

## EUROPEAN PARLIAMENT

# Working Documents

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12 December 1983

DOCUMENT 1-1142/83

### 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 (Doc. 1-1184/82 - COM(82) 838 final)  
for a Council Directive on limit values and quality  
objectives for mercury discharges by sectors other than  
the chlor-alkali electrolysis industry

Rapporteur: Mrs LENTZ-CORNETTE

PE 87.201/fin.  
Or. Ne.



By letter of 21 January 1983, the President of the Council of the European Communities, pursuant to Articles 100 and 235 of the EEC Treaty, requested the European Parliament to deliver an opinion on the proposal from the Commission of the European Communities to the Council for a directive on limit values and quality objectives for mercury discharges by sectors other than the chlor-alkali electrolysis industry.

On 7 February 1983, the President of the European Parliament referred this proposal to the Committee on the Environment, Public Health and Consumer Protection.

At its meeting of 27 January 1983, the Committee on the Environment, Public Health and Consumer Protection appointed Mrs LENTZ-CORNETTE rapporteur.

The committee considered the Commission's proposal and the draft report at its meetings of 22 June, 3 November and 30 November 1983. At the last meeting, the committee decided by 14 votes to 1 with 3 abstentions to recommend to Parliament that it approve the Commission's proposal with the following amendments.

The committee further decided to reserve the right to propose to Parliament the application of Rule 36(2) of the Rules of Procedure.

The committee then adopted the motion for a resolution as a whole by 14 votes to 4.

The following took part in the vote: Mr COLLINS, chairman; Mr RYAN, vice-chairman; Miss HOOPER, vice-chairman; Mrs LENTZ-CORNETTE, rapporteur; Mr BOMBARD, Mr CHANTERIE (deputizing for Mr ALBER), Mr EISMA (deputizing for Mrs SPAAK), Mr FORTH, Mr GHERGO, Mrs VAN HEMELDONCK, Mrs KROUWEL-VLAM, Mrs LE ROUX, Mrs MAIJ-WEGGEN (deputizing for Mr DEL DUCA), Mr PROTOPAPADAKIS (deputizing for Mrs SCHLEICHER), Mrs PRUVOT (deputizing for Mrs SCRIVENER), Mr SHERLOCK, Mrs SQUARCIALUPI and Sir Peter VANNECK (deputizing for Mr JOHNSON).

The report was tabled on 2 December 1983.

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

Proposal for a Council Directive on limit values and quality objectives for mercury discharges by sectors other than the chlor-alkali electrolysis industry.

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

Text proposed by the Commission of the European Communities

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Amendment No. 1

Ninth recital

Whereas Council Directive 82/176/EEC<sup>1</sup> lays down limit values for mercury discharges into the aquatic environment by the chlor-alkali electrolysis industry and whereas by way of exception, quality objectives may be set for the aquatic environment into which mercury is discharged;

Ninth recital

Whereas Council Directive 82/176/EEC<sup>1</sup> lays down limit values for mercury discharges into the aquatic environment by the chlor-alkali electrolysis industry and also sets quality objectives for the aquatic environment into which mercury is discharged;

Amendment No. 2

New recital, 9a

Whereas the Commission shall report to the Council and Parliament on the instances where it has accepted the use of the quality objectives method and whereas these instances shall be reviewed at least every four years;

Amendment No. 3

Article 2 (f), second indent

- an existing plant whose capacity for the treatment of mercury has been increased by 20% since 1 January 1983.

Article 2 (f), second indent

- an existing plant whose capacity for the treatment of mercury has been significantly increased since 1 January 1983.

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<sup>1</sup>OJ No. L 81, 27.3.1982, p. 29

Amendment No. 4

Article 3(4), first paragraph

4. Without prejudice to their obligations arising out of paragraphs 1, 2 and 3 and the provisions of Directive 76/464/EEC, Member States may grant authorizations for new plants only if these are to be equipped with the best technical means available for preventing discharges of mercury.

Amendment No. 5

Article 3(4), second and third paragraphs  
Delete.

Amendment No. 6

Article 4(2)

2. The measures called for by the programmes referred to in paragraph 1 shall be implemented one year after this directive has come into force.

Article 3(4), first paragraph

4. Without prejudice to their obligations arising out of paragraphs 1, 2 and 3 and the provisions of Directive 76/464/EEC, Member States may grant authorizations for new plants only if such authorizations contain a reference to the standards corresponding to the best technical means available for preventing discharges of mercury.

Article 3(4), second and third paragraphs  
Whatever the method it adopts, any Member State where for technical reasons the intended measures do not conform to the best technical means available shall provide the Commission, before any authorization, with the justification for these reasons.

Within three months, the Commission shall send a report to the Member States stating its opinion on the derogation covered by the second subparagraph.

Article 4(2)

2. The measures called for by the programmes referred to in paragraph 1 must be implemented with effect from 1 January 1988.

Amendment No. 7

Article 6(1)

1. From the information supplied to it by the Member States pursuant to Article 13 of Directive 76/464/EEC, on receipt of a request which it must submit in each case, in particular concerning:

- details of authorizations laying down emission standards with regard to discharges of mercury;
- results of measurements made by the national network set up to determine concentrations of mercury;
- the specific elimination programmes referred to in Article 4(1);

the Commission shall report on the implementation of the present Directive by the Member States every four years.

(paragraph 2 is accordingly deleted)

Amendment No. 8

Article 6(3)

3. In the event of a change in scientific knowledge relating principally to the toxicity, persistence and accumulation of mercury in living organisms and sediments or in the event of an improvement in the best technical means available, the Commission shall regard it as its duty to submit appropriate proposals to the Council and increase the limit values' stringency.

Article 6(1)

1. From the information supplied to it by the Member States pursuant to Article 13 of Directive 76/464/EEC, on receipt of a request which it must submit in each case, in particular concerning:

- details of authorizations laying down emission standards with regard to discharges of mercury;
- results of measurements made by the national network set up to determine concentrations of mercury;
- the specific elimination programmes referred to in Article 4(1);

the Commission shall make a comparative assessment of the implementation of the present Directive by the Member States.

Article 6(3)

3. In the event of a change in scientific knowledge relating principally to the toxicity, persistence and accumulation of mercury in living organisms and sediments or in the event of an improvement in the best technical means available, the Commission shall submit appropriate proposals to the Council with the aim of reinforcing, if necessary, the limit values and the quality objectives.

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 limit values and quality objectives for mercury discharges for sectors other than the chlor-alkali electrolysis industry

The European Parliament,

- having regard to the proposal from the Commission to the Council<sup>1</sup>;
  - having been consulted by the Council pursuant to Articles 100 and 235 of the EEC Treaty (Doc. 1-1184/82);
  - having regard to the framework Council Directive of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community<sup>2</sup>;
  - having regard to the Directive of 22 March 1982 on limit values and quality objectives from mercury discharges by the chlor-alkali electrolysis industry<sup>3</sup>;
  - having regard to the report of the Committee on the Environment, Public Health and Consumer Protection (Doc. 1-1142/83);
  - having regard to the result of the vote on the Commission's proposal;
- A. Whereas the pollution caused by the discharge of mercury into the aquatic environment can best be combated by restricting, and if possible eliminating, identifiable sources of mercury;
- B. Whereas national policies for authorizing mercury discharges should be harmonized both for environmental reasons and to ensure equal conditions for competition;

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<sup>1</sup> OJ No. C 20, 25.1.1983, p. 5

<sup>2</sup> OJ No. L 129, 18.5.1976

<sup>3</sup> OJ No. L 81, 27.3.1982, p. 29

1. Welcomes the submission of this proposal, which is aimed at further reducing the mercury content in the aquatic environment resulting from discharges from identifiable sources other than those specified in Directive 82/176/EEC of 22 March 1982<sup>1</sup>;
2. Notes that, under the framework Directive of 4 May 1976, the use of the method of quality objectives may be accepted by way of exception under certain conditions;
3. Expects the Commission to review, with reference to the limit value method and within the specified period, the instances where the use of the quality objectives method has been permitted and to report on this review;
4. Instructs its President to forward to the Council and Commission, as Parliament's opinion, the Commission's proposal as voted by Parliament and the corresponding resolution.

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<sup>1</sup>OJ No. L 81, 27.3.1982, p. 29



EXPLANATORY STATEMENT

1. The aim of the proposal for a Directive is to enable water pollution caused by mercury to be combated more effectively. It is intended to fix limit values for emission standards covering mercury discharges in water, together with quality objectives for mercury in water polluted by discharges from processes other than chlor-alkali electrolysis.

2. This new proposal for a Directive therefore supplements the recent Directive 82/176/EEC of 22 March 1982, which already fixes limit values and quality objectives for mercury discharges by the chlor-alkali electrolysis industry. The limit values are fixed in two stages: the first is to be met by 1 July 1983 and the second by 1 July 1986.

These limit values for emission standards are expressed as mean monthly concentrations in microgrammes of mercury per litre of water discharged and as mean monthly load in grammes of mercury per kilogramme of mercury used.

3. This supplementary Directive proposes a similar scheme for limit values, and deadlines for compliance with them, and also for the minimum sampling frequency for monitoring the quality of discharges.

4. The quality objectives must be complied with for the same discharge-affected areas covered by the directive of 22 March 1982. They involve provisions governing the maximum content of mercury in fish flesh and in surface water polluted by discharges, an obligation to prevent significant increases in the concentration of mercury in sediments or shellfish in the areas affected and a monitoring procedure to check the correct application of these objectives.

5. The reference method of analysis is likewise the same as the method prescribed in the Directive of 22 March 1982.

6. In addition to Article 100 of the Treaty, the Commission also invokes Article 235 to require the Member States to devise specific programmes for discharges of mercury waste from 'numerous and scattered sources' (laboratories, clinics, dental practices, etc.).

Comments and special problems

7.1. Without wanting to go into too much detail on limit values that are to be met in the near future, it ought to be stressed that emission standards for discharges may, by way of exception, be fixed on the basis of quality objectives for waters in which these discharges take place, in accordance with the provisions of previous Council Directives in this field. The committee trusts that the Commission will review instances of such exceptions within the prescribed deadline and submit a report to the European Parliament on such reviews.

7.2. Some articles are too vague, for example:

- Article 2(f): here, an existing plant is regarded as a new plant if its capacity for the treatment of mercury has significantly increased: this should be formulated in more specific terms;
- Article 3(4): in the opinion of the committee, there is no justification for the derogation provided for here, at any rate for new plants,

- Article 6(1): the committee attaches great importance to the proper application of the Directive: the report asked for should not only contain a comparative assessment of the implementation of this Directive in the Member States, but also a survey of the measurement results obtained, statistical data on mercury discharges in the Community and evaluation of the instances where use was made of the quality objectives method, with reference to the method employing limit values.

### Conclusion

The Committee on the Environment, Public Health and Consumer Protection believes that this proposal for a supplementary Directive may be approved subject to the amendments tabled.