

European Communities

EUROPEAN PARLIAMENT

Working Documents

1974-1975

9 December 1974

DOCUMENT 383/74



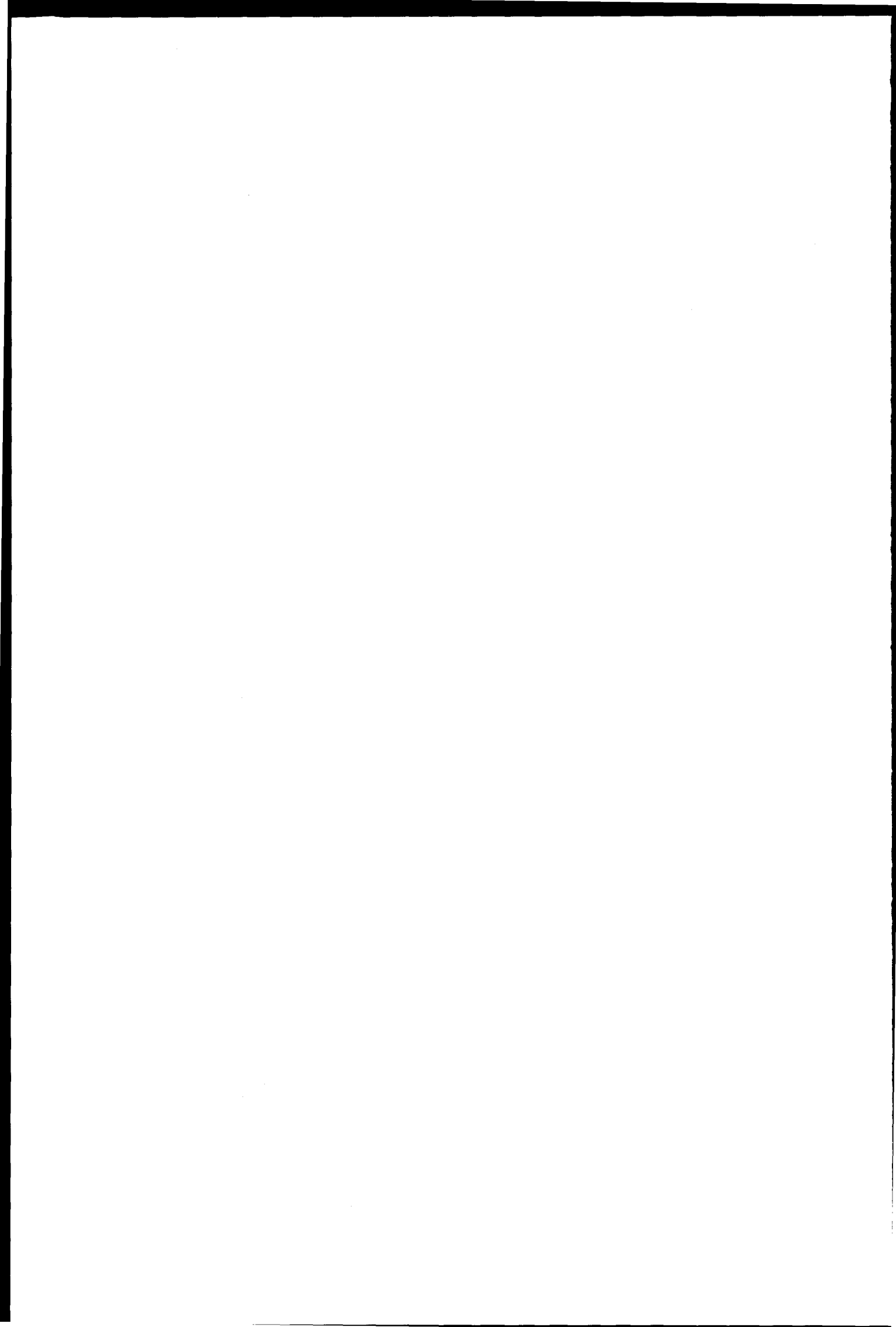
Report

drawn up on behalf of the Committee on Public Health and the Environment

on the proposal from the Commission of the European Communities to the
Council (Doc. 289/74) for a directive on/waste disposal

Rapporteur: Mr W. MULLER

PE 38.993/fin.



By letter of 27 September 1974, the President of the Council of the European Communities requested the European Parliament, pursuant to Article 100 of the EEC Treaty, to deliver an opinion on the proposal from the Commission of the European Communities to the Council for a directive on waste disposal.

On 14 October 1974, the President of the European Parliament referred this proposal to the Committee on Public Health and the Environment as the committee responsible and to the Legal Affairs Committee and the Committee on Economic and Monetary Affairs for their opinions.

On 21 October 1974, the Committee on Public Health and the Environment appointed Mr W. Müller rapporteur.

It considered this proposal at its meeting of 26 November 1974 and at the same meeting unanimously adopted the motion for a resolution and explanatory statement.

Present: Mr Jakobsen, vice-chairman; Mr W. Müller, rapporteur; Mr Albertsen, Mr Brégégère, Mr Cointat (deputizing for Mr Gibbons), Mrs Fenner, Mr Martens, Mr E. Muller, Mr Noe', Mr Premoli, Mr Rivierez and Mr Walkhoff.

The opinions of the Legal Affairs Committee and Committee on Economic and Monetary Affairs are attached.

C O N T E N T S

	<u>Page</u>
A. MOTION FOR A RESOLUTION	5
B. EXPLANATORY STATEMENT	10
Opinion of the Committee on Economic and Monetary Affairs	19
Opinion of the Legal Affairs Committee	20

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

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 waste disposal

The European Parliament,

- having regard to the proposal from the Commission of the European Communities to the Council¹,
 - having been consulted by the Council pursuant to Article 100 of the EEC Treaty (Doc. 289/74),
 - having regard to the report of the Committee on Public Health and the Environment and the opinions of the Legal Affairs Committee and the Committee on Economic and Monetary Affairs (Doc. 383/74),
1. Welcomes the Commission's proposal for a directive as a further step towards common rules on the waste sector;
 2. Calls on the Commission, however, to submit the other proposals provided for in the programme of environmental action for the harmonization of legislation governing industrial waste and residues by the scheduled time, and in particular for arrangements concerning
 - (a) support for the development of new waste disposal technologies,
 - (b) support for the construction of European waste treatment facilities,
 - (c) the setting up of a centre for the dissemination of information on waste materials;
 3. Approves the choice by the Commission of Article 100 of the EEC Treaty as the legal basis for this directive and reaffirms in this connection its earlier appeal for Community environmental protection measures to be based on this article of the Treaty whenever possible;
 4. Approves the objectives set in the directive of
 - preventing any pollution of water, air and soil,
 - preventing wastage of raw materials, in particular by up-grading residues and re-using materials recovered in this way,

¹ OJ C 142 of 16 November 1974, p.6

5. Underlines the extreme importance of recycling and re-using waste not only for the saving of energy and raw materials, but also as a conscious measure to maintain and improve natural environmental conditions;
6. Agrees with the Commission that, in view of the financial implications of rational waste disposal for a large number of industrial activities, the problem can no longer be solved at local or regional level and that a solution at Community level is indispensable;
7. Requests the Commission to submit, as soon as possible, proposals for directives on waste generated during the extraction of mineral resources, the working of quarries and in agriculture;
8. Considers that it would be more rational for the directive on waste oil disposal recently adopted by the Council to be incorporated in this directive;
9. Urges that the intervals between the inspections by the competent authorities provided for in Articles 8 and 9 be kept as short as possible to ensure strict application of the directive;
10. Insists on the waste disposal plans to be drawn up by the competent authorities being made binding in certain cases on persons required to dispose of waste and other persons affected;
11. Stresses the need for the period of eighteen months for the implementation of the measures provided for in the directive to be strictly observed so that there will be no further delay in the practical application of harmonization provisions in the Community;
12. Points out that the wide-ranging outline arrangement embodied in this directive will be of practical significance only when supplemented by detailed implementing regulations at Member State level;
13. Requests the Commission to incorporate the following amendments in its proposal, pursuant to the second paragraph of Article 149(2) of the EEC Treaty;
14. Requests its appropriate committee to keep a careful watch on whether the Commission changes its proposal in line with the amendments proposed by the European Parliament and to report thereon if necessary;
15. Instructs its President to forward this resolution and the report of the committee to the Council and Commission of the European Communities.

PROPOSAL FOR A COUNCIL DIRECTIVE ON
WASTE DISPOSAL

PROPOSAL FOR A COUNCIL DIRECTIVE ON
THE WASTE SECTOR

Preamble and recitals unchanged

Article 1 unchanged²

Article 2

The following are excluded from the field of application of this Directive:

- (a) radioactive waste;
- (b) waste from the prospecting for and the extraction, processing and storage of mineral resources and the working of quarries;
- (c) the following agricultural waste: carcasses, fecal matter and other substances used in agricultural practice;
- (d) waste oils covered by Directive ...

Article 3

Member States shall take the necessary measures to dispose of waste

- without endangering human health;
- without risk to water, air and soil;
- without interfering with beauty spots and the countryside.

Article 2

This directive does not apply to radioactive waste, which is subject to separate provisions.

(b) deleted

(c) deleted

(d) deleted

Article 3

Member States shall take the necessary measures to ensure that the disposal of waste does not adversely affect the welfare of the general public, in particular by precluding

- (a) danger to human health or well-being,
- (b) danger to domestic animals, birds, game and fish,
- (c) harm to water, soil and cultivated vegetation,
- (d) harm to the environment in the form of air pollution and noise, and

¹ For full text see OJ C 142 of 16 November 1974, p.6

² Except in the German text

Article 4

Member States shall take the necessary measures to encourage waste recycling and salvage.

Article 4

(e) non-observation of nature conservation and town planning interests.

Member States shall take the necessary measures to encourage waste recycling and salvage and to ensure systematic rationalization in the collection, sorting and treatment of waste.

Articles 5 to 9 unchanged

Article 10

The competent authority shall be required to draw up a plan which, among other things, covers:

- (a) type and quantity of waste to be disposed of in its area, with a mention in every case of those types of waste considered to be specially dangerous or difficult to treat;
- (b) persons entitled to carry out this disposal;
- (c) methods of disposal and their cost;
- (d) disposal sites and suitable equipment.

Article 10

1. The competent authority shall be required to draw up a plan, which among other things, covers:

- (a) type and quantity of waste to be disposed of in its area (13 words deleted)
- (b) unchanged
- (c) unchanged
- (d) unchanged

2. In the case of waste considered to be specially dangerous or difficult to treat the waste disposal plans shall be binding on persons required to dispose of waste and other persons affected.

Article 11 unchanged

Article 12

The Member States shall inform the Commission in good time of any draft regulations concerning the sale and distribution of products which, by their nature, composition, volume or quantity, might be a source of technical difficulty or lead to excessive disposal costs or even constitute a barrier to the recovery and recycling of residues.

Article 13

Member States shall inform the Commission in good time of any draft regulations designed to encourage the recovery of materials and the use of recovered materials for specific manufactures and to restrict the use of specific natural resources in applications where they can be replaced by recovered materials.

Articles 14 to 17 unchanged

Article 12

The Member States shall inform the Commission in good time of any draft regulations which encourage

- (a) the limitation of certain types of waste,
- (b) the recycling and re-use of certain types of waste,
- (c) the recovery of raw materials from waste.

where technical difficulties or excessive costs arise

Article 13

deleted

'Articles 14 and 15 unchanged

Article 16

Member States shall ensure that the provisions of national law which they adopt in the field covered by this Directive are communicated to the Commission.

Article 16

Member States shall ensure that the provisions of national law which they intend to adopt in the field covered by this Directive are communicated to the Commission early enough for it to express an opinion.

Article 17 unchanged.'

EXPLANATORY STATEMENTI. General considerations

1. The problem of waste disposal covered by this proposal for a directive was the subject of Oral Question No. 10/74 with debate put by Mr LAGORCE on behalf of the Socialist Group. The debate took place on 22 April 1974 in Strasbourg¹ and concerned in particular Community measures on the recycling and re-use of waste of all kinds. In his answer, Mr SCARASCIA MUGNOZZA, Vice-President of the Commission, announced that further proposals, for which provision had been made in the programme of environmental action, would be submitted to the Council before the end of 1975.

2. The Commission has kept this promise by submitting the proposal for a directive here under discussion. The programme of environmental action of the European Communities provides inter alia for the consideration of measures required at Community level concerning industrial waste and residues, e.g.

- harmonization of legislation,
- exchange of technical information,
- support for the development of new technologies,
- research work,
- possible setting up of a centre for the dissemination of information on waste materials,
- support for the construction of European waste treatment facilities.

The programme of environmental action requires the Commission to submit, by 31 December 1974, the proposals derived from the results of its investigations.

Your committee welcomes the fact that the Commission has adhered to the programme of environmental action as regards the harmonization of legislation on industrial waste and residues. It regrets, however, that the Commission will not be able to submit the planned proposals for the other, abovementioned, Community measures by the scheduled date, i.e. 31 December 1974. Support for the development of new technologies and for the construction of European waste treatment facilities and the possible setting up of a centre for the dissemination of information on waste materials are of particular importance. The Commission is urged to submit suitable proposals shortly.

3. The real impulse for the present proposal for a directive was provided

¹ See Official Journal of the European Communities, Annex, No. 175, pp. 15 ff.

by the French Government, in submitting to the Commission a preliminary draft law on the disposal of waste and the up-grading and re-use of materials. This was done in accordance with the agreement of 5 March 1973 on information for the Commission and for the Member States with a view to possible harmonization throughout the Communities of urgent measures concerning the protection of the environment¹. The Commission informed the French Government of its intention of submitting to the Council, within the period of five months laid down in the above-mentioned agreement, a directive covering the problems to be settled in the French preliminary draft law.

4. The object of the proposed directive is essentially

- to preclude any danger to water, air and soil and
- to prevent wastage of raw materials, in particular through the up-grading of residues and the re-use of materials recovered in this way.

In its explanatory memorandum, the Commission rightly points out that waste is one of the most harmful sources of pollution. Effective control of disposal is vital, particularly as the generation of residues is increasing rapidly in all industrialized countries. Your committee agrees with the Commission that, in view of the financial implications of rational disposal for a large number of industrial activities, the problem can no longer be solved at local or regional level and that a solution at Community level is indispensable.

5. A suitable legal basis for a Community solution in this field is Article 100 of the EEC Treaty. National legislation on the disposal of waste varies, where it exists at all, considerably. The disparities are likely to produce financial burdens which vary from one country, one sector or one firm to another throughout the Community and create obstacles to the proper functioning of the Common Market and distortions of competition.

The Commission has therefore rightly selected Article 100 of the EEC Treaty as the basis for its proposal for a directive, which aims at the approximation of Member States' legislation and thus at the creation of a balanced set of rules that is binding on all Member States.

6. It should be pointed out that the present proposal for a directive is in content very similar to the directive proposed by the Commission on the disposal of waste oil. The European Parliament delivered its opinion on the proposed directive on waste oil disposal in June 1974, acting on a report drawn up by Mr JAHN (Doc. 132/74). Your committee has consequently

¹ OJ No. C 9 of 15 March 1973

examined the present proposal to see if it contains, mutatis mutandis, the amendments requested by the European Parliament to the proposal for a directive on waste oil disposal.

II. Consideration of the most important provisions of the proposed directive

7. The title 'Directive on waste disposal' would not appear to reflect the basic subject matter of the directive, since what is concerned is not only the disposal of waste but also its up-grading and re-use (recycling).

The directive thus covers the whole of the waste sector, and its title should therefore be changed accordingly.

8. Article 1 gives definitions of 'waste' and 'disposal'. 'Waste' is to be taken to mean any residue from a production or utilization process and any movable property which the owner is obliged to dispose of or which has been abandoned.

'Disposal' comprises the collection, transport and treatment of waste, as well as storage and dumping on or in the soil.

In its explanatory memorandum, the Commission points out that its definition of 'waste' gives the directive the widest possible field of application.

In addition, the Commission claims that this definition should preclude conflicting interpretations of the directive.

According to the Commission, the term 'treatment' means the reduction, decomposition and incineration of and the elimination of toxic substances from waste. The Commission also explains the difference between dumping and storage by stating that 'storage' means any provisional holding of waste for subsequent re-use or disposal by some other means, while, when waste is dumped, the intention is to be rid of it once and for all.

Your committee wondered whether it might not be asking too much of local authorities to dispose of production residues, which are also covered by this directive. The Commission's representative pointed out, however, that local authorities would not be under a legal obligation to dispose of waste; under Article 7 of the directive such residues must be disposed of by a private or public waste collector, by a waste disposal undertaking or by the undertaking at which such residues occur.

Following this clarification the committee decided to leave Article 1 unchanged.

9. Article 2 enumerates the types of waste which are excluded from the field of application of the directive. They are:

- radioactive waste;
- waste from the prospecting for and the extraction, processing and storage of mineral resources and the working of quarries;
- agricultural waste
- waste oils.

In this connection, the Commission states in its explanatory memorandum (bottom of p.4) that the environmentally safe disposal of the forms of waste excluded from the field of application of the directive is 'for the most part' already governed by specific provisions'.

This claim, however, applies only to radioactive waste (Article 37 of the EAEC Treaty) and possibly to the directive on waste oil disposal, which has not yet been adopted by the Council. The waste occurring during the extraction of mineral resources and the working of quarries and agricultural waste, however, are not as yet subject to any Community ruling.

Your committee calls on the Commission to submit, as soon as possible, proposals for directives on waste occurring during the extraction of mineral resources, the working of quarries and in agriculture. The problem of agriculture waste (e.g. sewage and manure) is particularly acute because the danger of ground water pollution in rural areas is considerable (e.g. catchment basins, reservoirs).

In addition, your committee considers it desirable, not least for reasons of rationalization, for the directive on waste oil disposal considered by the European Parliament a few months ago and recently approved by the Council to be incorporated in the present directive.

For these reasons and to avoid excessive restriction of the field of application of this outline directive, the committee calls on the Commission to amend Article 2 to read as follows: 'This directive does not apply to radioactive waste, which is subject to separate provisions'.

10. Article 3 contains the principles governing the disposal of waste, which must be effected

- without endangering human health;
- without risk to the environment (water, air and soil);
- without interfering with beauty spots and the countryside.

The Commission rightly points out in its explanatory memorandum that the requirements with which waste disposal must comply must be wide-ranging and strict and that the objectives set out under Article 3 are given concrete expression in the various provisions of the directive.

Particularly with regard to strict requirements, your committee would advocate the amendment of Article 3 to conform with the corresponding - and far more precise - provision of the German waste disposal law. Article 3 would then read as follows:

'Member States shall take the necessary measures to ensure that the disposal of waste does not adversely affect the welfare of the general public, in particular by precluding

- (a) danger to human health or well-being,
- (b) danger to domestic animals, birds, game and fish,
- (c) harm to water, soil and cultivated vegetation,
- (d) harm to the environment in the form of air pollution and noise, and
- (e) non-observance of nature conservation and town planning interests.'

This wording will also ensure that account is taken of town planning interests.

11. Article 4 stipulates that Member States shall take the necessary measures to encourage waste recycling and salvage.

It is obvious that, besides the prevention of dangers to health and the environment, the up-grading and re-use of waste is one of the most important goals of progressive waste disposal legislation. During the debate on the Oral Question on Community measures for the recycling and re-use of waste mentioned in paragraph 1 of this report, particular reference was made to the need to save not only energy but also raw materials.

Your committee also stresses the considerable importance that should be attached to the recycling and re-use of waste as a means of maintaining and improving natural environmental conditions.

In this connection, your committee calls on the Member States to take suitable measures to ensure more intensive, systematic and comprehensive rationalization in the collection, sorting and treatment of waste. This appeal is in line with the recommendation made by Mr LAGORCE in the debate on Oral Question No. 10/74.

Article 4 should consequently be amended to read as follows:

'Member States shall take the necessary measures to encourage waste recycling and salvage and to ensure systematic rationalization in the collection, sorting and treatment of waste.'

12. Article 5 lays down that Member States shall appoint the authorities to be responsible, in a given area, for the planning, organization, authorization and supervision of waste disposal operations.

The Commission rightly states in its explanatory memorandum that this provision is intended as a means of creating the conditions needed in each country for the organization of the various stages of waste disposal, whilst leaving Member States considerable scope in drawing up their own implementing provisions.

Your committee therefore approves Article 5.

13. Under Article 6 any undertaking involved in the treatment, storage or dumping of waste (waste disposal undertakings) must obtain a permit from the competent administration. The issue of the permit will be subject to conditions which stipulate in particular:

- (a) type and quantity of waste to be treated,
- (b) methods to be used;
- (c) precautions to be taken;
- (d) that a register be kept of information on the undertaking's activities.

The issue of a permit will certify that the waste disposal undertaking possesses the necessary facilities and at the same time create the basis for subsequent controls.

Your committee approves the principle of making undertakings operating on behalf of third parties subject to authorization. It objects, however, to the fact that the undertakings governed by Article 9, i.e. those which dispose of their own waste, are not subject to the same obligation.

14. Article 7 stipulates that the holder of waste must have it handled by a private or public waste collector or a waste disposal undertaking or himself ensure its disposal in accordance with the principles laid down in Article 3.

Your committee welcomes this flexible ruling, since it is in line with the 'pollutor pays' principle. It is also pleased to note that in contrast to the proposal for a directive on waste oil disposal the holder of the waste is clearly required to have it handled by a waste collector. The directive on waste oil disposal simply requires the holder of waste oil to 'place it at the disposal' of waste collectors.

Your committee consequently approves Article 7.

15. Article 8 lays down that waste disposal undertakings shall be 'periodically' inspected by the competent authority to ensure that the conditions of the permit are being observed.

Your committee urges that the intervals between these inspections be kept as short as possible to ensure the strict application of the provisions of the directive.

16. Article 9 requires the competent authority to supervise undertakings which collect waste and those which dispose of their own waste.

Here again your committee feels that the intervals between inspections should be kept as short as possible. Paragraph 9 of the motion for a resolution reflects this opinion.

17. Article 10 requires the competent authority to draw up a waste disposal plan. In its explanatory memorandum the Commission states that 'the plan is not legally binding on persons required to dispose of waste'.

Your committee wonders what purpose a waste disposal plan of this kind will serve if its proper implementation cannot be ensured. It insists on the waste disposal plans being made binding at least in the case of waste considered to be specially dangerous or difficult to treat. A paragraph 2 worded as follows should therefore be added to Article 10:

'In the case of waste considered to be specially dangerous or difficult to treat the waste disposal plans shall be binding on persons required to dispose of waste and other persons affected.'

The Commission's representative also pointed out that even an indicative waste disposal plan would be binding and that Member States would be free to enact more detailed regulations on the legal consequences for those concerned.

18. Article 11 requires holders of waste who have it handled by a collector or a waste disposal undertaking to bear the part of the disposal cost which the collector or undertaking is unable to cover by up-grading the said waste.

This provision is also in keeping with the 'pollutor pays' principle, the final holder of the waste being reckoned to be the pollutor. As the Commission states in its explanatory memorandum, this provides a practicable solution which, at the same time, encourages the up-grading of waste, guaranteeing a supply of raw materials.

19. Articles 12 and 13 set out what information the Member States must forward to the Commission. The Commission is to be informed in good time of any national draft regulation concerning waste disposal. The object of this ruling is to prevent national regulations on the sale or distribution of specific products and the recovery or re-use of residues during certain production processes from affecting the proper functioning of the Common Market.

However, your committee feels it would be more appropriate for these two articles to be shortened and combined in a new Article 12 worded as follows:

'The Member States shall inform the Commission in good time of any draft regulations which encourage

- (a) the limitation of certain types of waste,
- (b) the recycling and re-use of certain types of waste,
- (c) the recovery of raw materials from waste

where technical difficulties or excessive costs arise.'

20. Pursuant to Article 14 each Member State will forward to the Commission a report on waste disposal in its territory at two-yearly intervals. The Commission will then circulate the report to the other Member States.

Your committee approves this reporting obligation.

21. Article 15 requires the Member States to put into force the measures needed to comply with this directive within 18 months of its notification.

As this period for putting the directive into force is rather long, your committee insists on its being strictly observed so that there is no further delay in the practical application of harmonization legislation throughout the Community.

22. Article 16 stipulates that the Member States must communicate to the Commission the provisions of national law which they adopt in the field covered by the directive.

This requirement is not comprehensive enough since it concerns only a posteriori information. The Commission should, however, be informed in good time so that it can, where necessary, take coordinating action. In line with a large number of similar directives proposed in the past your committee therefore calls on the Commission to amend Article 16 to read as follows:

'Member States shall ensure that the provisions of national law which they intend to adopt in the field covered by this Directive are communicated to the Commission early enough for it to express an opinion.'

III. Consideration of the opinion of the Legal Affairs Committee¹

23. The Committee on Public Health and the Environment has considered the opinion of the Legal Affairs Committee, which was delivered in the form of a letter dated 8 November 1974 from the chairman of the Legal Affairs Committee to the chairman of the Committee on Public Health and is attached to this report.

24. The Legal Affairs Committee does not feel that the directive proposed by the Commission poses any special problems of a legal nature.

The Legal Affairs Committee refers, however, to the resolution adopted by the European Parliament on 18 April 1972 concerning the possibilities offered by the Treaties in the field of environmental protection and the amendments possibly to be proposed with regard to the fight against pollution.

Your committee finds particularly important the statement made at that time that the third recital and Articles 2, 36, 43, 75, 92, 93, 100, 101, 102, 116, 117, 118, 189, 228, 229, 230, 231, 235 and 236 of the EEC Treaty contain a number of provisions to which the Commission can or could directly or indirectly resort to solve the problems connected with harm to the environment.

This conforms with the claim made in paragraph 5 of this explanatory statement that the Commission has rightly based this proposal for a directive on Article 100 of the EEC Treaty.

Finally, the Legal Affairs Committee points out that this directive is a wide-ranging outline arrangement which will have practical significance only when supplemented by detailed implementing regulations at Member State level.

¹ The opinion of the Committee on Economic and Monetary Affairs had not been received at the time this report was drawn up.

OPINION OF THE COMMITTEE ON ECONOMIC AND MONETARY AFFAIRS

Letter from the vice-chairman of the committee to Mr Della Briotta, chairman of the Committee on Public Health and the Environment

Luxembourg, 4 December 1974

Dear Mr Della Briotta,

The Committee on Economic and Monetary Affairs, consulted for an opinion for your committee on Document 289/74 examined on 29 November this directive on waste disposal proposed by the Commission of the European Communities to the Council.

The Committee on Economic and Monetary Affairs regards this directive as a useful step towards legislation providing a coherent set of measures applicable in all Member States. However, it feels that the particular importance of recycling, as opposed to merely disposing of, waste should be emphasized by mentioning it in Article 14 as well as in Article 4. Article 14 should be amended to require reports specifically on measures taken to recycle waste as well as on waste disposal in general.

Yours sincerely,

Sir Brandon Rhys-Williams
Vice-Chairman

Members present:

Sir Brandon Rhys-Williams, Mr Scholten, Mr Artzinger, Mr Noe' (for Mr Bersani), Mr Burgbacher, Mr Boano (for Mr Mitterdorfer), Mr Normanton, Mr Bousch, Mr Adams (for Mr van der Hek), Mr Carpentier, Mr Delmotte, Mr Thornley (for Mr Cifarelli), Mr Flämig, Mr Walkhoff (for Mr Lange), Mr Nørgaard, Mr Berthoin (for Mr Hougardy) and Mr Leonardi.

OPINION OF THE LEGAL AFFAIRS COMMITTEE

Letter of 8 November 1974 from the chairman of the Legal Affairs Committee, Mr Schuijt, to the chairman of the Committee on Public Health and the Environment, Mr Della Briotta

Dear Mr Chairman,

At its meeting of 6 November 1974 the Legal Affairs Committee briefly examined the proposal from the Commission to the Council for a directive on waste disposal (Doc. 289/74), which the plenary assembly had referred to it for an opinion on 17 October 1974. It came to the unanimous conclusion that the matter did not involve any special aspects of a legal nature.

Attention might also be drawn in this context to the resolution adopted by the European Parliament on the possibilities afforded by the Community Treaties and the amendments to them that could possibly be proposed where measures to combat pollution of the environment were concerned.¹ That resolution contains a few paragraphs that are used in the text under consideration and which read as follows :

'The European Parliament,

- ...

- ...

- considering

a) ...

b) ...

- c) that all the above-mentioned forms of nuisance, as also the protection of the environment or respect for the surroundings in which people live and/or work, can be made subject to laws, regulations or administrative provisions,
- d) that it is therefore desirable that national regulations or provisions of this kind be harmonized at Community level so that, in so far as they may affect national cost prices through their impact on living and working conditions, no distortions occur that would upset the normal terms of competition as between similar products of the Member States.

.....

.....

10. Notes, however, that, in the third recital of the preamble and in Articles 2, 36, 43, 75, 92, 93, 100, 101, 102, 116, 117, 118, 189, 228,

¹OJ C 46, 9 May 1972, p.13.

229, 230, 231, 235 and 236, the EEC Treaty contains a number of provisions on which the Commission could, directly or indirectly, rely for the purpose of regulating matters associated with threats to the environment;

.....

Nevertheless, the Committee on Public Health and the Environment could, in its report, point to the fact that this directive is a wide outline measure which does not in fact comprise any material standards. The directive will consequently be of significance only if it is followed in the future by regulations with a more specific content.

Yours faithfully,

(sgd) Dr W. J. SCHUIJT

Present : Mr Schuijt, chairman; Mr Bermani, vice-chairman; Mr Angelo, Mr Brewis, Mr Broeksz, Mr Brugger, Mr Concas, Mr Espersen (deputizing for Mr Albertsen), Mr Geurtsen (deputizing for Mr Pianta), Mr Lautenschlager, Lord Mansfield, Mr Memmel, Mr Outers, Mr Vernaschi, Mr Walkhoff (deputizing for Mr Bayerl), Mr Yeats.

