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REPORT

on behalf of the Committee on the Environment, Public
Health and Consumer Protection

on European Environment Year 1987
UNIVERSITY OF PITTSBURGH

Rapporteur: Mrs B. WEBER

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Own-Initiative Report

(Rule 102 of the Rules of Procedure)

By letter of 14 May 1985 the Committee on the Environment, Public Health and Consumer Protection requested authorization to draw up a report on European Environment Year 1987. By decision of 8 July 1985 the committee received authorization to draw up a report on this subject.

On 27 June 1985 the committee appointed Mrs WEBER rapporteur. At its meetings of 20 September 1985, 18 December 1985 and 22 January 1986 the committee considered the draft report. The motion for a resolution as a whole was unanimously adopted on 22 January 1986.

The following took part in the vote: Mrs SCHLEICHER, acting and vice-chairman; Mrs WEBER, vice-chairman and rapporteur; Mrs BLOCH von FLOTTNITZ and Mr COLLINS, vice-chairmen; Mrs BANOTTI, Mr BARRAL AGESTA, Mr BOMBARD, Mr ELLIOTT (deputizing for Mr Muntingh), Mr FALCONER (deputizing for Mr Tognoli), Mr GARCIA (deputizing for Mrs Veil), Mr HUGHES, Mrs JACKSON, Mr LAMBRIAS (deputizing for Mr Mertens), Mr Van der LEK, Mrs LENTZ-CORNETTE, Mr LIGIOS (deputizing for Mr Parodi), Mrs LLORCA VILAPLANA, Mrs MAIJ-WEGGEN (deputizing for Mr Alber), Mr NOVELLI (deputizing for Mr Moravia), Mr V. PEREIRA, Mrs RENAU I MANEN, Mr SCHMID, Mr SHERLOCK, Mrs SQUARCIALUPI, Ms TONGUE and Mr VITTINGHOFF.

The report was tabled on 24 January 1986.

The deadline for tabling amendments to this report will be indicated in the draft agenda for the part-session at which it will be debated.

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The Committee on the Environment, Public Health and Consumer Protection hereby submits to the European Parliament the following

MOTION FOR A RESOLUTION

together with explanatory statement on European Environment Year 1987

The European Parliament,

- having regard to the decision of the European Council meeting on 30 March 1985 in Brussels to declare 1987 European Environment Year
- having regard to the European Community's previous action programmes on the environment of 1972, 1978 and 1982 ¹
- having regard to the document 'Ten Years of European Environment Policy' published by the Commission of the European Communities ²
- having regard to the document 'European Parliament Resolutions on Environmental Protection (1979-1984)' ³
- having regard to the Commission's work programme for 1985
- having regard to the document 'Community guidelines on environmental protection: the European Parliament's monitoring powers' ⁴
- having regard to the second annual report to the European Parliament on monitoring the application of Community law in 1984 ⁵
- having regard to the report by Mrs VAYSSADE on behalf of the Committee on Legal Affairs and Citizens' Rights on monitoring the application of Community law and European Parliament resolution ⁶
- having regard to the motion for a resolution by Mr SCHMID and others on the embodiment of environmental protection in the EEC Treaty (Doc. 2-1273/84)

¹ OJ No. C 112, 20.12.1973, p. 1; OJ No. C 139, 13.6.1977, p. 1;
OJ No. C 46, 17.2.1983, p. 1

² published by the Commission of the European Communities, Brussels, March 1984

³ European Parliament, Research and Documentation, series on Environment, Public Health and Consumer Protection, No. 6, 06-84

⁴ ibid. No. 7, 09-1985

⁵ (COM(85) 149 final - Doc. C 2-40/85)

⁶ OJ No. C 343, 31.12.1985, p. 6

- having regard to the international agreements on environmental protection to which the European Community and its Member States have acceded
 - having regard to Oral Question with Answer No. 0-54/81 by Mrs WEBER on 'Global 2000' and 'Global 2000 - Time to Act' calling for practical measures in response to the reports' findings
 - having regard to the report by the Committee on the Environment, Public Health and Consumer Protection (Doc. A 2-205/85)
- A. deeply concerned at the worsening environment crisis, the growing threat to life through the overexploitation of natural resources and the intolerable pollution of air, water and soils, the extinction of numerous species of animal and plant life and the inestimable damage to human health,
 - B. having regard to the wealth of literature and information on these numerous forms of environmental destruction which already forms a substantial basis for debate and for possible decisions,
 - C. having regard to the European public's steadily growing awareness of the environment and the increasing willingness to make sacrifices for the sake environmental protection,
 - D. whereas, given the present and immediately foreseeable unacceptably high level of unemployment in the European Community, the full potential of environment policy must be developed to create new secure jobs for the future,
 - E. whereas the Council and the Commission have declared that we should finally put our own house in order regarding the environment,
 - F. profoundly concerned that,
 - although the problems are acknowledged - the political will is still lacking to take major preventive decisions in environment policy,
 - environmental interests are still not adequately taken into account when taking other policy decisions,
 - the present institutional situation will continue to dictate compromise decisions based on the lowest common denominator,
 - the directives adopted for the protection of the environment are belatedly and loosely incorporated into national law,
 - in many Member States, the structures for implementing environment policies are inadequate,
1. Welcomes the European Council's adoption of the Commission's proposal to declare 1987 Environment Year;
 2. Insists, however, that this year should not be allowed to turn into a 'year of declarations and pronouncements' or a year in which the respective governments enthusiastically celebrate the 'achievements' of their national environment policies;

3. Reiterates the need for environmental problems to continue to be tackled at European level and for environmental aspects to be integrated with other Community policies;
4. Demands that the European public's hopes that the European Community finally demonstrate and use its powers in the field of environmental protection are not frustrated and that Environment Year will be a year of decision making and action to achieve a distinct improvement in the environment;
5. Calls for the attainment of the following objectives by the end of 1987:
 - the de facto incorporation of environmental interests into the other EEC policy-making areas, as decided by the Heads of Government, without provision of appropriate procedures,
 - an improvement in Community and national legislation,
 - a distinctly improved environment,
 - a well-informed and involved public;
6. Calls for environmental protection to be finally embodied as a common Community policy in the EEC Treaty by the end of 1987 and for the institutional reforms to bring about a genuine involvement of the European Parliament in the decision-making process;
7. Calls on the Member States to accelerate wherever possible the incorporation of Community directives into national law; considers it imperative, in this regard, that national penalties for breaches of environmental legislation be more uniformly and vigorously applied;
8. Expects the Council and the Commission to have created by the end of Environment Year the financial and technical arrangements to enable the public to receive up to date and comprehensive information on the environmental situation in general and on planned and implemented measures, in particular via audio visual media; expects, moreover, an instrument similar to the US Freedom of Information Act to be established in the Community;
9. Calls, in addition to environmental impact assessments, for the establishment in the European Community of a basic directive on freedom of information for the public, similar to the US Freedom of Information Act, to ensure that decisions taken by the authorities which have repercussions on the environment are open to public scrutiny;
10. Calls on the Council, the Commission and the European Investment Bank henceforth to finance or support only those projects which have passed an environmental impact assessment even before the EEC directive is enacted;
11. Calls on the Council and Commission to give high priority to environmental problems in all negotiations and agreements with Eastern European countries;

12. Calls on the Council and the Commission to set up an environment fund (possibly with the EIB),
- to clear up existing pollution,
 - to support pilot projects to eliminate severe pollution,
 - to train environment experts,
 - to finance information projects, particularly in the audio visual field;
- these measures should also serve to create secure jobs for the future in environmental protection,
13. Calls on the Council and the Commission, in each month of Environment Year to support a selected environmental project in a different Member State, to serve as a model, with the object of
- improving the environment in practical terms,
 - increasing public awareness of environmental issues and giving the public opportunity for democratic participation in decision-making,
 - giving practical expression to Environment Year in each Member State,
 - improving cooperation with industry, trade unions, environmental groups, the public and the mass media as an example,
 - creating jobs in the context of environment policy,
 - taking advantage of voluntary associations and their activities;

The following could serve as model projects (in particularly deprived areas):

construction of a local sewage treatment plant, designation and establishment of a trans-frontier nature reserve, training schemes for staff employed by monitoring bodies, teaching of environment-conscious consumer behaviour, retraining schemes for workers with jobs involving environmental and health hazards, environment-conscious building;

14. Expects the Commission and the Council to draw up a survey by the end of 1986 on the achievements of Community environment policy to date measured in terms of the objectives of the third action programme and the decisions of the Council; this survey should clarify for the public what has been achieved and what remains to be done at a legislative and a practical level;
15. Calls on the Council and the Commission to draw up and adopt by the beginning of 1987:
- a plan of action to determine how and by what date the shortcomings in environment legislation and its implementation should be eliminated,
 - an emergency environment programme for 1987,
 - a fourth action programme for 1987-1991 with the following priorities: environmentally acceptable farming and soil conservation, decrease in air pollution; environmentally acceptable alternative energy sources, protection of groundwater, lakes, rivers and seas in the Community, rehabilitation of hill and mountain areas in a run-down state, environmentally acceptable waste management, conservation of flora and fauna, promotion of economical technologies and non-pollutant forms of production, targeted environmental research (e.g. climate research, energy saving);

16. Decides not to participate in Environment Year 1987 should the Council intend to use it merely as a cover for its failure to act and is not prepared to provide adequate financial resources or appropriate and practical measures to translate the above demands into practice;
17. Instructs its President to forward this resolution to the Council and the Commission.

EXPLANATORY STATEMENT

1. Despite all the legal measures taken to date, the environment situation has also deteriorated in the EEC. Future life on this 'space ship Earth' will be endangered if man continues to exploit his natural resources (air, water, soil, raw materials, etc.) with such abandon. Woodland will decay over vast areas, climatic conditions will deteriorate radically, and animal and plant species will become extinct or be eradicated in their millions. Not least, the human race itself is suffering and dying through the damage it is inflicting on the environment. Repairing the damage done to the environment is already devouring huge sums of money and yet this repair work, in the form of 'environmental protection', is not equal to either the old or the new tasks.
2. Given this situation, the Council's decision on the Commission's proposal to declare 1987 Environment Year can only be welcomed. The disappointments of other national or international 'days of' or 'years of' show that all too frequently there is no progress beyond well-meaning declarations and the outcome is that in reality little has improved. It is extremely easy to make resounding declarations of principle - and then do nothing. Neither is it sufficient to enthuse over the actual or supposed achievements of present environment policy in speeches, brochures, exhibitions, etc.
3. Therefore, as the elected representative body of the citizens of this Community, the European Parliament must be resolute in ensuring that Environment Year is not used by the governments of the Member States to extol the achievements of their environment policy. 1987 must set an example for every year in the future, it must be a year of decisions, decisions reflected in a distinct and tangible improvement in the environment.
4. As opinion polls have repeatedly shown, the public, i.e. the private individual, takes a very active interest in environmental pollution and in the measures which are being taken or should be taken to improve the environment. It is more and more frequently the case that major projects can only be implemented with the public's support not without it. Strict use of environmental impact assessment opens the way to a preventive and socially perceptible environmental policy as well as a generally open information policy. The US Freedom of Information Act has as yet no effective counterpart in the EEC. The Community is therefore called upon to develop a similar instrument of policy. Information is the universal material on which to build an environment policy.
5. If the European countries and their governments are to take their responsibility for employment and the environment seriously, they must pursue and initiate an active and mutually coordinated economic and environmental policy. The Community has the means to achieve this; they just need to be used.

When more than 13 million people in the Community are unemployed, environmental protection cannot resolve this problem alone but it can make an important contribution. The third Environment Action Programme has already given clear indications on this; they just need to be translated into more resolute action.

6. A European environment policy and environment legislation which points the way for ourselves and others could create the conditions for research, industry and economy to compete at world level for the years and decades ahead.

The environment ministers of the western industrialized nations established the following as the main principles on 14 December 1984 in London:

- environmental resources constitute the basis and the parameters of economic development; and careful use of these resources is one of the most important features of national and international policy.
 - Consequently, environment policy should be fully integrated into other areas of policy. It should be regarded as a fundamental factor in economic decision-making. In this connection, we would emphasize the importance of a secure long-term development; correctly timed preventive measures in preference to remedies after the fact, the importance of environmental impact assessment, the introduction of environment standards based on the best technology and the development of less pollutant and more cost-effective technologies including those designed to reduce emissions at source.
7. To achieve a more effective and forward-looking environment policy it must also be rid of one of its fundamental restrictions: the principle of unanimity in Council decision-making and the resultant need for agreement at the level of the lowest common denominator. In the eyes of the European public this has radically diminished the authority of the EEC in the field of environmental protection. Another consequence of the unanimity principle is that each Member State can prevent or delay necessary measures by the use of its veto. In addition, resistance to environment legislation at national level will not diminish when it is generally known that it can ultimately be thwarted at Community level by the intervention of the government representative concerned. Protection of the natural environment must be embodied in the EEC Treaty as a common area of policy. Environment Year is occasion enough for taking this step.
 8. However, European environment policy is also suffering as a result of the difference in the environment laws and in environmental awareness between the individual Member States. This will unfortunately not lessen with the accession of Spain and Portugal. A Community action programme should therefore ensure that the most glaring shortcomings are eliminated by the end of 1987. A European environment policy cannot be pursued without the solidarity of action of those countries which have hitherto been able to 'afford' more environmental protection because of their economic situation.
 9. The European Parliament must insist that research focus on the development of clean technologies and alternative energies and the economical use of resources. This also applies to the current EUREKA project.
 10. Although the European Parliament resolution of 20 November 1981 on the progress of environmental protection projects in the Community expressly expected, the third Environment Action Programme to be based on the outcome of existing programmes and actions, it is not as the Commission will undoubtedly propose a fourth action programme for 1987-1991, the European Parliament reiterates its call for the Commission first to submit

a report on the implementation of the third action programme. This report should explain why certain objectives were attained or not, where legislative shortcomings have arisen and where measures have yet to be implemented and it is of particular importance that it quantify the impact of environmental measures on the employment situation. If possible, the national environment programmes should also be covered in this report.

The Commission should submit its survey by the end of 1986 so that the following new action programmes may be adopted following in-depth discussion:

- an emergency programme for Environment Year 1987,
- a fourth action programme for 1987-1991 with clearly defined priorities and strategies and practical measures and instructions for action to be taken by the Commission, naturally taking into account the problems of the new Member States, Spain and Portugal, the goals of international agreements, of the UNEP and the World Conservation Strategy.

The emergency programme and the action programme must make clear the possible impact on the labour market situation of the measures planned.

MOTION FOR A RESOLUTION (DOCUMENT 2-1273/84)

tabled by Mr SCHMID, Mr ARNDT, Mr COLLINS,
Ms TONGUE, Mr HUGHES, Mr VITTINGHOFF, Mrs WEBER,
Mr MUNTINGH and Mr SCHINZEL

pursuant to Rule 47 of the Rules of Procedure

on the embodiment of the principle of
environmental protection in the EEC Treaty

The European Parliament,

- A. gravely concerned at the alarming and growing extent of damage to human health and to the environment,
- B. whereas the European Council has also acknowledged the need for action at European level in order to protect the environment and preserve natural conditions of life (see decision of the Heads of State or Government, meeting in Paris in 1972, to draw up an action programme on environmental protection¹ and decisions taken by the Stuttgart European Council in 1983 on immediate action to combat air pollution²),
- C. whereas the draft Treaty establishing the European Union³, adopted by the European Parliament in February 1984, contains the guidelines for the future organization of the European Community, inter alia with regard to environmental protection,

1. Takes the view that a more effective legal basis for environmental protection legislation must be established as a matter of urgency;
2. Calls on the Commission to submit to the Council, pursuant to Article 236 of the EEC Treaty, a draft proposal amending the EEC Treaty in the manner set out below:

- The following text to be inserted in Article 2 of the EEC Treaty:

'... an increase in stability, greater protection of the natural environment, enhancement of the quality of life, in particular an accelerated raising of the standard of living and closer relations ...'

¹ See Bulletin of the European Communities No. 10/72, pp. 15-24 (p. 21 in particular)

² See Bulletin of the European Communities No. 6/83, pp. 20-26 (p. 23 in particular)

³ See OJ No. C 77, 19.3.1984, p.33 ff

- A new Article 3(d₁) to be inserted after Article 3(d) of the EEC Treaty:

'(d₁) the adoption of a common policy in the sphere of environmental protection;'

- A new Title III a - 'Environmental protection' - containing the following articles, to be inserted after Article 73 of the EEC Treaty:

'Article 73 a

The European Communities and the Member States shall protect human health and preserve a habitable environment.

Article 73 b

For the purpose of implementing Article 73 a, the Council, acting by a majority on a proposal from the Commission, and after consulting the Assembly and the Economic and Social Committee, shall adopt the necessary rules governing the areas set out in the following articles (73 c - 73 f).

Article 73 c

In order to prevent damage to the environment, all technical planning and decision-taking processes shall incorporate an environmental impact assessment. The Council shall adopt the requisite Regulations, in accordance with the procedure laid down in Article 73 b, no later than two years after the entry into force of this amendment to the Treaty.

Article 73 d

Damage to the environment that has already occurred shall be rectified in accordance with the 'polluter pays' principle. The Council shall adopt the requisite Regulations, in accordance with the procedure laid down in Article 73 b, no later than three years after the entry into force of this amendment to the Treaty.

Article 73 e

In order to contribute towards the attainment of the objectives of environmental protection, the Council shall adopt, pursuant to Article 73 b and no later than two years after the entry into force of this amendment to the Treaty, the requisite Regulations for the establishment and organization of a European Environment Fund.

The Council shall regularly modify the area of application and operating rules of the European Environment Fund in line with the requirements of environmental policy.

Article 73 f

In pursuit of the objectives of environmental protection and health protection, the European Community shall conclude the requisite agreements, with one or more States or international organizations, pursuant to Article 228 of this Treaty and after consultation of the Assembly.'