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EUROPEAN PARLIAMENT

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DOCUMENT 1-992/83

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. 1-260/83 - COM(83)
173 final) for a Council directive on the combatting
of air pollution from industrial plants

Rapporteur: Mrs V. SQUARCIALUPI

By letter of 20 April 1983, the President of the Council of the European Communities requested the European Parliament, pursuant to Articles 100 and 235 of the EEC Treaty, to deliver an opinion on the proposal from the Commission to the Council for a Council directive on the combating of air pollution from industrial plants.

On 16 May 1983, the President of the European Parliament referred this proposal to the Committee on the Environment, Public Health and Consumer Protection as the committee responsible and to the Committee on Economic and Monetary Affairs and the Committee on Energy, Research and Technology for an opinion.

At its meeting on 22 June 1983 the Committee on the Environment, Public Health and Consumer Protection appointed Mrs Squarcialupi rapporteur.

The committee considered the Commission's proposal at its meetings of 28 and 29 September, 17 and 18 October and 2 and 3 November 1983.

At the last-mentioned meeting, the committee decided unanimously to recommend that the Commission's proposal be approved with the following amendments.

The committee further decided to reserve the right, after hearing the Commission, to recommend to Parliament that it apply Rule 36(2) of the Rules of Procedure.

The motion for a resolution as a whole was adopted unanimously.

The following took part in the vote: Mr Collins, chairman; Mr Ryan, first vice-chairman; Mrs Weber, third vice-chairman; Mrs Squarcialupi, rapporteur; Mr Bombard, Mr Eisma (deputizing for Mrs Spaak), Mr Forth, Mr Ghergo, Mr Johnson, Mrs Lentz-Cornette, Mrs Krouwel-Vlam, Mr Muntingh, Mrs Schleicher, Mrs Seibel-Emmerling, Mr Sherlock and Mr Schmid (deputizing for Mrs van Hemeldonck).

The opinions of the Committee on Economic and Monetary Affairs and the Committee on Energy, Research and Technology are attached.

The report was tabled on 4 November 1983.

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A

The Committee on the Environment, Public Health and Consumer Protection hereby submits to the European Parliament on the basis of the attached explanatory statement, the following amendments to the proposal from the Commission and the following motion for a resolution:

Proposal for a Council directive on the combating of air pollution from industrial plants

Amendments proposed by the Committee on the Environment, Public Health and Consumer Protection

Text proposed by the Commission of the European Communities

AMENDMENT No. 1 14th recital and wherever applicable¹

Whereas, moreover, the competent national authorities cannot grant such authorization unless and that the air quality standards and emission limit values in force are not exceeded;

AMENDMENT No. 2

Article 2.1.

1. Air pollution means:

The introduction by man, directly or indirectly, of substances or energy into the air resulting in deleterious effects of such a nature as to endanger and harm human health, living resources and eco-systems and material property, and impair or interfere with housing and amenities and other legitimate uses of the environment. Harmful effects may be caused by chemical reactions between air pollutants or reactions with other substances present in the atmosphere

Article 2.1.

1. Air pollution means:

The introduction by man, directly or indirectly, of substances or energy into the air resulting in deleterious effects of such a nature as to endanger human health, harm living resources and eco-systems and material property, and impair or interfere with amenities and other legitimate uses of the environment.

¹See Article 2(5), Article 4(3), Article 5 and Article 7

AMENDMENT No. 3

Article 2.2.

2. Plant means: Any establishment or other stationary plant used for an industrial or any other purpose and which is not the subject of any appeal or dispute.

AMENDMENT No. 4

Article 2.4.

State of the art means: the state of development of advanced processes or equipment, which have proved their value, are comparable and economically viable indicating the practical feasibility of emission limitation measures.

(rest unchanged)

AMENDMENT No. 5

Article 2.5.

5. Air quality limit values means: the concentration of polluting substances in the surrounding air which is not to be exceeded within a specified period

AMENDMENT No. 6

Article 2.6.

6. Emission limit values means: The concentration or mass of polluting substances in emissions from

Article 2.2.

2. Plant means: any establishment or other stationary plant used for an industrial or any other purpose.

Article 2.4.

State of the art means: the state of development of advanced processes or equipment indicating the practical feasibility of an emission limitation measure which does not impose unreasonable costs.

Article 2.5.

5. Air quality limit values means: The concentration of polluting substances in the air which is not to be exceeded within a specified period

Article 2.6.

6. Emission limit values means: The concentration or

plants to be established in general or for specific categories of plants, not to be exceeded during a specified period, in accordance with the criteria laid down for applying the limit values.

mass of polluting substances in emissions from plants, to be established in general or for specific categories of plants, not to be exceeded during a specified period.

AMENDMENT No. 7

Article 3.1.

1. Member States shall take the necessary measures to ensure that the building, operation and substantial alteration of plants which are likely to cause air pollution require prior authorization by the competent authorities.

For the purposes of this directive, the competent authority shall be a regional or central authority, depending on the administrative structure of the country, which has the personnel required for implementing the procedure.

Article 3.1.

1. Member States shall take the necessary measures to ensure that the building, operation and substantial alteration of plants which are likely to cause air pollution require prior authorization by the competent authorities.

AMENDMENT No. 8

Article 3, new paragraph 3

3. The authorization shall be valid for a specific period, after which the conditions for authorization may be made more stringent on the basis of the new state of the art.

AMENDMENT No. 9

Article 4, preamble

Without prejudice to the requirements laid down by national and Community provisions with a purpose other than that of this directive, authorization may be granted only when and until such time as all the following conditions are fulfilled:

AMENDMENT No. 10

Article 4.1.

1. The building and operation of the plant do not entail any danger for the health of the population and of workers or any harm for human beings or the environment as a result of air pollution, to be assessed in both the medium and the long term.

AMENDMENT No. 11

Article 4.2.

2. All appropriate preventive measures are taken, in accordance with the state of the art to reduce the emission of substances referred to in Annex II,

AMENDMENT No. 12

Article 4.4. (new)

4. The directives on the protection of health at the place of work are complied with.

Article 4, preamble

Without prejudice to the requirements laid down by national and Community provisions with a purpose other than that of this directive, authorization may be granted only when all the following conditions are fulfilled:

Article 4.1.

1. The building and operation of the plant do not entail any danger for the health of the population and of workers or a significant harm for human beings or the environment as a result of air pollution.

Article 4.2.

2. All appropriate preventive measures are taken, in accordance with the state of the art, to prevent dangerous or harmful effects as referred to in paragraph 1, especially in order to reduce the emission of substances referred to in Annex II,

AMENDMENT No. 13

Article 5.

..... special conditions are complied with.
A plant outside the abovementioned areas and zones
and which can have more than a local influence, is
licensed only with such a restricted emission that
in the mentioned areas and zones the air quality will
not percentually diminish.

AMENDMENT No. 14

Article 6.

Applications for authorization of the plant shall include
a complete description of the projected plant containing
the necessary information for the purposes of the decision
to grant authorization in accordance with Articles 4 and 5.
Details not only of the influence on the surrounding
areas when the operation is normal but also of the
influence and probability of failure and calamities
should be supplied.

AMENDMENT No. 15

Article 6 new paragraph

If the subsequent routine checks show that emissions
do not meet the provisions of Article 4.3, an
authorization granted may be temporarily withdrawn.

Article 5.

..... special conditions
are complied with.

Article 6.

Applications for authorization
of the plant shall include a
description of the projected
plant containing the necessary
information for the purposes
of the decision to grant
authorization in accordance
with Articles 4 and 5.

AMENDMENT No. 16

Article 8.

1. The Council, acting by qualified majority on a proposal from the Commission, shall (-) fix emission limit values at Community level, on the basis of the state of the art, particularly for the polluting substances listed in Annex II.
2. The Commission shall submit to the Council a multi-annual phased plan fixing emission standards.
3. Priority shall be given to the substances listed in Annex I. Emission standards shall be accompanied by a phased plan for more stringent standards. For new and existing plants different emission standards shall be fixed. For existing plants a deadline shall be fixed for compliance with the standard. The directives and regulations on emission standards shall allow for additional compensation of costs to be granted, if necessary for individual plants in less-favoured regions.

AMENDMENT No. 17

Article 8, new paragraph

4. There shall be a Fund financed by Community levies collected by the Member States on the emissions from the plants covered by Annexes I and II. Compensation may be provided from the Fund for measures to limit existing trans-frontier emissions where the costs cannot be borne wholly by the undertaking concerned.

Article 8.

The Council shall if necessary acting by qualified majority on a proposal from the Commission, fix emission limit values at Community level, particularly for the polluting substances listed Annex II.

AMENDMENT No. 18

Article 9.1

1. Member States shall take the necessary measures to ensure that applications for authorization are published for the attention of people and their interest groups in their own country or other countries
(rest unchanged)

Article 9

1. Member States shall take the necessary measures to ensure that applications for authorization are published for the attention of people liable to be affected by significant air pollution caused by the plants in question.
2. Paragraph 1 - shall apply without prejudice to specific national or Community provisions concerning the assessment of the environmental impact of public and private projects and subject to observance of the provisions regarding commercial secrecy.

AMENDMENT No. 19

Article 11

... The measuring methods and equipment used shall require approval by the competent authorities. In cases where emissions do not conform to the provisions of Article 4, the authorization shall be suspended.

... The measuring methods and equipment used shall require approval by the competent authorities.

AMENDMENT No. 20

Article 12.2

Delete

Article 12.2

No such additional condition may be imposed which would not be economically feasible for the undertaking concerned or for plants of the category in question.

AMENDMENT No. 21

Article 14.1

1. The provisions of this directive shall be applied at the earliest to existing plants, taking into account their technical characteristics, the nature and extent of the pollutants they emit, the remaining useful life envisaged by the operator and the cost occasioned by such application.

Article 14.1.

1. The provisions of this directive shall be progressively applied to existing plants, taking into account their technical characteristics and the cost occasioned by such application.

AMENDMENT No. 22

Article 14.2.

Delete

Article 14.2.

2. Application of this directive may in no event have the effect of permitting applicable emission limit values to be exceeded by the plants concerned.

Amendments proposed by the Committee
on the Environment, Public Health and
Consumer Protection

Text proposed by the Commission
of the European Communities

AMENDMENT No. 23

Article 14, new paragraph 3

A redevelopment programme shall be set up and implemented for plants that cannot be adapted owing to technical and economic considerations.

AMENDMENT No. 24

Article 16

Delete

Article 16

This directive shall not prejudice the adoption by Member States of derogations required by considerations of national defence.

AMENDMENT No. 25

Article 18

A committee on adaptation to technical progress and to awareness of the environmental impact of the standards fixed for plants and the substances mentioned in annexes I and II, (herein after called "the Committee") is hereby set up. It shall consist of experts designated by the Member States and appointed by the Commission. The committee shall draw up its own rules of procedure.

Article 18

A committee on adaptation to technical progress of annexes I and II, (herein after called "the Committee") is hereby set up. It shall consist of representatives of the Member States and be chaired by a representative of the Commission.
The committee shall draw up its own rules of procedure.

AMENDMENT No. 26

New Article 19

1. Matters shall be referred to the Committee by the chairman, either on his own initiative or at the request of the representative of a Member State or of the European Parliament.
2. Where amendments to the annexes of this Directive are necessary to take account of technical progress, the Commission shall transmit such proposed amendments to the European Parliament.
3. Where the European Parliament wishes to deliver an opinion on such proposed amendments, it shall notify the Commission to that effect not later than three months after receipt of the proposed amendments. The opinion shall be delivered within three months of such notification or after two part-sessions whichever period is the longer.

Article 19

1. Matters shall be referred to the Committee by the chairman either on his own initiative or at the request of the representative of a Member State.
2. The representative of the Commission shall submit to the committee a draft of the measure to be adopted. The Committee shall deliver its opinion on the draft within a period to be set by the chairman having regard to the urgency of the matter. Opinions shall be adopted by a majority of 45 votes, the vote of the Member States being weighted as provided for in Article 148(2) of the Treaty. The chairman shall not vote.
3. a) The Commission shall adopt the measures envisaged where they are in accordance with the opinion of the Committee.
b) Where the measures envisaged are not in accordance with the opinion of the Committee or if no opinion is adopted, the Commission shall without delay propose to the Council the measures to be adopted. The Council shall act by a qualified majority.

c) If, within three months of the proposal being submitted to it, the Council has not acted, the proposed measures shall be adopted by the Commission.

4. Where the European Parliament does not notify the Commission within the time limit laid down in paragraph 2 that it wishes to deliver an opinion on the amendments, or has not delivered its opinion within the second time limit laid down in paragraph 2, the proposed amendments shall be referred to the committee provided for in Article 18. The deadline for Parliament's opinion may, in special cases, be extended with the Commission's assent.

5. Where the European Parliament delivers an opinion on the amendments the Commission shall immediately submit:

- a) where Parliament approves its amendments, these amendments,
- b) where Parliament has proposed amendments of its own which the Commission has endorsed, these new amendments,
- c) where it does not wish to follow Parliament's opinion, its own amendments and Parliament's opinion,

to the Council for a decision. The Council shall act by qualified majority.

6. If the Council has not acted within three months of the proposals being submitted to it, the proposed measures shall be adopted by the Commission.

AMENDMENT No. 27

Annex I, 2. 4th indent: after '1 ton and 500 kg' add: 'per day'

AMENDMENT No. 28

Annex I, 3: add a 5th indent:

- industries which use and produce glass fibres, glass wool, steel wool and glass containing heavy metals

AMENDMENT No. 29

Annex I, 4

Add the following

- Plants for the production of fertilizers
- Plants producing or using halogenated hydrocarbons

AMENDMENT No. 30

Annex I, 7: After 'industrial livestock rearing installations' add 'and intensive farming'

AMENDMENT No. 31

Annex II, add two new points:

9. Bromine and its compounds

10. Ammonia

MOTION FOR A RESOLUTION

closing the procedure for consultation of the European Parliament on the proposal from the Commission of the European Communities to the Council for a Council directive on the combating of air pollution from industrial plants

The European Parliament,

- having regard to the proposal from the Commission to the Council (COM(83) 173 final)¹,
- having been consulted by the Council in accordance with Articles 100 and 235 of the Treaty of Rome (Doc. 1-260/83),
- having regard to the report of the Committee on the Environment, Public Health and Consumer Protection and the opinions of the Committee on Energy, Research and Technology and the Committee on Economic and Monetary Affairs (Doc. 1-992/83),
- having regard to the result of the vote on the Commission's proposal,
 - A. - having regard to the 1973, 1977 and 1982 action programmes of the European Communities on the environment which stresses the importance of preventing and reducing air pollution,
 - B. - whereas the 1973 and 1977 action programmes specifically provide for the definition of quality objectives and the setting of quality standards particularly for a number of air pollutants considered to be the most dangerous,
 - C. - whereas the Council has already adopted certain directives to implement these programmes,
 - D. - having regard to the awareness and anxiety shown by the peoples of Europe concerning air pollution, and particularly 'acid rain' which causes great harm to the environment as a whole and especially to forests, buildings and monuments as well as to the health of European citizens,

¹ OJ No. C 139, 27.5.1983, p. 5.

1. Welcomes the Commission's proposal for a directive which seeks to deal with one of the most serious environmental threats in the Community countries namely air pollution;
2. Welcomes the fact that this proposal represents a first fundamental step, yet at the same time stresses the urgent need for this first step to be followed by further measures as quickly as possible for the measures in this proposal alone are not commensurate with the extent of current air pollution.
3. Considers that it is extremely difficult to withhold authorization for the functioning of a plant once it has been built and hopes therefore that the Council of Ministers will approve at the earliest opportunity the directive on environmental impact which is crucial for a policy of environmental protection;
4. Calls on the Commission to honour its commitment to set at an early date emission standards for the major air pollutants and the objectives for air quality in accordance with the suggestions contained in the 1983 action programme;
5. Hopes that measuring methods will be standardized throughout the Community as soon as possible;
6. Urges the Commission in the meantime to step up its own work on non-polluting technology and production cycles with a high level of saving on raw materials and energy;
7. Feels that the Commission should study the possibility of making proposals for Community-wide regulations on industrial secrecy, in particular in areas involving the health of the general public, in order to avoid creating unequal conditions of competition;
8. Feels that the provisions contained in a number of directives concerning the protection of industrial secrecy should be examined to ascertain whether they are compatible with health requirements;

9. Hopes further that studies will be encouraged and expanded for a serious assessment of the costs of eliminating pollution in order to obtain a sound cost-benefit evaluation, particularly as regards the possible repercussions on the community at large;
10. Regrets that the present directive contains too many derogations, often giving preference to national over Community legislation which does not help to eliminate the obstacles to competition;
11. Regrets, moreover, that the directive does not include an annex setting out the financial implications but hopes nonetheless that in future sufficient funds will be made available for it to become operative;
12. Annex I should be extended to take particular account of industrial plants affecting the air and contained in Annex 2 of the draft directive concerning the assessment of the environmental effects of certain public and private projects;
13. Calls on the Commission to add to the proposal for a directive a new article governing the closing down and clearance of plants and the imposition of a ban on the operation of plants;
14. Calls on the Commission to amend its proposal in the light of the amendments adopted by the European Parliament;
15. Instructs its President to forward to the Council and the Commission, as Parliament's opinion, the Commission's proposal as voted by Parliament and the corresponding resolution.

EXPLANATORY STATEMENT

CONTENTS OF THE DIRECTIVE

1. The purpose of the Council's directive on the combating of air pollution from industrial plants is to reinforce at Community level the combating of air pollution which in certain regions has reached disturbing levels. The directive lays down that the Member States shall submit for prior authorization the construction of industrial installations likely to cause pollution and that this authorization shall be subject to certain conditions.

2. Under current legislation in the Member States the authorization is subject to:

- (a) compliance with conditions formulated more or less explicitly and binding to a greater or lesser degree;
- (b) conditions expressed in the form of a general clause;
- (c) compliance with quality standards and/or emission standards expressed in figures.

3. This proposal for a directive complements the one already adopted by the Council on air quality limit values and guide values for sulphur dioxide and suspended particulates and the directive on limit value lead in the air. Other tests have set standards for particular products or for moving sources of air pollution. Notably there is the directive relating to the sulphur content of certain liquid fuels which sets standards for particular products, the directive on measures to be taken against pollution of the air by gases from positive-ignition engines of motor vehicles and the directive on the lead content of petrol. The Community has also become a party to the Convention on Long-Range Transboundary Air Pollution.

4. Community action to combat air pollution from industrial plants is therefore particularly timely especially as the national policies in this area are liable to lead to differing levels of protection and the likelihood of pollution being transferred to other regions as in the case of acid rain. Serious distortions of competition are also likely with direct repercussions on the functioning of the Common Market.

5. The plants mainly affected by the directive are those of the chemical, iron and steel, hydrocarbon and coal industries, electric power stations, industries connected with quarrying, cementmaking, non-ferrous metals, foundry, glass and ceramic industries.

The pollutants are sulphur dioxide and other sulphur compounds, oxides of nitrogen and other nitrogen compounds, carbon monoxide, organic substances and hydrocarbons excluding methane, heavy metals and the compounds of heavy metals, dust and suspended particulates and asbestos, chlorine and fluoride and their compounds. These substances may appear in the form of smoke, vapour, gas, dust and particles.

COMMENTS ON THE VARIOUS ARTICLES

Article 1: The term 'prevent' can only refer to environments still free from forms of atmospheric pollution. In the areas already affected, such as industrial zones, decisive action is to be taken to 'reduce pollution' through short-term programmes. Meanwhile in the medium and long-term the most affected environments are to be rehabilitated and the quality of other areas is to be preserved and improved.

Article 2(4): The state of the art cannot refer only to functioning plants but should also take account of other situations such as pilot-plants and research laboratories. The phrase 'measures which do not impose unreasonable costs' should be deleted since it does not indicate in relation to what the cost is assessed, who is to make the assessment and whether it is to be made on the basis of a cost/benefit analysis.

Article 2(5): The doubts raised by this paragraph are connected with the use of the concentration and the average interval of time for measuring the limit value. In the standard case of carcinogenic substances it is not the particular concentration nor the more or less limited period of exposure which causes the onset of disease but the amount absorbed by the individual.

Consequently the limits should be imposed on the quantity emitted rather than its concentration. It is also extremely important to take into consideration the likely synergic effects of polluting substances which may contribute to reducing more drastically the acceptable emission limit values.

Article 2(6): The alternative 'concentration or mass' referred to appears to be ambiguous since it should be clear that while the mass emitted can only be reduced by purification devices, altering the concentration simply requires a dilution of the waste, and this cannot be accepted as an instrument of prevention.

Article 3(1): On the subject of competent authorities each Member State must inform the Commission which are its competent authorities, either regional or central depending on the structure of the country, with the personnel necessary for ensuring the implementation of the directive.

Article 4(1): With regard to the 'significant' harm for human beings or the environment, it should be specified that this cannot be assessed merely over a short period. It is well known that there are diseases such as tumours which remain latent for long periods. It is therefore necessary to bear in mind the incidence of the accumulation of toxic substances in the human body.

Article 5: Here the distinction between areas to be protected and heavily polluted areas, which calls for a different assessment of intervention measures is especially relevant. In the case of areas to be specially protected conditions should be laid down to prevent any change in the quality of the environment while the only really effective way of dealing with situations of excessive pollution is to prevent the creation of new sources of pollution. This could mean refusing authorization for new installations as long as the pollution levels remain too high and encourage the restructuring within a given time of existing plants.

Article 6: The description of the plant and its specifications could run up against the barrier of industrial secrecy. It would therefore be advisable to lay down measures to counter this obstacle, particularly where public health is involved.

Article 8: It is difficult to understand why the Council should fix emission limit values at Community level only 'if necessary'. The report by the Commission expresses the opinion that limits which vary from State to State can and currently do give rise to obstacles to competition (paragraph 7 of page 3 of the report and paragraph 3 of page 5, on the reasons for Community action).

It therefore seems obvious that fixing these values throughout the Community would serve to overcome the problem.

Article 9(1): It is somewhat paradoxical that in a directive on the combating of air pollution it should be admitted that there are people liable to be exposed to the risks of 'significant air pollution' caused by the industrial plants to be built.

Article 9(2): With regard to the specific provisions concerning the assessment of the environmental impact it should be recalled that the Council of Ministers is still sitting on the proposal for a directive concerning the most vital instrument for environmental protection, the assessment of the environmental impact. This is waiting for approval and being subjected to continual pruning. Furthermore, the notion of 'observance of the provisions regarding commercial secrecy' is unclear. To be enforced by whom? How?

Article 10: The concept of this article is also unclear. What does 'make available to the other Member States concerned as a basis for all necessary consultation within the framework of their bilateral relations the same information as is furnished to their own nationals' mean? Why talk of bilateral relations in a Community document? Is it the fear of industrial espionage or the fear of revealing operations inspired by something other than the Community spirit between the States?

Article 12: Technology evolves by encouraging research. It is not enough merely to observe and record what others are doing and it is unthinkable that technological innovation will be encouraged by stating that 'no such additional condition may be imposed which would not be economically feasible' since it is common knowledge that cleaning up the effects of pollution is costly especially with innovatory procedures which only become profitable with time. Furthermore the principle of 'the polluter pays' should apply here and these costs should not have to be borne by the community at large.

Article 14(1): The time limits for applying the directive to existing plants should not be left vague, for industries need to plan their alteration work.

Article 14(2): It is somewhat disappointing to note that a directive like the one under consideration is no improvement on the previous ones and may contribute to a further deterioration of the environment in some States. This is almost certain to be the case in a State such as West Germany.

Article 16: It is rather difficult to understand why explicit mention should be made of derogations for the arms industry since it is to be hoped that to speak of 'considerations of national defence' does not mean 'state of war' in which case Community directives would certainly not be needed to protect the environment. Perhaps the arms industry is considered more important than the food industry to ensure survival? Or perhaps the arms industry is the only one that is not expected to pay for any pollution it causes?

Article 18: It would be more appropriate for the Committee on Adaptation to Technical Progress of the Annexes to be made up of independent experts rather than representatives of the Member States which would be merely a duplicate of COREPER.

Annexes I and II: Rather than simply a list, which is anyway incomplete, of the polluting plants and substances, a list of objective assessments of the danger levels of the substances which we breathe in daily would have been preferable.

Environmental quality standards

First and foremost the importance of fixing environmental quality standards at Community level should be made clear. This would be a way of getting round the criterion of emission limits for individual plants which has often meant inadequate restrictions or, worse still, has been over-restrictive and difficult to regulate. If the criterion of limiting individual emissions is applied in the case of a heavily polluted zone by increasing the number of industrial installations pollution could reach unacceptable levels with the increase of the number of operational industrial plants, even if each observes the emission values established for discharging waste. On the other hand if air quality standards were set it would be possible to:

- (a) oblige existing industries to adapt their plants to comply with emission standards;
- (b) to permit the installation of new polluting factories only on condition that the existing ones reduce their share of emissions of pollutants.

OPINION

(Rule 101 of the Rules of Procedure)
of the Committee on Economic and Monetary Affairs

Draftsman : Mrs DESOUCHES

On 20/21 June 1983, the Committee on Economic and Monetary Affairs appointed Mrs DESOUCHES draftsman.

At its meeting of 17, 18 and 19 October 1983 the committee considered the draft opinion and adopted it unanimously.

The following took part in the vote:

Mr J. Moreau, chairman; Mr Deleau, vice-chairman; Mr Papantoniou, draftsman (deputizing for Mrs Desouches); Mr Beazley, Mr Bonaccini, Mr Carossino (deputizing for Mr Fernandez), Mr Delorozoy, Mr Herman, Mr Leonardi, Mr Welsh and Mr von WOGAU.

The Committee on Economic and Monetary Affairs:

1. is of the opinion that air pollution from fixed industrial plant is causing damage on such a scale that concerted action to prevent and reduce this pollution is urgently required at national, international and Community level;
2. draws attention to the cost of reducing and preventing emissions; in order to prevent unequal conditions of competition being created by differences in national legislation, measures to prevent and reduce emissions from fixed industrial plant must be decided at Community level;
3. refers to its request in its recent opinion¹ that a system of authorization should be set up by the national authorities on the basis of Community standards; this compulsory system should apply both to the construction and operation of plant that could cause air pollution; the operation of plant should not have harmful consequences for human health, nor should there be large-scale adverse effects on man or the environment; notes with satisfaction that the proposal for a directive fulfils these criteria;
4. furthermore, the Committee on Economic and Monetary Affairs recommended in the opinion mentioned above that an acceptable Community standard should be established for emissions from permanent sources; in Article 8, the proposal for a directive makes provision for fixing emission limit values, particularly for certain polluting substances listed in an annex; given that the objective is a rapid stabilization and reduction of air pollution, the Commission must be urged to submit proposals that are specifically intended to establish emission levels as soon as possible as well as the time-limit for overall implementation of the regulations and the Council should take a decision, by a qualified majority, as stated in the proposal for a directive, without delay;
5. considers that the exchange of information mentioned in Article 7 of the proposal for a directive depends too much on Member States taking the initiative and suggests that the committee set up under Article 18 could organize a more systematic exchange of information;

¹ PE 84.966/fin. Opinion on the motion for a resolution on air pollution tabled pursuant to Rule 47 of the Rules of Procedure (Doc. 1-239/82), draftsman: Mr DE GOEDE.

6. is of the opinion that if building, running and modifying industrial plant in a particular Member State is likely to cause air pollution in another Member State, it should be made obligatory to hold consultations with the Member State concerned before authorization is granted; this is particularly important while there are still no Community emission standards;
7. is of the opinion that Article 12 of the proposal for a directive, which deals with technological and environmental trends, is too vague, the definition 'which would not be economically feasible for the undertaking concerned' should be expanded to include objective criteria by which economic feasibility should be determined by the enterprise;
8. recalls that the Committee on Economic and Monetary Affairs recommended in its earlier opinion, mentioned above, that the Commission should be given the power to intervene and impose sanctions so that the common rules and standards to be laid down are observed throughout the Community; notes however that in the proposal for a directive all the powers are conferred on the Member States and no provision is made for intervention or sanctions;
9. approves the proposal for a directive, subject to the reservations expressed above and pointing out that this can only be a first step towards reducing air pollution.

OPINION OF THE COMMITTEE ON ENERGY, RESEARCH AND TECHNOLOGY

Draftsman : Mr PETERSEN

On 24 March, 21 April and 26 May 1983, the Committee on Energy, Research and Technology appointed Mr PETERSEN draftsman of the opinion on the documents covered by this opinion.

The committee considered the draft opinion at its meetings of 24 March, 21 June and 29 September 1983 and at the last-mentioned meeting it adopted the conclusions by 12 votes to none with 4 abstentions.

The following took part in the vote : Mr Seligman, acting chairman; Mr Petersen, draftsman; Mr Adam, Mr Bernard, Mr Flanagan, Mr K. Fuchs, Mr Gauthier, Mr Linkohr, Mr Markopoulos, Mr Moreland, Mr Normanton, Mr Petronio, Mrs Phlix, Mr Purvis and Mr Veronesi.

The opinion was tabled on 4 October 1983.

I. INTRODUCTION

1. All other things being equal, energy policy goals have environmental implications. These may vary from one geographical area to another, but energy production and consumption in every country are inevitably dominated by the combustion of fossil fuels. Energy-related pollution also includes substantial contributions from households (especially from heating), industry and transport.

II. TECHNICAL ASPECTS OF POLLUTION

2. Sulphur and nitrogen compounds are released during combustion of fossil fuels; sulphur in the form of gaseous sulphur dioxide (SO_2) and nitrogen in a combination of the gases nitrogen monoxide (NO) and nitrogen dioxide (NO_2) (collectively known as NO_x).

These emissions combine with atmospheric H_2O (water vapour, rain, mist, etc.) to produce sulphuric acid (H_2SO_4) and nitric acid (HNO_3), hence the expressions 'acid rain' and 'smog'. Pollution may also take the form of dry deposition.

Acidification, natural biological processes and intensive methods of cultivation and harvesting in forestry and agriculture cause the release of heavy metals occurring naturally in the soil (copper, lead, zinc, mercury and cadmium), which may reach the groundwater. Acidification also leaches out mineral nutrients, and the aluminium released may inhibit root growth or kill roots.

3. Whereas these are the immediate effects of combustion, the long-term consequences are, in addition to the accumulation of all such substances in the ecosystem (causing damage, the nature and extent of which are as yet little known), an irreversible increase in atmospheric CO_2 , enhancing the 'green-house' effect and inhibiting photosynthesis in plants¹.

Extent of SO_2 pollution

4. A 1977 survey estimated that Europe (including the USSR) and North America emitted an annual total of at least 50 million tonnes of SO_2 ,

¹With potentially disastrous effects on the climate and on agricultural output.

about 80% from combustion and 20% from industrial processes. By way of comparison, pollution in Europe amounted to about 12 million tonnes of SO₂ in 1950¹.

5. In a survey² the OECD estimated the amount of SO₂ emitted on combustion by its European members at over 20 million tonnes in 1974 and slightly more today. The table below shows the 1974 figure for each country with a separate amount for industrial processes (to be added to the combustion emission figures).

SO₂ emissions by the OECD countries in Europe in 1974 (million tonnes)

Country	Combustion	Industrial Processes
Austria	0.336	0.106
Belgium	0.763	0.235
Denmark	0.422	0.202
Finland	0.330	0.218
France	2.982	0.318
Fed. Rep. of Germany	3.598	0.387
Greece	0.555	
Ireland	0.174	
Italy	2.644	0.207
Luxembourg	0.048	
Holland	0.244	0.299
Norway	0.121	0.061
Portugal	0.130	
Spain	1.451	
Sweden	0.580	0.250
Switzerland	0.143	0.009
Turkey	0.504	
U.K.	5.138	0.467
Total	20.170	

6. Our interest is not confined to the EEC countries, as SO₂ pollution crosses borders. The three major polluters in eastern Europe, Poland, the German Democratic Republic and Czechoslovakia, each emit quantities of SO₂ of the same order as do Italy and France.

¹'Programme on long-range transport of air pollutants' OECD, 1977.

²'The Costs and Benefits of Sulphur Oxide Control', OECD 1981

III. CAUSES AND EFFECTS

7. Only recently have dying forests in densely populated and industrialized areas of Europe and dying lakes in 'unpolluted' natural regions far from industrial areas provided visible evidence of cause and effect, although perhaps not direct proof, especially in the case of dying lakes. Increasing corrosion is further visible evidence. The damage caused to health is as yet incalculable, not to mention the impact on the bacteria in the soil which recycle the nitrogen and carbon compounds in the food chain, on which our whole biosphere depends. There is also physical damage to buildings of all kinds, costing huge sums each year. The damage to the Acropolis is the best example of this.

8. The blame has been put on power stations in particular, and industry. Faced with the huge cost of purifying (or further purifying) the toxic flue gases they emit, they questioned the cause and effect relationship described above and called for further investigations.

9. Two comprehensive investigations into the matter have indeed been carried out, both in the USA¹, and the findings published in June 1983. Both establish a direct link between the quantity of flue gases emitted and the quantity of acid rain or deposited gases (dry deposition). The central conclusion is unambiguous: acid rain is a problem, and a reduction of emissions is the solution!

10. In other words they have proved something that should have been obvious: you cannot go on belching out tons of toxic substances and gases, some of which produce acids, year after year without consequences. until recently the latter were invisible which the chemical and biological resistance of the soil and lakes was able to absorb the pollution, but gradually as the capacity to absorb and partly neutralize the acids was eroded the damage has become apparent. The situation has not been improved by the fact that farmers themselves are great offenders, spreading equally toxic substances.

IV. DESULPHURIZATION - THE TECHNICAL ASPECTS

11. It should be obvious that dilution techniques, i.e. building high chimney stacks at power stations or other energy-producing or consuming

¹One by the National Academy of Science and the other commissioned by the President's scientific advisers.

plant, are no more the answer to the pollution problem than is the planting of 'smoke-resistant' trees or the intensive use of fertilizers and adding lime to increase resistance to pollution.

12. There are various technical ways of reducing SO_2 and they may be broken down into three classes or strategies: (1) curative, (2) diversion and (3) preventive. The first includes the spreading of lime in affected areas (e.g. lakes and woods), planting resistant trees and the like, with the aim of increasing resistance to SO_2 pollution. The second strategy attempts to dilute the pollution, and includes the use of low sulphur content fuels. The third strategy involved the desulphurization of fuel before or during combustion, and flue gas scrubbing after combustion.

13. It must be realized that the first strategy can be no more than a necessary interim solution, as the damage already caused and the expenditure and time required to install scrubbing systems as described in the third strategy mean that SO_2 emissions will continue for years. The second strategy is unacceptable, apart from the use of low sulphur content fuels, which should really fall under the third strategy. On the other hand the third strategy must be pursued with all the resources available, as the EEC and its neighbours will have to use fossil fuels to meet most of their energy requirements for years into the future, for familiar energy policy and economic reasons.

14. It is astonishing how rarely the increased use of renewable energy resources, combined heat and power systems, energy saving and the rational use of energy are mentioned among the preventive methods of reducing SO_2 pollution, and then only in passing. There is great potential here for reducing the consumption of fossil fuels. Of course there is also the use of nuclear power, but that raises other problems.

V. DESULPHURIZATION - THE COST

15. Flue gas scrubbing involves substantial cost, but also brings savings (especially under the first strategy) and the benefits are often difficult to quantify in financial terms, e.g. a cleaner and better

environment. It is generally assumed that reducing SO₂ emissions by half would restore the ecological cycle's ability to absorb and/or neutralize pollution.

16. The Academy of Science calculates that a 50% reduction in the USA would increase electricity and heating prices by 5%. In its study, the OECD estimates that reducing SO₂ emissions by half in western Europe today (using known technology as mentioned in the third strategy) would cost \$4,600 million (in 1980 US dollars) (about £2,700 million) or \$400 per tonne of SO₂ removed. This would cost Italy about \$1,000 million and the Federal Republic of Germany, France and the UK about \$600-700 million each per year. In Denmark it has been calculated that complete elimination of SO₂ emissions would cost about Dkr 4,000 million (1982 prices) (a good \$500 million) in capital costs and a quarter of that again in annual running costs.

17. Expenditure would vary between 2.5 - 3.5% of total energy costs. The capital cost averages 0.6% of GNP for western Europe as a whole, and varies from one country to another between 0.1 - 0.3% and 1.0 - 1.2%.

18. costs vary widely according to the type of fuel used (with varying sulphur content), and the varying size and especially age of the power stations concerned (the older and smaller the power station, the higher the relative capital cost).

19. The argument as to who is to pay for scrubbing SO₂ emissions continues unabated. Should the polluter pay; if not, who should? It has to be admitted that many problems are involved (political, administrative and fiscal), as pollution does not stop at frontiers (and national frontiers are not the only ones involved). The one certainty is that the consumer will end up paying for the goods and services he desires and needs from the undertaking emitting sulphur dioxide. Although it is politically difficult, we must all acknowledge that we have to pay for a cleaner environment, regardless of whether we use clean or dirty energy (usually a matter of chance) just as we pay (individually or via taxes) for research, hospitals, schools and roads, whether we use them or not. Perhaps a change of attitude is needed before we acknowledge that purification costs must be included in the final price of energy, as are the cost of building power stations and transmitting power. The EEC has clear responsibilities in this international problem.

VI. ACTION

20. On the basis of the above, the motions for resolutions we are considering here, and the Commission's words in its proposal for a directive, it can be said that we are facing a disaster and must take action immediately.

21. If action is morally and politically necessary, and technically feasible, it must be made financially possible.

In terms of energy policy we must produce energy in the cleanest possible way. This can be done either by the use of non-polluting energy sources or by savings achieved by the rational use of energy (in conformity with Community and national energy objectives). The most up-to-date and efficient techniques for purifying fuels and emissions must be used, as well as low sulphur fuels.

22. From the research and technology point of view there must be investment in producing effective and cheap technology for purification processes¹, and at the same time efforts must continue to develop techniques for more efficient use of energy, energy saving and the use of solar energy in the widest sense. European know-how and expertise can be applied here, and the employment and export opportunities are substantial. There are many excellent energy technology institutes in Europe, but cooperation between them and the exchange of information on the state of the art leave much to be desired. Cooperation can be encouraged without necessarily stifling healthy competition. It is the Commission's responsibility to point out gaps in technical knowledge and to indicate possible fields of cooperation (which it does, albeit sporadically). There is no need to set up new institutes for the purpose, but it might be desirable to lend financial support to those best placed to deal with specific projects, the normal community criteria for aid serving in the selection of projects and/or contracting parties and implementation.

¹ A coal-fired 4MW district-heating station which is pollution-free and recycles all flue gas energy and coal dust has been built at Kibaek in Denmark. The 7,800 g/hour of sulphur normally emitted has been reduced to 100g/hour. The plant operates economically, partly by virtue of the recycling of heat to produce savings of 14%. The technology can be applied in district-heating stations of up to 20 MW and probably larger.

VII. OBJECTIVES

23. Community action will of course require clear objectives for reducing emissions over a specific period, the aim being to restore the ecological cycle's ability to neutralize pollution.

24. It is therefore clear that the Commission's proposal for a directive on air pollution from industrial plant does not go far enough, encumbered as it is with exemptions. At most it seems to provide a lowest common denominator,, and it contains no sanctions against polluters failing to comply with the directive. The Committee recommends that the proposal be referred back to the Commission for further consideration. It is essential for any new Commission proposal to include a detailed estimate of the financial and economic costs associated with more far-reaching directives.

25. The minimum objectives for non-destructive energy consumption and the use of fossil fuels, including industry, must include:

A. PURIFICATION OF EMISSIONS

To levels where the atmosphere and the biosphere in general is capable of neutralizing pollutants; the pollution to be at least halved by the year 2,000, but with the aim of further reductions down to the technically feasible minimum during the first decade of the new millenium. This goal entails

B. GREATER TECHNOLOGICAL AND SCIENTIFIC COOPERATION

Objective A. cannot be achieved without substantial and increased efforts to obtain the technology required.

As we have to deal with trans-frontier pollution calling for international cooperation, the Community must take action on several fronts with the aim of:

1. charting the sources, quantities and effects of pollution;
2. indicating the action required, including technological action;
3. offering financial aid to produce the technology required, applying the usual criteria for Community aid (conformity with objectives, selection of projects and their execution);
4. community action in cases where the emission limits are breached.

These measures call for

C. AN INCREASE IN BINDING INTERNATIONAL COOPERATION

While the Community is submitting proposals concerning the objectives listed in A. and B., and adopting its own implementing legislation, further international cooperation is required as the Community both emits pollution to and receives pollution from its neighbours, especially from eastern Europe.

The Commission is therefore requested to intensify its negotiations with other countries in appropriate forums with a view to securing legally binding agreements. These agreements should also include the waters adjoining the Community, i.e. the North Sea, the Baltic and the Mediterranean.