

European Communities

EUROPEAN PARLIAMENT

Working Documents

1981 - 1982

15 March 1982

DOCUMENT 1-1072/81

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. 1-847/80) for a directive on methods
for the surveillance and monitoring of the
environments affected by wastes from the
titanium oxide industry

Rapporteur: Sir Peter VANNECK

By letter of 29 January 1981 the President of the Council of the European Communities 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 methods for the surveillance and monitoring of the environments affected by wastes from the titanium dioxide industry.

The President of the European Parliament referred this proposal to the Committee on the Environment, Public Health and Consumer Protection on 9 February 1981.

On 19 February 1981 the Committee on the Environment, Public Health and Consumer Protection appointed Sir Peter VANNECK rapporteur. It considered the proposal for a directive at its meetings of 26 November 1981 and 24 February 1982 and adopted the proposal and the motion for a resolution at the latter meeting by 15 votes with 1 abstention.

The following took part in the vote: Mr Collins, chairman; Mr Johnson, vice-chairman; Sir Peter Vanneck (deputizing for Miss Hooper), rapporteur; Mr Alber, Mr Berkhouwer, Mr Bombard, Mr Del Duca, Mr Forth, Mr Ghergo, Mrs Lentz-Cornette, Mr Mertens (deputizing for Mrs Schleicher), Mr Muntingh, Mr Protopapadakis (deputizing for Mr Clinton), Mr Sherlock, Mrs Squarcialupi and Mrs van Hemeldonck.

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

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

Text proposed by the Commission
of the European Communities¹

AMENDMENT No. 1

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

Report by Sir Peter VANNECK - Doc. 1-1072/81

TITANIUM DIOXIDE INDUSTRY

Proposal for a directive - Doc. C 1-847/80

Amend ARTICLE 4(2) to read:

2. The frequency of sampling and analysis may not be less than the minimum frequencies shown in the Annexes to this Directive. The sampling periods must (four words deleted) be spread over the year in such a way as to obtain a representative picture of the quality of the environments affected.

2. The frequency of sampling and analysis may not be less than the minimum frequencies shown in the Annexes to this Directive. The sampling periods must, as far as possible, be spread over the year in such a way as to obtain a representative picture of the quality of the environments affected.

¹ OJ No. C 356, 31.12.1980, p. 32

AMENDMENT No. 2

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

Report by Sir Peter VANNECK - Doc. 1-1072/81

TITANIUM DIOXIDE INDUSTRY

Proposal for a directive - Doc. C 1-847/80

Amend ARTICLE 5(1) to read:

1. The reference methods of measurement to be used to determine the relevant parametric values are specified in the Annexes. Laboratories using other methods must ensure that the results obtained are equivalent or comparable and submit proof to that effect.

1. The reference methods of measurement to be used to determine the relevant parametric values are specified in the Annexes. Laboratories using other methods must ensure that the results obtained are equivalent or comparable.

AMENDMENT No. 3

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

Report by Sir Peter VANNECK - Doc. 1-1072/81

TITANIUM DIOXIDE INDUSTRY

Proposal for a directive - Doc. C 1-847/80

Amend ARTICLE 7 to read:

Member States may, at any time, measure other parameters in addition to those laid down by this Directive relevant to the surveillance and monitoring of the environments affected.

Member States may, at any time, measure parameters other than those laid down by this Directive relevant to the surveillance and monitoring of the environments affected.

AMENDMENT No. 4

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

Report by Sir Peter VANNECK - Doc. 1-1072/81

TITANIUM DIOXIDE INDUSTRY

Proposal for a directive - Doc. C 1-847/80

Amend ARTICLE 8(4) to read:

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| <p>4. The Commission will assess the effectiveness of the environmental surveillance and monitoring procedure and will - no later than <u>three years</u> after notification of this Directive - place before the Council, where appropriate, proposals to improve this procedure and, if necessary, to harmonize the methods of measurement including the limit of detection, accuracy and precision and the sampling methods.</p> | <p>4. The Commission will assess the effectiveness of the environmental surveillance and monitoring procedure and will - no later than six years after notification of this Directive - place before the Council, where appropriate, proposals to improve this procedure and, if necessary, to harmonize the methods of measurement including the limit of detection, accuracy and precision and the sampling methods.</p> |
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MOTION FOR A RESOLUTION

embodying the opinion of the European Parliament on the proposal from the Commission of the European Communities to the Council for a Directive on methods for the surveillance and monitoring of the environments affected by wastes from the titanium dioxide industry

The European Parliament,

- having regard to the proposal from the Commission (COM(80) 831 final)¹,
 - having been consulted by the Council (Doc. C 1-847/80),
 - having regard to the Council directive of 20 February 1978 on waste from the titanium dioxide industry²,
 - aware of the dangers arising from the discharge of waste from the titanium dioxide industry into Community waters,
 - aware also of the fact that to prevent unfair competition amongst titanium dioxide producers in the Community it is vital to harmonize Member States' programmes for the reduction of pollution at Community level as quickly as possible,
 - having regard to the report of the Committee on the Environment, Public Health and Consumer Protection (Doc. 1-1072/81)
1. Views the proposal for an implementing directive as a necessary step towards more effective monitoring of pollution of Community waters by waste from the titanium dioxide industry;
 2. Is fully aware that, in addition to **common monitoring procedures**, the best protection for the Communities' waters is to make the production process less harmful to the environment, to treat and purify waste using up-to-date methods, to envisage recycling and thus gradually to reduce the discharge of waste into Community waters;
 3. Considers it essential for the achievement of this aim that the Commission examine, pursuant to Article 9 of the Directive of 20 February 1978, the national programmes for the reduction of pollution which have now been submitted to it by every Member State and that it present appropriate proposals for the harmonization of these to the Council by 30 June 1982;

¹ OJ No. C 356, 31.12.1980, p. 32

² OJ No. L 54, 25.2.1978, P. 19 ff

4. Expects furthermore that the costs for implementation of this proposal will be limited to the level necessary for effective monitoring; therefore requests the Commission to limit the frequency for sampling to the essential minimum and in addition, to remove from Annexes I and II those parameters from which it is not possible to draw clear conclusions regarding discharges from the titanium dioxide industry;
5. Urges in particular that the scope of the obligation to submit a report should be restricted, since much of the information required on the results of tests can be assessed only in relation to and on the basis of a knowledge of local environmental conditions;
6. Requests the Commission to promote a coordinated research, testing and documentation programme designed to assess the impact of the discharged waste on the environment and to determine possible technical solutions;
7. Approves, subject to these observations, the proposal for a directive and requests the Commission to incorporate the amendments adopted by Parliament in its proposal pursuant to the second paragraph of Article 149 of the EEC Treaty.

EXPLANATORY STATEMENTI. BACKGROUND AND CONTENT OF THE PROPOSED DIRECTIVE

1. The basis for the proposed Directive is Article 7(3) of the Directive adopted by the Council on 20 February 1978 on waste from the titanium dioxide industry.¹ This calls on the Commission to submit to the Council within one year a proposal on the procedures for the surveillance and monitoring of the environments affected by the discharge of wastes from the titanium dioxide industry.
2. The proposed Directive provides, inter alia, for:
 - (a) determination of parameters for the annual minimum frequencies of sampling and methods of analysis (Articles 1-7),
 - (b) an obligation on the Member States to submit the results of their measurements to the Commission every three years and an obligation on the Commission to publish these results (Article 8),
 - (c) an adaptation to technical progress of the parameters and methods of analysis contained in Annexes 1 - 5 by a specialist committee (Articles 10 - 12).

II. GENERAL OBSERVATIONS ON PROBLEMS RELATING TO TITANIUM DIOXIDE AND THE COUNCIL DIRECTIVE OF 20 FEBRUARY 1978¹

3. Titanium dioxide is used chiefly as a raw material for the paints and varnishes industry. It is also used in the paper and plastics industry. Production and demand for titanium dioxide are increasing annually. Experts consider that in the next ten years demand and production will double.
4. The titanium dioxide industry creates large quantities of waste (sulphuric acid and ferrous sulphate compounds). An average of 2.6 tonnes of waste is produced per tonne of titanium dioxide end product (the amount of waste varies according to the type of ore utilized).
5. In the Community, waste from the titanium dioxide industry is mainly discharged into the Channel, the North Sea and the Mediterranean.
6. For a long time it was confidently assumed that the waste was neutralized in sea water. Recent research has shown that it is not as harmless to the marine environment as was previously thought.

¹ OJ No. L 54, 25.2.1978, p. 19 et seq.

7. Since the beginning of the 1970's the Community has therefore emphasized in particular, as part of its water protection policy, the need to prevent water pollution by titanium dioxide wastes. This led to adoption of Council Directive 78/176/EEC of 20.2.1978 which contains a range of measures:

- an authorization procedure for discharge of wastes (Articles 4-6)
- monitoring of the environment in discharge areas (Articles 7-8)
- drawing up of national programmes for the reduction of pollution (Article 9).

III. SPECIFIC OBSERVATIONS ON THE MOTION FOR A RESOLUTION AND THE AMENDMENTS

8. The committee recognizes the need, in implementation of the Council directive of 20.2.1978, to establish a monitoring procedure based on identical or comparable parameters and methods of analysis. Unless these parameters and methods of analysis are harmonized, comparison of national data obtained from surveillance of the discharge points will not be possible. In that case Community programmes to reduce discharges would be jeopardized from the outset. They would only be political statements with no real content.

9. Although the committee considers it extremely important to establish a monitoring procedure which permits comparison, it also wishes to stress that the dangers which might be caused by waste from the titanium dioxide industry must be combated at source in order to reduce the discharge of waste. In practice this means that the proportion of waste per tonne of titanium dioxide produced, at present 2.6 tonnes, must be progressively reduced by the introduction of production methods which are less harmful to the environment. In addition the efforts already made to treat and purify waste using up-to-date methods must be strengthened and the recycling of waste, where technically possible and economically viable must be considered.

10. Under the 1978 Council directive the national programmes for the reduction of pollution should seek to reduce the discharge of waste into the sea. These programmes should have been submitted to the Commission by 1 July 1980. Virtually all Member States failed to meet this deadline. Belgium was the last country to submit its programme in October 1981. During committee discussions the Commission announced, pursuant to Article 9(3) of the 1978 Council directive, that it would submit a Community action programme by 30.6.1982 to harmonize these national programmes for the reduction of pollution. The committee considers it imperative for the Commission to respect this deadline.

11. As part of its deliberations, the committee considered whether the parameters proposed by the Commission in the Annexes were necessary and sufficient. A minority took the view that the list of parameters in Annexes II and III should be extended to include cadmium and mercury. Following a statement by the Commission, the majority of the committee rejected this view. A different minority, which included the rapporteur, believed that the parameter sulphur dioxide could be dispensed with as it was not possible to prove unequivocally that this originated from waste from the titanium dioxide industry. Once again the majority rejected this view.

12. The committee also insisted that the costs for surveillance, monitoring and reporting should be in due proportion to the efficacy of the measures. It therefore suggested that the sampling frequency should be kept to the essential minimum, that the Commission reconsider Annexes I and II and that the requirement on Member States to report to the Commission should be less stringent. This view was, however, not accepted by a minority on the committee which believed that the effectiveness of the monitoring measures proposed would thereby be considerably weakened.

13. Finally, the committee considered whether in addition to setting up a Committee on adaptation to technical progress (Articles 11/12) a 'consultative committee' should be set up consisting of representatives of the various social groups involved. This idea was ultimately rejected in a tied vote.

