) and (b) questions concerning costs (annual operating expenses etc.)

3. AIMS OF THE PROPOSAL

If the Commission is to be able to study the national programmes in the light of the additional information, sometimes incomplete, sent at its request, it has now become clear that the period of "6 months after receipt of all the national programmes" provided for in Article 9(3) of the Directive must to be extended to 30 October 1982.

This extension is needed for translations, meetings of experts and the sending of the appropriate proposal or proposals to the Council.

In addition the deadline for the introduction of the programme of 1 January 1982 in Article 9(4) of the Directive must be replaced by that of 1 June 1983.

4. CONSULTATION OF THE EUROPEAN PARLIAMENT AND OF THE ECONOMIC AND SOCIAL COMMITTEE

The opinion of the European Parliament is required under Articles 100 and 235 of the EEC Treaty. The Economic and Social Committee should also be consulted.

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the titanium dioxide industry

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic
Community, and in particular Articles 100 and 235 thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament,

Having regard to the Opinion of the Economic and Social Committee,

Whereas it is necessary to extend the time limits set in Article 9
of Directive 78/176/EEC (1) for the submission of appropriate pro-
positions for the harmonization of the programmes for the progressive
reduction of pollution and for the bringing into operation of these
programmes by the Member States.

(1) O.J. n° L 54, 25.2.1978, p.19.

HAS ADOPTED THIS DIRECTIVE :

Article 1

Article 9 of Directive 78/176/EEC is hereby amended as follows :

- in paragraph 3 "The programmes referred to in paragraph 1 shall be sent to the Commission by 1 July 1980 at the latest so that it may, within a period of six months after receipt of all the national programmes, submit suitable proposals to the Council" shall be replaced by "By 1 July 1980 at the latest the programmes referred to in paragraph 1 shall be sent to the Commission, which, before 30 October 1982, shall send the Council suitable proposals....";
- in paragraph 4 the date "1 January 1982" shall be replaced by "1 June 1983".

Article 2

This Directive is addressed to the Member States.

Done at Brussels,

For the Council,
The President