

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(86) 729 final

Brussels, 19 December 1986

Proposal for a
COUNCIL REGULATION

on action by the Community relating to the environment

(submitted to the Council by the Commission)

REPORT FROM THE COMMISSION TO THE COUNCIL, PARLIAMENT AND THE
ECONOMIC AND SOCIAL COMMITTEE ON THE IMPLEMENTATION OF COUNCIL
REGULATION (EEC) No 1872/84 ON ACTION BY THE COMMUNITY RELATING
TO THE ENVIRONMENT

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I. EXPLANATORY MEMORANDUM

1. On 28 June 1984 the Council, acting on a Commission proposal, adopted Regulation (EEC) N° 1872/84 on action by the Community relating to the environment
2. This Regulation partly answered Parliament's call to set up a European Environment Fund. What is more, in 1983 Parliament entered appropriations specially for this purpose in the Community budget.
3. The basic idea behind this scheme was the recognition that legislation was only one component of a dynamic, effective policy to protect and improve the environment and quality of life. Any rational policy must include a preventive side too, employing other methods and back up or supporting schemes.
4. Against this background, Council Regulation (EEC) N° 1872/84 opened the door for the Community to grant financial support in three priority areas:
 - (a) demonstration projects aimed at developing new clean technologies;
 - (b) demonstration projects aimed at developing new techniques and methods for measuring and monitoring the quality of the natural environment;
 - (c) projects providing an incentive and aimed at contributing towards the maintenance or re-establishment of seriously threatened biotopes which are the habitat of endangered species and are of particular importance to the Community, under Directive 79/409/EEC.
5. These three areas were chosen because:
 - 5.1. Development of new clean technologies is a sine qua non for any economically rational pollution control policy.

In the absence of any method allowing complete internalization of the social costs of pollution, measures to promote the development of clean technologies help to tip the balance of economic interests in favour of environmental quality and industrial innovation.

At the same time a Community financial instrument to promote such development work is needed to avoid fragmentation of the markets or duplication of effort and subsequent needless expenditure on a series of similar national schemes.
 - 5.2. The development of new techniques and methods for measuring and monitoring the quality of the natural environment is an area for which the public authorities must assume direct responsibility.

After all, the aim is continuously to improve and refine the available ways of detecting unknown risks and to coordinate the environmental protection measures which they call for more closely.

¹ OJ N° L 176, 3.7.1984

- 5.3. Maintenance or re-establishment of seriously threatened biotopes which are the habitat of endangered species and are of particular importance to the Community are essential in order to avert irreversible damage to the Community's genetic diversity, part of the Community's common heritage which it is in everyone's interest to conserve in a spirit of solidarity. The Community's responsibility is all the greater considering that protection of the natural habitat cannot be divorced from economic activity, whether or not directly covered by the Community scheme. In any case, the Community has special responsibilities for sites covered by the Directive on the conservation of wild birds, the Berne and Bonn Conventions, or the Protocols to the Barcelona Convention, to which the Community is a contracting party.

What is more, the Council recognized action in this field as a priority when it adopted its 1983 resolution on the Community policy and action programme on the environment.² However, in view of the prominent role played by Directive 79/409/EEC, on that occasion the Council decided to limit the scope of the Regulation to biotopes covered by that Directive alone.

6. The attached report has been compiled on the implementation of Council Regulation (EEC) N° 1872/84 on action by the Community relating to the environment, as required by Article 11 of the Regulation.³

It shows that despite the complete lack of publicity enforced by the severely limited funds available, all circles concerned have been, and still are, showing a genuine interest. Together the eligible, promising proposals received would have required several times the funds available. As a result, many perfectly good projects had to be refused. All reactions received show a clear desire for the system to continue and to be expanded.

7. In the light of the experience built up over the first two years, the Commission is now submitting this proposal to ensure the continuity of the system after the three-year experimental period for Regulation 1872/84 expires on 3 July 1987.

This proposal makes a number of amendments to bring the Regulation into line with the facts and problems to have emerged so far. Some of them are designed to broaden or add to the scope of the Regulation where necessary, others to allow greater flexibility where experience has shown that this would be beneficial.

8. Main amendments proposed to Council Regulation (EEC) N° 1872/84

- 8.1. Period of validity (formerly Article 12)

If the system is to be fully effective, greater continuity is needed to facilitate planning by all parties concerned.

Consequently, the proposal is that the Regulation should apply indefinitely.

² OJ N° C 46, 17.2.1983

³ COM (

8.2. Scope (Article 1)

8.2.1. Clean technologies (Article 1 (1) (a))

Annex I to Regulation 1872/84 lists the specific areas eligible for support. Experience has shown that restrictions imposed at a given time can be unnecessarily rigid and rule out perfectly promising projects well worth support. At worst, they can lead to the selection of less attractive projects chosen solely because they belong to an area adjudged eligible once and for all.

However acceptable such a framework may be for a limited experimental period, a more permanent system would have to be more flexible.

Accordingly, the proposal is to delete from the new Regulation the list of areas eligible for support. Instead, the Commission proposes regularly specifying the sectors eligible in the invitations to submit proposals drawn up in consultation with the Advisory Committee.

8.2.2. Techniques for recycling and re-using waste (Article 1 (1)(b))

Even after clean technologies have been developed to prevent or reduce pollution or to cut down consumption of natural resources during the production process proper, waste disposal still remains a serious problem. Of course, clean technologies help to curb waste generation in the course of the manufacturing processes but they can do nothing to reduce consumer waste. Quite apart from the pollution caused by inadequate waste disposal, the associated loss of secondary raw materials and of re-usable products indubitably has an adverse impact on the Community's economy as well as on the environment. Recycling has made it possible to recover substantial amounts of key raw materials. The economic balance between waste management costs on the one hand and the cost of introducing new recycling processes minus the market value of the products recovered on the other hand sets the limits to what can be recovered and recycled. Current research is focusing on developing methods of extracting secondary raw materials at a reasonable price from wastes containing ever lower concentrations of them so that more and more waste can be re-used and, in the process, the pollution otherwise caused abated.

Unfortunately, technical and economic uncertainties make it difficult to raise the requisite investments and thus slow down practical application of research findings, just as in the case of clean technologies. A Community drive to encourage demonstration projects should help to bring about further progress in this field by assisting firms willing to put research findings into practice.

8.2.3. Techniques for locating and restoring sites contaminated by hazardous wastes or hazardous substances (Article 1 (1)(c))

Clean technologies help to cut pollution and save raw materials at source. Recycling is a highly effective addition to clean technologies both as a means of reducing pollution and as a way of saving (in this case, recovering) raw materials. But that still leaves pollution caused by disused tips, inadequate or uncontrolled dumping, discharges of hazardous wastes or dangerous substances or by accidents causing unacceptable contamination of soil and water. In reality, the number of reports of contaminated sites like these is growing steadily.

All too often the sites do not come to light until the pollution is already endangering human health and the natural environment and emergency clean-up measures are needed. Consequently, there is a growing need for measures to pinpoint and clean up sites like these. But, by and large, the appropriate technologies have yet to be found. The high risks posed by these contaminated sites support the case for schemes to promote the development of such techniques and methods.

The Community-wide scale of the problem makes a Community-wide approach not only desirable but also essential. Consequently, a clause allowing the Community to grant support to demonstration projects in this field would be a useful addition to the other measures planned.

8.2.4. Projects providing an incentive and aimed at contributing towards the protection, maintenance or re-establishment of areas of particular Community-wide importance for the conservation of nature and especially of seriously threatened biotopes which are the habitat of endangered species (Article 1(1)(e))

In a departure from the original Commission proposal when the Council decided, when it adopted Regulation 1872/84, to restrict its scope to biotopes coming under Directive 79/409/EEC on wild birds.

In a number of urgent cases, this restriction has made it impossible for the Community to grant support to protect the natural habitat of other severely endangered species in the Community, such as the monk seal, the brown bear, the sea turtle or certain bats, even though no-one denies that an effective, rapid Community campaign is essential to the survival of these species in the Community.

In the resolution on the 1982-1986 action programme on the environment⁴, the Council itself recognized protection of zones with a particularly sensitive environment and of importance to the Community as a whole as one of its priorities. Logically, this applies primarily to sites of Community-wide importance for the protection of nature and especially to the natural habitats of seriously endangered species on which the Berne, Bonn and Barcelona Conventions impose international obligations on the Community and the Member States. Considering that the disappearance of these species would be an irretrievable loss of part of the Community's common natural heritage but that often the regions directly affected lack resources on the necessary scale and that, therefore, Community-wide solidarity is called for, the new Regulation would lose credibility if it too precluded releasing funds from budget heading 6611 to save ecosystems vital to the survival of other selected species of fauna or flora in the Community in cases of emergency, other than bird species.

8.2.5. Projects providing an incentive and aiming at implementing a programme on the conservation or restoration of species threatened with extinction in the Community (Article 1(1)(f))

Sometimes schemes to conserve natural habitats are not enough to safeguard a species by themselves and need to be backed up by other measures to conserve and restore the populations. The Commission

⁴ OJ N° C 46, 17.2.1983

feels that the Community must have the capacity to support or even initiate its own schemes of this type for species in danger of dying out in the Community.

These schemes would include planning and implementing strategies combining direct measures to protect the habitats with applied research, monitoring of populations of the species concerned, public awareness campaigns and targeted campaigns (for example, to change or control certain economic or leisure activities and to introduce the appropriate management measures), plus schemes to recruit and train the requisite management staff, to establish suitable breeding grounds and to set up biological stations for applied research and rescue schemes.

Since only species genuinely in danger in the Community would qualify, the number of programmes would remain extremely limited. Nonetheless it is essential for the Community to have an instrument allowing rapid intervention whenever the need arises.

8.3. Financial provisions

8.3.1. Eligibility of projects falling within other Community programmes (final paragraph of Art. 1(1))

Projects covered by paragraphs 1(a), 1(b), 1(c), and 1(d) and falling within other Community programmes will remain ineligible.

However, it seems appropriate to allow projects covered by paragraphs 1(e) and 1(f) to combine support from different sources. For one thing, this would cause no problems with the conditions of competition. For another, schemes to protect nature usually have to compete against pressure from stronger economic interests. Consequently, it is sometimes desirable and essential to raise funds from a variety of different sources. For instance, such a combination of resources could be very⁵ helpful for the socio-structural policy for the adaptation of farming.

8.3.2. Appropriations (Article 1(2))

If the new Regulation is to apply indefinitely, there is no longer any sense estimating the amount needed. On the contrary, everything points in favour of the more flexible procedure of entering the figures in the budget of the European Communities according to the usual procedures.

8.3.3. Maximum Community contribution (Article 1(3))

The proposal is to retain the 30% limit for the demonstration projects covered by paragraphs 1(a) and 1(b).

After all, it is not inconceivable that these projects could make a certain profit if successful. At any event, the firms applying are never acting entirely without thought for their economic interests. Another factor not to be overlooked is the question of the conditions of competition.

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The projects covered by paragraphs 1(c) and 1(d) are a different case. They are schemes of interest primarily to the public at large. Many of these projects are already left to the public authorities since they are far less appealing to individual promoters' economic interests. Very often the financial resources of the regions concerned are too tight for them to pay a 70% share. Consequently, the maximum permitted Community share towards projects in these categories should be raised from 30% to 50%.

The same line of thinking applies to projects covered by paragraphs 1(e) and 1(f), which are generally opposed, not supported, by economic interests. Experience has shown that in cases like these it is sometimes extremely difficult, if not impossible, to secure the promoter's minimum share. As a result, urgent clean up operations are not carried out at all or are left too late to avert irreversible damage. For all these reasons, it has been proposed that in exceptional cases concerning species in genuine danger of extinction in the Community, the maximum Community share should be raised to 75% of the total cost of projects covered by paragraph 1(e) and that no ceiling should be set on programmes covered by paragraph 1(f).

8.4. Decision-making procedures (Article 5)

The Advisory Committee has proved so fast, efficient and satisfactory that the referral procedure provided for by Articles 5(2) and 5(3) of Regulation 1872/84 has never had to be invoked.

But even so, the procedure still needlessly complicates administration of the Regulation and delays definitive approval of the projects for at least two months.

In keeping with the spirit and letter of the Single Act, the Commission therefore proposes that the referral procedure should be deleted.

9. A financial statement is annexed to the proposal.

PROPOSAL FOR A COUNCIL REGULATION

on action by the Community relating to the environment

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 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, pursuant to Article 2 of the Treaty, the Community has as its task inter alia to promote throughout the Community a harmonious development of economic activities, continuous and balanced expansion and an increase in stability;

Whereas the Single European Act states that action by the Community relating to the environment shall have as its objective to preserve, protect and improve the quality of the environment, to contribute towards protecting human health, and to ensure a prudent and rational utilization of natural resources;

Whereas in its declaration of 22 November 1973¹ the Council adopted an action programme of the European Communities on the environment which was continued and extended on 17 May 1977;² whereas, in their resolution of 7 February 1983, the Council and the representatives of the Governments of the Member States meeting within the Council approved the general guidelines of an action programme of the European Communities on the environment (1982 to 1986);³

* If the Regulation is adopted after the entry into force of the Single European Act the legal basis should be changed to Article 130 S.

1 OJ N° C 112, 20.12.1973, p.1
2 OJ N° C 139, 13.6.1977, p.1
3 OJ N° C 46, 17.2.1983, p.1

Whereas, in order to ensure that the objectives formulated in this action programme are fully realized, it is necessary that the Community should contribute financially towards the carrying out of certain specific measures;

Whereas the development of clean technologies is a particularly appropriate way of ensuring a preventive reduction in pollution and a more careful use of natural resources in the most economically sensible fashion;

Whereas the development of techniques for recycling and reusing waste is necessary for better management of waste and/or natural resources;

Whereas a contribution should be made to the development of techniques for locating and restoring sites contaminated by hazardous wastes and/or hazardous substances;

Whereas the development of clean technologies and of improved techniques for the recycling of waste and for the restoration of contaminated sites is likely to have a positive effect on innovation and employment and to be of particular importance for small and medium sized enterprises;

Whereas experience has shown that it is necessary to encourage the development of new techniques and methods for measuring and monitoring the quality of the natural environment;

Whereas more use should be made of certain results of the Community research and development programmes relating to the environment and raw materials;

Whereas it is important that the Community should be able to make a contribution towards the protection, maintenance and re-establishment of areas of particular Community-wide importance for the conservation of nature and especially seriously threatened biotopes which are the habitat of endangered species;

Whereas it is necessary for the Community to be able to participate in the implementation of conservation programmes, particularly on populations of species in danger of extinction in the Community;

Whereas it is necessary that the Community should, within the limits of the budget funds available, grant financial support for projects relating to clean technologies, to techniques for recycling and reusing waste, to techniques for locating and restoring sites contaminated by hazardous wastes and/or hazardous substances, to techniques and methods for measuring and monitoring the quality of the natural environment, to schemes of importance for the conservation of nature and the conservation of species in danger of extinction in the Community;

Whereas an Advisory Committee should be set up to assist the Commission in implementing this Regulation and in particular in selecting the projects for which financial support may be granted

Whereas application of Council Regulation (EEC) N° 1872/84⁴ has demonstrated the benefits of a Community system to support action relating to the environment and the practicability of the procedures introduced under that Regulation;

Whereas the said Regulation should therefore be replaced, taking account of new requirements,

Whereas the Treaty does not provide the necessary powers*;

*This whereas should be removed if the legal basis is changed to Article 130 S

⁴ OJ No L 176, 3.7.1984, p.1

HAS ADOPTED THIS REGULATION:

Article 1

1. The Community may grant financial support for:

- (a) demonstration projects aimed at developing new clean technologies, i.e. technologies which cause little or no pollution and which may also be more economical in the use of natural resources;
- (b) demonstration projects aimed at developing techniques for recycling and reusing waste;
- (c) demonstration projects aimed at developing techniques for locating and restoring sites contaminated by hazardous wastes and/or hazardous substances;
- (d) demonstration projects aimed at developing new techniques and methods for measuring and monitoring the quality of the natural environment;
- (e) projects providing an incentive and aimed at contributing towards the protection, maintenance or re-establishment of areas of particular Community-wide importance for the conservation of nature and especially of seriously threatened biotopes which are the habitat of endangered species and are of importance to the Community;
- (f) projects providing an incentive and aimed at implementing programmes on the conservation or restoration of populations of species in danger of extinction in the Community.

Projects covered by (a), (b), (c) and (d) which are eligible for financial support under other Community instruments of a structural nature shall be excluded.

2. The necessary appropriations shall be entered annually in the statement of expenditure in the budget of the European Communities.

3. The financial support may:

- (i) be not more than 30% of the cost of the projects referred to in paragraph 1(a) and (b) and not more than 50% of the cost of the projects referred to in paragraph 1(c) and (d); and normally not more than 50% of the cost of the projects referred to in paragraph 1(e) and (f);
- (ii) be over 50% in exceptional cases where Community financial support of 50% would be insufficient for projects referred to in paragraph 1(e) or (f) concerning the habitat or populations of species threatened with extinction in the Community; for projects referred to in paragraph 1(e) Community financial support shall be not more than 75%.

Article 2

1. To be eligible for financial support, a project must be of interest to the Community and in terms of protection of the environment and/or the management of natural resources.

2. The projects referred to in Article 1(1)(a), (b) and (c) must:

- implement innovatory technologies or procedures for which the research phase may be considered completed but which are still untested or not yet in existence in the Community;
- by their demonstration value, be such as to encourage the creation of other installations or the application of processes of the same type which are capable of noticeably reducing adverse effects on the environment,
- first and foremost concern installations or procedures which:
 - . because of the large amounts or the particularly dangerous nature of their emissions seriously harm the environment, or
 - . make it possible to recycle or reuse waste of a nature posing serious environmental problems or
 - . make it possible to locate and/or restore sites contaminated by wastes and/or substances hazardous to human beings and the environment.

3. The projects referred to in Article 1(1)(d) must cover first and foremost the major air, water and soil pollutants and contribute towards harmonization of methods of measurement and the compatibility of measurement results obtained within the Community.

4. Financial support for the projects referred to in Article 1(1)(e) shall be commensurate with the importance of the area to the Community and with the urgency of the need for the financial support in question.

5. Financial support for the projects referred to in Article 1(1)(f) shall be commensurate with the urgency of the need to implement the programme and of the need for Community financial support.

Article 3

1. Applications for financial support for projects covered by Article 1(1)(a), (b), (c) and (d) that have been drawn up in response to an invitation to submit projects prepared by the Commission and published in the Official Journal of the European Communities shall be sent to the Commission, with copies to the competent authorities of the Member State concerned.

2. Applications for financial support for the projects referred to in Article 1(1)(e) shall be sent to the Commission by the Member States and contain the information specified in Annex I.

3. Applications for financial support for the projects referred to in Article 1(1)(f) shall be sent to the Commission by the Member States and shall contain the information specified in Annex II.

In cases where urgent action is needed to safeguard endangered species the Commission may study projects of the type referred to in Article 1(1)(f) on its own initiative.

Article 4

1. An Advisory Committee consisting of representatives of the Member States and chaired by a Commission representative is hereby set up. The Committee shall draw up its rules of procedure.

2. The Commission shall consult the Advisory Committee on inter alia:

- (i) the general conditions governing submission of the applications for financial support referred to in Article 3;
- (ii) preparation of the invitations to submit projects referred to in Article 3(1);
- (iii) any additional criteria to be applied in selecting projects for which applications for financial support have been submitted;
- (iv) the choice of projects for which financial support is to be granted in accordance with Article 5;
- (v) the levels of financial support to be granted to projects;
- (vi) the arrangements for disseminating the results.

3. The Committee shall deliberate on requests for its opinion from the Commission. When the Commission makes the request it may set a time limit by which the Committee should give it the opinion. No vote shall be taken at the end of the Committee's deliberations. However, each Committee member may ask for his opinion to be recorded in the minutes.

Article 5

1. The Commission shall decide whether to grant or refuse financial support for projects after consulting the Advisory Committee referred to in Article 4.

2. Where appropriate the Commission shall negotiate and conclude the necessary contracts.

Article 6

Financial support may be granted to the natural persons, or the legal persons constituted in accordance with the law of the Member States, who are responsible for the project.

If the creation of a legal entity for the purpose of carrying out a project involves additional costs for the participating undertakings, the project may be carried out simply by cooperation between natural or legal persons. In that case, responsibility for complying with the obligations resulting from Community support must be specified in the contract to be concluded with the Commission.

Article 7

Recipients of Community financial support shall send the Commission, each year or at its request, a report on the fulfilment of the obligations towards the Commission, and in particular on the progress of work on the project and the expenditure incurred in carrying it out.

Article 8

The benefits granted by the Community must not affect conditions of competition in a manner incompatible with the principles embodied in the relevant provisions of the Treaty.

Article 9

In the event of commercial exploitation of the results of a project, the Community may request repayment of its financial contribution in accordance with arrangements to be laid down in the contract.

Article 10

A list of the measures for which Community financial support has been granted shall be published each year in the Official Journal of the European Communities.

Article 11

Every three years the Commission shall submit a report on the implementation of this Regulation to the European Parliament and the Council.

Article 12

This Regulation shall enter into force on the day following its publication in the Official Journal of the European Communities.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

ANNEX I

LIST OF THE PARTICULARS TO BE PROVIDED UNDER ARTICLE 3(2)

- The location of the site in question and, where necessary, a map showing the boundaries of the area covered by the project,
- the importance of the site to the Community for the conservation of nature and, in appropriate cases, the degree of the risk to the biotopes and species concerned,
- the nature and extent of the problems which the project is intended to solve, and in particular the nature and extent of the threat,
- a detailed description of the project, and in particular of the organization of its management and of the results expected,
- the timetable for carrying out the project,
- the cost of the project, its viability and the financing arrangements proposed,
- the extent to which the Community financial support is urgently needed in order to implement the project,
- any other evidence supporting the application,
- the protection provided for the site in question at present and the protection planned,
- the proposed method of disseminating the results of the project.

ANNEX II

LIST OF PARTICULARS TO BE PROVIDED UNDER ARTICLE 3(3)

- The situation as regards conservation of the endangered species, and in particular the degree and immediacy of the threat of extinction,
- detailed description of the project, and in particular of the organization of its management and of the results expected,
- the timetable for carrying out the project,
- the cost of the project and the financing arrangements proposed,
- the extent to which Community financial support is urgently needed in order to carry out the project,
- any other evidence supporting the application,
- the proposed method of disseminating the results of the project.

STATEMENT OF THE IMPACT OF THE LEGISLATION ON SMALL FIRMS AND EMPLOYMENT

1. ADMINISTRATIVE OBLIGATIONS IMPOSED ON SMALL FIRMS
AS A RESULT OF APPLICATION OF THE LEGISLATION : NONE

2. ADVANTAGES FOR SMALL FIRMS
 - YES

 - WHICH: The Community financial support scheme to develop clean technologies and improved techniques for recycling of waste and the restoration of contaminated sites will be of particular relevance and interest to small firms.

3. DISADVANTAGES FOR SMALL FIRMS (extra costs)
 - NO

 - CONSEQUENCES: No adverse consequences.

4. IMPACT ON EMPLOYMENT

Probable positive impact since the incentive to innovate should boost competitiveness.

5. HAVE BOTH SIDES OF INDUSTRY BEEN CONSULTED BEFOREHAND?
 - NO

 - THEIR OPINION: NONE

6. IS THERE ANY ALTERNATIVE, LESS BINDING APPROACH? NO

FICHE FINANCIERECREDITS D'INTERVENTION1. Ligne budgétaire concernée

Poste 6600 Environnement : Intervention à moyen terme (nomenclature APB 87).

Anciens postes partiels : (budgets 1986)

Poste 6610 Actions en faveur du développement de technologies dites "propres" peu ou pas polluantes et plus économes en ressources naturelles.

Poste 6611 Protection de l'environnement dans certaines zones sensibles d'intérêt communautaire.

2. Base légale

- Déclaration du Conseil des Communautés Européennes et des représentants des Gouvernements réunis au sein du Conseil du 22 novembre 1973 prévoyant la mise en oeuvre d'un programme d'action des Communautés Européennes en matière d'environnement.
- Résolution du Conseil et des représentants des Gouvernements réunis au sein du Conseil le 17 mai 1977 pour la reconduction et complément du 1er programme pour la période 1977 - 1981.
- Résolution du Conseil des Communautés européennes et des représentants des Gouvernements des Etats membres, réunis au sein du Conseil du 7 février 1983, concernant la poursuite et la réalisation d'une politique et d'un programme d'action des Communautés européennes en matière d'environnement (1982-1986).

3. Proposition de classification en dépense obligatoire/non obligatoire

Dépense non obligatoire
Dépenses non prévues dans le traité.

4. Description et justification de l'action

4.1. Objectifs

La présente proposition a pour but de remplacer pour une durée indéterminée le règlement N° 1872/84 du Conseil adopté à titre expérimental pour une période de 3 ans expirant le 3 juillet 1987 et d'étendre son champ d'application.

4.1.1. Contribuer à un meilleur contrôle et à la réduction de la pollution ainsi qu'à l'innovation dans l'industrie par la promotion moyennant un soutien financier accordé à des projets de démonstration

- de technologies dites "propres";
- de techniques de recyclage et de réutilisation;
- de techniques de repérage et de réhabilitation de sites contaminés par des substances ou de déchets dangereux;
- de techniques et de méthodes de mesure et de surveillance de la qualité de l'environnement naturel.

4.1.2. Contribuer à la protection, au maintien et au rétablissement de zones d'importance particulière pour la Communauté pour la conservation de la nature en encourageant moyennant un soutien financier à des projets à caractère d'incitation.

4.2. Personnes concernées

Toute personne physique et morale établie dans la Communauté.

5. Nature de la dépense et mode de calcul

5.1. Nature :

- Projets de démonstration ou pilotes.
- Actions portant sur la conservation de certaines zones ou d'espèces menacées.
- Analyses descriptives .
- Réunions d'experts, colloques, séminaires, frais de mission, visites d'information et coordination, publication de rapports, prestations de service, collecte et diffusion d'information.

5.2. Calcul :

Les chiffres donnés pour chacun des articles constituent des évaluations forfaitaires globales qui sont révisées d'année en année.

Le règlement prévoit que les différents projets sont soumis avant l'approbation de la Commission à l'avis du Comité consultatif ACE, ce qui ne permet pas de donner actuellement la ventilation à l'intérieur de chacun de ces postes.

6. Incidence financière de l'action sur les crédits d'intervention

6.1. Echéancier des crédits d'engagement et de paiement

Avant-projet 1987		1988	1989	1990	Exercices ultérieurs
6610	CE 1.475	3.000	4.000	5.000	- à déterminer
	CP 3.400	2.000*	2.000*	2.500*	paiements des engagements pour les exercices antérieurs: à déterminer
6611	CE 2.200	3.000	4.000	5.000	idem
	CP 3.100	2.500*	4.000*	4.000*	

* sur les crédits de l'exercice non compté les paiements à effectuer sur les exercices antérieurs

6.2. Part du financement communautaire (en %) dans le coût total de l'action

Entre 30% et 100%.

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COMMUNICATION FROM THE COMMISSION TO THE COUNCIL,
EUROPEAN PARLIAMENT AND THE ECONOMIC AND SOCIAL COMMITTEE

REPORT ON THE IMPLEMENTATION OF COUNCIL REGULATION (EEC) N° 1872/84
ON ACTION BY THE COMMUNITY RELATING TO THE ENVIRONMENT¹

1. Article 11 of Council Regulation (EEC) N° 1872/84 states that the Commission shall submit an annual report on the implementation of that Regulation to the European Parliament and the Council.

In view of the date on which the Regulation was adopted and the procedures required for its implementation, a report submitted at the end of the first year would have had no information value.

This is therefore the Commission's first report on implementation of the Regulation and covers the period from 28 June 1984 to 3 July 1986.

2. Council Regulation (EEC) N° 1872/84 of 28 June 1984 came into force on 4 July 1984.

The Advisory Committee set up under Article 4 of the Regulation held its inaugural meeting on 9 and 10 July 1984. At that meeting it adopted its rules of procedure and discussed a number of general points regarding the carrying out of its tasks, one of which was to draft a first invitation to submit proposals under Article 1(1) (a) and (b) of the Regulation and guidelines on the submission and appraisal of applications under Article 1(1)(c).

Subsequently, separate meetings of the Committee were held to discuss, on the one hand, Article 1 (1)(a) and (b) and, on the other, Article 1(1)(c).

3. CLEAN TECHNOLOGIES AND MEASUREMENT METHODS

- 3.1. The Commission published an invitation to submit proposals² for demonstration projects in the fields of clean technologies and new techniques and methods for measuring and monitoring the natural environment on 20 April 1985, based on Council Regulation N° 1872/84.

The invitation to submit proposals listed the fields of application eligible for support at a maximum rate of 30% of the total cost of the project and allowed three months for the submission of proposals ending 20 July 1985.

Approximately 50 proposals for clean technologies projects were received with a total cost of about 35 million ECU - Table 1. A number of the projects submitted were not eligible for support either because they did not involve the demonstration of new clean technologies, or because they

¹ OJ L 176, 3 July 1984, p.1
² OJ N° C 100, 20 April 1985

were not in the industrial sectors referred to in Article 1 (1) (a) of the Regulation. The remaining projects were evaluated by independent technical experts and the Advisory Committee met on 22 October 1985 to assist the Commission to select projects for support.

The ten projects listed in Annex 1 to this report were chosen for support at a total cost of 3 056 931 ECU; subsequently one project (A-21-045) was withdrawn leaving nine projects with a total cost of 2 841 031 ECU. A further group of clean technology projects was selected by the Advisory Committee at its meeting on 2 July 1986, and the three supplementary projects listed in Annex 1 were chosen for support at a total cost of 439 000 ECU.

The clean technology demonstration programme is complemented by a research programme to investigate new and cleaner industrial processes; DG XII issued an invitation to submit research proposals in the field of environmental protection, including clean technologies, on 19 June 1986.

Article 1 (1)(b) of the Regulation envisages demonstration projects aimed at developing new techniques and methods for measuring and monitoring the quality of the natural environment, and the invitation to submit proposals contained a list of fields of application. A total of 60 proposals falling within the specified fields of application were received before the closing date at a total cost of approximately 7 million ECU - Table 1.

The proposals were assessed by independent technical experts and DG XII was also invited to comment on the research aspects of the proposals.

The Advisory Committee considered the proposals at its meeting on 2 July 1986 with the assistance of an independent technical expert, and the 19 monitoring projects listed in Annex II were chosen for support at a total cost of 1 936 950 ECU. Four additional monitoring projects at a total cost of 499 000 ECU were added to the list after consideration of further information requested by the Advisory Committee.

No Member State has invoked the procedure relating to these projects, laid down in Article 5.2..

Work on the first nine clean technology demonstration projects began in early 1986, but the additional clean technology projects and the measurement method projects have not yet started, and it is clearly too soon to attempt an evaluation of the success of the whole exercise. But an initial analysis of the clean technology projects submitted indicates that they are mainly concerned with making use of waste materials of cleaning of discharges, rather than genuinely new clean technologies. The proposals for measurement methods projects cover a wide range of environmental indicators and will undoubtedly produce interesting results. However, there does seem to be some difficulty in defining demonstration projects which fit into the gap between the routine use of established techniques on the one hand, and research into new and untried measurement methods on the other. Several proposals for measurement method projects had to be rejected because they were specific to one region and did not have a sufficiently wide Community interest.

3.2. The interest shown by industry in clean technology and the range of projects proposed suggest that the scope of a future regulation could be extended to include recycling and re-use of waste materials, and techniques for the decontamination and restoration of land contaminated by waste materials or industrial activity.

TABLE 1

PROJECTS SUBMITTED FOR SUPPORT UNDER ARTICLES 1. 1 (a) and 1. 1 (b)

	<u>FIELD OF APPLICATION</u>	<u>NUMBER</u>	<u>AMOUNT (ECU)</u>
1.1 (a)	Surface treatments	8	2.762.074
	Leather industry	3	593.830
	Textile industry	1	1.250.000
	Cellulose and paper	3	9.343.000
	Mining and quarrying	5	3.138.870
	Chemical industry	3	401.000
	Agri-food industry	7	3.723.260
		<u>30</u>	<u>21.212.034</u>
	Projects outside the scope of the art. 1.1.(a)	19	14.290.469
1.1.(b)	Emission of SO ₂ and NO _x	5	697.457
	Measurement of air pollutants	11	901.388
	Mod.matem.of air pollutants	5	661.153
	Improved monitoring methods	11	1.575.202
	Uptake of metals by plants	8	1.185.836
	Analysis for dioxins and furans	4	529.484
	Inter-regional biological indicators	16	1.554.309
		<u>60</u>	<u>7.104.829</u>
	Projects outside the scope of the art. 1.1(b)	3	264.596

The lessons learned during this first exercise will be valuable in planning similar operations in the future; in particular in selecting areas for Community support of demonstration projects, and in ensuring that the selection process is as efficient and fair as possible.

4. BIOTOPES SECTION

4.1. Between September 1984 and the end of the June 1986 the Member States submitted 69 applications for financial support under Article 1(1)(c) for a total amount of 27.73 m ECU (Table 2).

Member States	N° of applications	Total cost of projects
Belgium	4	1 673 200 ECU
Denmark	6	656 000 ECU
Federal Republic of Germany	6	12 273 000 ECU
Greece	4	1 296 000 ECU
France	9	2 300 000 ECU
Ireland	7	739 600 ECU
Italy	8	2 420 000 ECU
Luxembourg	-	-
Netherlands	6	1 320 000 ECU
United Kingdom	18	5 053 000 ECU
Total: 69		27 730 800 ECU

The Commission assessed these applications according to standard criteria and with the help of independent scientific experts. The Commission met with the Advisory Committee on 26 March 1985, 1 October 1985 and 18 June 1986 to discuss these assessments.

Following discussions in the Committee, 13 applications for a total amount of 1 155 000 ECU were either withdrawn by the Member State concerned or rejected by the Commission.

On 17 July³, 26 September and 11 December 1985 the Commission took decisions to grant Community support for the 23 projects listed in Annex 3 for a total amount of 3 540 000 ECU.

None of the Member States invoked the procedure provided for in Article 5 (2) of the Regulation in respect of any of these projects.

The Committee also decided in favour of another 19 projects. Before long, the Commission will be approving or preparing decisions on 15 of these projects and granting financial support of some 2 080 000 ECU. In view of requests made to the Commission by Member States, and taking into account anticipated future expenditure, the Commission will be in a position to make expenditure commitments for 1986 to cover the difference between expenditure already committed and the total amount which was originally thought appropriate for undertaking biotope projects (6.5 m. ECU).

³ Doc. C(85) 1151 final, 1523 final and 1976 final.

- 4.2. Considering the dates on which the applications for support were sent in and the dates on which the Commission was able to take decisions, and in view of implementation deadlines, it would clearly be premature to attempt a detailed assessment of all these projects.

However, it is possible to draw a number of general conclusions and to make some comments on implementation of this part of the Regulation to date.

- 4.2.1. Clearly there is considerable interest in Community financial support in all Member States. However, the extent to which this interest results in the submission of actual projects varies considerably from country to country, both with regard to the number and scope of the projects submitted. The main reasons for this are:

- that some regions have difficulty in finding the own resources required to obtain Community support (50%);

- administrative problems; as these projects have implications for land-use planning and the development of economic activities there has to be considerable coordination at local, regional and national level and between frequently divergent interests before a project can be submitted to the Commission.

So that these difficulties can be overcome, the Commission has staggered its decisions so that it can reserve funds for important conservation projects which for scientific or administrative reasons have taken longer to prepare than others.

- 4.2.2. As far as the quality of the projects chosen is concerned, the Commission is convinced that the various stages of project selection, involving the national authorities responsible, the Advisory Committee and the Commission, ensure that a satisfactory quality is maintained. In the Commission's opinion, there is a good case for using all the projects for which Community support has been granted to set up a coherent network of special protection areas in accordance with the objectives set out in Article 4 of Directive 79/409/EEC on the conservation of wild birds. This Regulation could prove a useful and effective tool for this purpose.

Since the Directive made the Commission responsible for coordinating efforts to set up this network of protected biotopes, the Commission is not just sitting back and waiting for national authorities to submit projects but is actively engaged in influencing choices while at the same time submitting to the Advisory Committee studies and other information on the processes to be taken into account at Community level, as regards both vulnerable species and particularly threatened areas.

5. GENERAL CONCLUSIONS

Council Regulation (EEC) N° 1872/84 introduced a system of Community support for projects concerning clean technologies, methods for measuring and monitoring the quality of the natural environment, and biotopes. This was to run for three years on an experimental basis.

After studying how the system has operated during its initial stages, which are obviously the most difficult, the Commission has reached some positive conclusions. Not only has the scheme demonstrated its

potential but we have also seen the advantage and even the need for such a scheme so that the Community can make financial contributions in order to promote the priority objectives of Community environment policy.

That so many applications have been received in spite of the total lack of publicity clearly confirms the interest of the sectors concerned. In fact, it would have been unrealistic to publicize this scheme since the funds available for the period covered by the current Regulation are extremely limited.

FINANCIAL ASSISTANCE BY THE COMMUNITY

ANNEX 1

UNDER ARTICLE 1.1.(a) OF THE COUNCIL REGULATION (EEC) 1872/84

Project n° N°	Title	Request made to the Community by	Date for com- pletion of pro- ject	Estimated total cost (1000 ECU)	Financial Support from the Community	
					Percentage of total cost	amount (1000 ECU)
A-13-018	cleansing of rinsing baths contaminated by chromium : electromagnetic process	France	1987	322,900	30 %	96,870
A-13-024	cleansing of film-rinsing baths conta-	Nederlanden	1987	1059,137	30 %	317,741
A-13-037	Ion-plating galvanizing	France	1989	440,3	30 %	132
A-13-039	Cadmium-plating plant producing little residue and no hydroxide sludge	France	1986	995,86	30 %	298,76
A-13-040	surface treatment of wire with filter- ing and continuous recovery of the pollutants to monitor the bath	Italia	1987	241,36	30 %	72,4
A-21-045	leather-tanning process using aluminium hydrate as a reagent to reduce the amount of chromium used	United Kingdom	C A N C E L L E D			
A-41-014	treatment of straw pulp to obtain paper pulp	Danmark	1988	12978,6	9,2 %	1200
A-51-005	recovery of haematite from sludges from zinc-extraction plants	Bundesrepublik Deutschland	1987	6096	8 %	510
A-71-008	milk drying. Monitoring to maintain optimum conditions for reducing emissions of pollutants and losses (milk powder)	Ireland	1987	157,860	30 %	47,360
A-71/73-041	cryogenic treatment to recover by-products from effluent from an olive oil plant	Italia	1987	553,12	30 %	165,9
<u>SUPPLEMENTARY PROJECTS</u>						
A-51-35	lead production by electrolysis	France	not yet started	584,42	25,66 %	150
A-12-17	coating of polypropylene film	Italia	"	1010,45	17,7 %	179
A-63-048	reclamation of solvents by fluid-bed drying	Nederlanden	"	392,79	28 %	110

UNDER ARTICLE 1.1.(b) OF THE COUNCIL REGULATION (EEC) 1872/84

Project n°	Title	Request made to the Community by	Date for completion of project	Estimated total cost (1000 ECU)	Financial Support from the Community	Percentage of total cost	amount (1000 ECU)
2-039	Préleveur de particules dans l'air à trois niveaux	Hellas	not yet started	27,636	30 %		8,291
2-061	Détermination de trace de polluants organiques sur les filtres de fumées noires	Ireland	"	439,760	5,68 %		25
2-065	Méthode de mesure de routine pour la détermination des émissions de SO ₂ et NO _x	France	"	239,533	30 %		71,86
2/75-016	Méthode d'analyse de routine des hydrocarbures polycycliques et de leurs dérivés nitrés par chromatographie capillaire	Bundesrepublik Deutschland	"	667,424	23,47 %		156,613
1-050	Mesures de SO ₂ , NO _x et dérivés à l'émission et dans les dépôts secs et humides	Bundesrepublik Deutschland	"	681,802	30 %		204,541
1-046	Développement d'une technique ultra sensible pour le dosage des oxydes d'azote (NO, NO ₂ , NO _x et dérivés)	United Kingdom	"	790,29	30 %		237,089
014	Méthode d'échantillonnage pour hydrocarbures aromatiques	France	"	218,818	30 %		65,645
2-027	Evaluation des dépôts secs de SO ₂ , NO _x et dérivés	United Kingdom	"	99,374	30 %		29,812
4-008	Imagerie électronique sédimentaire des substrats meubles benthiques	Ireland	"	594,085	30 %		178,225
1-010	Analyse des eaux potables	France	"	139,314	30 %		41,294
1-029	Electrodes bactériennes pour évaluer la qualité des eaux	United Kingdom	"	218,310	30 %		65,493
3-056	Etude de la dispersion atmosphérique par télémétrie SODAR et sondage radio-acoustique	Belgique	"				
041-054	Analyse immunologique des dioxines et dibenzofuranes dans air, eau, sols	France	"	456,032	30 %		136,810
06-069	Méthode d'analyse de dioxines et de dibenzofuranes	France	"	592,998	30 %		177,899
71/72-023	Evaluation des eaux courantes à l'aide de diatomées	Belgique	"	998,116	30 %		299,935
71/72-067	Surveillance de l'environnement par télédétection par satellite	Bundesrepublik Deutschl.	"	389,322	14,4 %		56
71-058	Dénombrement des levures sur les feuilles d'arbres pour évaluer la pollution de l'air	France	"	70,690	30 %		21,207
71/75-064	Utilisation des mousses pour évaluer la pollution des milieux aquatiques	Belgique	"	104,225	30 %		31,267
00-041	Biotest intégrateurs pour évaluer la pollution	France	"	320,934	15,5 %		50
		Bundesrepublik Deutschl.	"	217,505	30 %		65,252

Project N°	Title	Request made to the Community by	Date for com- pletion of project	Estimated total cost (1000 ECU)	Financial Support from the Community	
					Percentage of total cost	amount (1000 ECU)
6511/84/01-2	Sicherung und Entwicklung des Brut- und Rastgebietes Elzäusserwiesen	Bundesrepublik Deutschland	07/1985 - 06/1988	400	50 %	200
6511/84/03-1	Preparazione di un piano di gestione per i biotopi nelle province di Ferrara e di Ravenna	Repubblica Italiana	07/1985 - 06/1987	220	50 %	110
6511/84/03-2	Preparazione di un piano di gestione per il Parco Nazionale del Circeo	Repubblica Italiana	07/1985 - 06/1987	210	50 %	105
6511/84/04-5678	behoud en herstel van ernstig bedreigde biotopen in Overijssel	Koninkrijk der Nederlanden	01/1985 - 06/1987	110	50 %	55
6511/84/05-1	surveillance des populations d'oiseaux sauvages	Belgique	09/1985 - 08/1987	60	50 %	30
6511/84/05-2	acquisition foncière, gestion et restauration dans la zone du Lac de Virelles	Belgique	07/1985 - 06/1988	400	50 %	200
6511/84/07-1	Land purchase at Frampton Marshes	United Kingdom	01/1985 - 12/1986	265	50 %	132.5
6511/84/07-5	Monitoring of wetlands of Community importance	United Kingdom	08/1985 - 07/1988	125	50 %	62.5
6511/85/02-1	Protection et gestion des zones humides de Lorraine	République Française	07/1985 - 06/1988	200	50 %	100
6511/85/02-4	Aménagement des zones de protection dans le littoral de la Région Nord-Pas-de-Calais	République Française	07/1985 - 06/1988	340	50 %	170
6511/85/03-1	Acquisto dell'area privata di Monte Arcosu	Repubblica Italiana	01/1985 - 12/1985	440	50 %	220

Project		Request made to the Community by	Date for com- pletion of project	Estimated total cost (1000 ECU)	Financial Support from the Community	
IP	Title				Percentage of total cost	amount (1000 ECU)
6611/84/01-1	Sanierung und Biotopneubildung im Riddagshausener Teichgebiet	Bundesrepublik Deutschland	01/1986 - 12/1988	555	45 %	250
6611/84/01-4	Sanierung und Entwicklung des Hübner Sees und seiner Umgebung	Bundesrepublik Deutschland	01/1986 - 12/1988	1117	30 %	335
6611/84/01-6	Sicherung der Donauufer bei Pfatter	Bundesrepublik Deutschland	01/1986 - 12/1988	1330	50 %	665
6611/84/07-2	Management and reinstatement of Old Hall Marshes	United Kingdom	01/1986 - 12/1987	265	50 %	132.5
6611/84/08-2	Extension of Wexford Wildfowl Reserve	Ireland	01/1986 - 12/1987	390	50 %	195
6611/84/08-3	Computerisation, analysis and application of Irish wetland habitat and bird data	Ireland	01/1986 - 12/1986	24	50 %	12
6611/85/07-1	Round-off of the boundaries of the Welney Wildfowl Refuge	United Kingdom	01/1986 - 12/1986	55.5	45%	25
6611/85/07-3	Reinstatement and control of the water levels in the Swale National Nature Reserve	United Kingdom	01/1986 - 12/1987	100	50 %	50
6611/85/07-4	Protection of Tore Hill	United Kingdom	01/1986 - 12/1986	790	50 %	395
6611/85/08-1	Preparation of a management plan for the Clonmacnoise Heritage Zone	Ireland	01/1986 - 12/1987	60	50 %	30
6611/85/08-2	Protection of Sheskinmore Marsh	Ireland	01/1986 - 12/1987	37	50 %	18.5
6611/85/09-23	Biotoppleie på hedearealer i Viborg Amt	Danmark	01/1986 - 12/1987	104	50 %	52