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## Information and Notices

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## I

(Information)

## COUNCIL

**RESOLUTION OF THE COUNCIL OF THE EUROPEAN COMMUNITIES AND  
OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER  
STATES, MEETING WITHIN THE COUNCIL,****of 7 February 1983****on the continuation and implementation of a European Community policy and action  
programme on the environment (1982 to 1986)**

THE COUNCIL OF THE EUROPEAN COMMUNITIES  
AND THE REPRESENTATIVES OF THE  
GOVERNMENTS OF THE MEMBER STATES,  
MEETING WITHIN THE COUNCIL,

note that the projects to which the appended  
programme will give rise should in some cases be  
carried out at Community level and in others be  
carried out by the Member States.

With regard to the projects to be carried out by the  
Member States, the latter will supervise their proper  
execution, it being understood that for these projects  
the Council will exercise the coordinating powers laid  
down in the Treaties.

With regard to the projects in the programme to be  
carried out by the institutions of the European  
Communities,

THE COUNCIL OF THE EUROPEAN  
COMMUNITIES,

Having regard to the Treaty establishing the  
European Coal and Steel Community,

Having regard to the Treaty establishing the  
European Economic Community,

Having regard to the Treaty establishing the  
European Atomic Energy Community,

Having regard to the draft from the Commission,

Having regard to the opinion of the European Par-  
liament <sup>(1)</sup>,

Having regard to the opinion of the Economic and  
Social Committee <sup>(2)</sup>,

Whereas the declaration of the Council of the  
European Communities and of the representatives of  
the Governments of the Member States, meeting  
within the Council, of 22 November 1973 <sup>(3)</sup> calls for  
the implementation of a European Communities  
programme of action on the environment;

Whereas the action programme was extended and  
supplemented for the period 1977 to 1981 by the  
resolution of the Council and the representatives of  
the Governments of the Member States, meeting  
within the Council, of 17 May 1977 <sup>(4)</sup>;

Whereas the tasks of the European Communities are  
laid down in the Treaties establishing the  
Communities;

Whereas in particular, in accordance with Article 2 of  
the Treaty establishing the European Economic  
Community, part of the latter's task is to promote  
throughout the Community a harmonious  
development of economic activities and a continuous  
and balanced expansion, which, even in changed  
economic circumstances, is inconceivable without  
making the most economic use possible of the natural  
resources offered by the environment and without  
improving the quality of life and the protection of the  
environment;

Whereas, consequently, the improvement of the  
quality of life and making the most economical use  
possible of the natural resources offered by the  
environment are among the fundamental tasks of the  
European Economic Community; whereas a  
Community environment policy would help  
accomplish this purpose;

Whereas it is necessary to avoid the adoption by the  
Member States of divergent measures likely to  
produce economic distortions in the Community;

Whereas account should be taken of the economic  
and social aspects of environment policy, and parti-  
cularly of its potential to contribute to the easing of  
current economic problems, including unemployment;

Whereas the Council confirmed the objectives and  
principles of Community environment policy in its  
declaration of 22 November 1973 and reconfirmed  
them in its resolution of 17 May 1977;

<sup>(1)</sup> OJ No C 182, 19. 7. 1982, p. 102.

<sup>(2)</sup> OJ No C 205, 9. 8. 1982, p. 28.

<sup>(3)</sup> OJ No C.112, 20. 12. 1973, p. 1.

<sup>(4)</sup> OJ No C 139, 13. 6. 1977, p. 1.

Whereas the programme of action on the environment of 22 November 1973, as extended and supplemented on 17 May 1977, is still valid; whereas it should be updated, further implemented and supplemented for the period 1982 to 1986, by new tasks which prove to be necessary;

Whereas in particular, in addition to the projects already initiated, especially in the field of pollution reduction, making the most economic use possible of the natural resources offered by the environment requires the preventive side of the environment policy to be strengthened in the framework of an overall strategy and environment considerations to be integrated into other Community policies,

*Takes note* of the action programme annexed hereto and approves the general approach thereof;

*Declares* that it is important for Community actions to be carried out particularly in the following areas:

- (a) integration of the environmental dimension into other policies;
- (b) environmental impact assessment procedure;
- (c) reduction of pollution and nuisance if possible at source, in the context of an approach to prevent the transfer of pollution from one part of the environment to another, in the following areas:
  - combating atmospheric pollution, especially by NO<sub>x</sub>, heavy metals and SO<sub>2</sub> *inter alia* by implementing Council Directive 80/779/EEC of 15 July 1980 on air quality limit values and guide values for sulphur dioxide and suspended particulates <sup>(1)</sup>;
  - combating fresh-water and marine pollution *inter alia* by:
    - (i) implementing Council Directive 76/464/EEC of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community <sup>(2)</sup> and Council Directive 78/176/EEC of 20 February 1978 on waste from the titanium dioxide industry <sup>(3)</sup>, and
    - (ii) the action programme of the European Communities of 26 June 1978 on the control and reduction of pollution caused by hydrocarbons discharged at sea <sup>(4)</sup>,

— combating pollution of the soil.

- (d) environmental protection in the Mediterranean region, paying particular attention to the specific aspects of that region when giving practical application to the action programme;
- (e) noise pollution and particularly noise pollution caused by means of transport;
- (f) combating transfrontier pollution;
- (g) dangerous chemical substances and preparations; e.g. the supplementing and application of Council Directive 79/831/EEC of 18 September 1979 amending for the sixth time Directive 67/548/EEC on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances <sup>(5)</sup>;
- (h) waste management, including treatment, recycling and re-use and in particular toxic and dangerous waste, including transfrontier transport of such waste and the review of the list of toxic or dangerous substances and materials in the Annex to Council Directive 78/319/EEC of 20 March 1978 on toxic and dangerous waste <sup>(6)</sup>;
- (i) encouraging the development of clean technology, e.g. by improving the exchange of information between Member States;
- (j) protection of areas of importance to the Community which are particularly sensitive environmentally;
- (k) cooperation with developing countries on environmental matters;

*Notes* with satisfaction that the Commission intends to be guided, as in the past, by the following considerations in drawing up its proposals:

- (a) the desirability of action at Community level;
- (b) the need to avoid any unnecessary duplication, by checking whether the subjects in question are already being dealt with satisfactorily by international bodies;
- (c) the need to assess, as far as possible, the costs and benefits of the action envisaged;
- (d) the need to take account of the differing economic and ecological conditions and the differing structures in the Community;
- (e) the need to carry out careful research, analysis and consultation before proposals are submitted to the Council;

<sup>(1)</sup> OJ No L 229, 30. 8. 1980, p. 30.

<sup>(2)</sup> OJ No L 129, 18. 5. 1976, p. 23.

<sup>(3)</sup> OJ No L 54, 25. 2. 1978, p. 19.

<sup>(4)</sup> OJ No C 162, 8. 6. 1978, p. 1.

<sup>(5)</sup> OJ No L 259, 15. 10. 1979, p. 10.

<sup>(6)</sup> OJ No L 84, 31. 3. 1978, p. 43.

*Undertakes* to act on these proposals wherever possible within nine months of the date on which they are submitted by the Commission or, as the case may be, of the date on which the opinions of the European Parliament and of the Economic and Social Committee are submitted;

*States* that the decision to make available the financial resources necessary for implementing this resolution and the action programme attached thereto will be taken in accordance with the usual procedures.

#### ANNEX

### ACTION PROGRAMME OF THE EUROPEAN COMMUNITIES ON THE ENVIRONMENT (1982 to 1986)

#### I. INTRODUCTION

1. The declaration at the Paris Summit of Heads of State or Government of the Member States in October 1972 gave a decisive political impetus to the consideration given to the environment in planning the socio-economic development of the Community.

This impetus enabled the Council on 22 November 1973 <sup>(1)</sup> to adopt a Community action programme on the environment which was updated on 17 May 1977 <sup>(2)</sup> in order to ensure the continuity of the projects already undertaken and to undertake new tasks for the period 1977 to 1981. The Community has therefore formulated an environment policy.

2. Originally the central concern was that, as a result of very divergent national policies, disparities would arise capable of affecting the proper functioning of the common market. That could happen with different product standards that lead to barriers to free circulation of goods or with policies that imposed too different charges on firms and so created distortions of competition.

3. Now, however, the common environmental policy is motivated equally by the observation that the resources of the environment are the basis of — but also constitute the limits to — further economic and social development and the improvement of living conditions. It aims therefore not only to protect human health, nature and the environment but also to ensure that natural resources are well managed, in particular by introducing qualitative considerations into the planning and organization of economic and social development. It cannot be dissociated,

therefore, from measures designed to achieve the fundamental objectives of the Community.

4. The Community's environment policy, as indeed is true of the national policies as a whole, has brought substantial results in a relatively short period and despite growing economic problems.

The chief form which action has taken has been the preparation of legislation and other rules to reduce, and even eliminate, pollution and nuisances and to preserve the natural environment. Without doubt this has provided a basis and a Community frame of reference for the various sectors. There have been other forms of action in particular a review of new intervention instruments, the completion and coordination of research and measures to alert public opinion.

Initially the essential aim of the Community environment policy was the control of pollution and of nuisances; it has gradually assumed an overall, preventive character. This development offers the two-fold advantage of environmental protection measures which support and complement economic development. In this connection, the establishment in the Community of a system of prior inspection of new chemical substances was the first mile-stone in a wider-ranging policy which is intended to take in at a later stage industrial activities of a dangerous kind or which are likely to affect the environment to a significant degree.

Overall, the policy now makes it possible to ensure that certain measures take place at the right geographical and political level, to avoid certain difficulties with regard to the proper functioning of

<sup>(1)</sup> OJ No C 112, 20. 12. 1973, p. 1.

<sup>(2)</sup> OJ No C 139, 13. 6. 1977, p. 1.

the common market, to provide a frame of reference for national policies and, finally, to provide incentives, at the different levels of action, for conserving natural resources and improving the quality of life.

Finally, at international level, the Community plays an active role in international conventions to which it is a contracting party and cooperates closely with international organizations dealing with environmental problems and with the authorities in certain non-member countries faced with the same problems as the Community.

5. At a time when the economic situation of the Community and of the Member States continues to worsen, the question arises as to whether or not the Community environment policy should be modified. The Commission and the Council have already taken into account the new economic conditions in carrying out the first and second action programmes, especially by developing preventive measures. However, environment policy is a structural policy which must be carried out without regard to the short-term fluctuations in cyclical conditions, in order to prevent natural resources from being seriously despoiled and to ensure that future development potential is not sacrificed. Furthermore, public opinion is still very concerned about environmental matters and, despite current economic difficulties, continues to support measures to protect the environment.

The tasks to be undertaken during the period 1982 to 1986 should therefore have the same objectives and priorities, and be based on the same principles as those which have governed Community action in the past so that action to protect the environment can be continued, and indeed strengthened, to guarantee the quality of life for present and future generations.

The first aim is to complete the many projects provided for in the 1977 to 1981 programme which have not been fulfilled for a variety of reasons — mainly because of the discrepancy between the scale of the projects and the means available for implementing them.

The Commission intends to pursue work in progress to monitor the application of laws and regulations already adopted, to increase the effectiveness of the existing body of Community legislation.

6. However, consolidation and the continuation of the measures laid down in the 1973 and 1977

programmes must take into account the socioeconomic context of the 1980s and the new political and geographical dimensions of the Community of Ten; nor must pre-accession negotiations in progress with two other States be forgotten. Economic recovery based on the full and extensive use of every resource (both human and natural) is an aim of vital importance to the economy of the whole Community. Accordingly, the environment policy will define the limits and the actions required to attain more balanced development without wastage.

The socio-economic context of the 1980s will mean that environmental action must not only take account of the major problems confronting the Community (employment, inflation, energy, balance of payments and growing regional disparities) but must also contribute to the efforts made in other ways to find solutions. This will be conditional on the deteriorating economic situation not being used as an excuse for weakening the environmental policy that is now under way.

Accordingly, environmental policy must be concerned:

- to help in creating new jobs by the promotion and stimulation of the development of key industries with regard to products, equipment and processes that are either less polluting or use fewer non-renewable resources,
- to reduce any form of pollution or nuisance, or of interference with spatial features, the environment or resources which create waste or unacceptable cost for the Community,
- to economize certain raw materials that are nonrenewable, or of which supplies can be obtained only with difficulty, and to encourage the recycling of waste and the search for less polluting alternatives,
- to prevent or reduce the possible negative effects of using energy resources other than oil, such as coal or nuclear power, and to promote energy saving and the use of less polluting energy resources,
- to reinforce the implementation of the Information Agreement of 5 March 1973<sup>(1)</sup> to avoid individual national measures affecting the proper

<sup>(1)</sup> OJ No C 9, 15. 3. 1973 and OJ No C 86, 20. 3. 1973.

functioning of the internal market or making the adoption of appropriate Community measures more difficult.

7. The enlargement of the Community and its new Mediterranean dimension make it necessary for environmental protection measures to contribute more effectively and specifically to protecting the Mediterranean Sea within the limits of overall policy for that area. Active Community participation in the Convention for the Protection of the Mediterranean Sea against pollution, and the Protocols thereto, will provide the best protection for the economic, social and cultural values of the Mediterranean basin, preserve its common heritage and help the improvement, the political climate and the search for lasting peace in this region.

In the case of the North Sea, the Community's second international waterway, a more coordinated policy should be pursued. In particular, attention must be paid to the adverse ecological impact on the North Sea of (often mutually incompatible) human activities such as oil and gas recovery, sand and gravel removal, shipping and pollution by land-based sources and atmosphere. One of the top priorities must be to reach some form of coordinated administrative and legal policy that will safeguard to the fullest extent the continued existence of the North Sea as an important and immensely valuable ecological unit.

8. To intensify the above measures and implement a preventive environmental protection policy in a full

and effective manner, the Community should seek to integrate concern for the environment into the planning and development of certain economic activities as much as possible and thus promote the creation of an overall strategy making environmental policy a part of economic and social development. This should result in a greater awareness of the environmental dimension, notably in the fields of agriculture, (including forestry and fisheries) energy, industry, transport and tourism.

Moreover, as the gaps between the levels of development of the different regions in the Member States widen, the Community's environment policy should pay more attention to regional aspects.

The Community's environment policy is also an important element in the strategy for industrial innovation: the Commission recently proposed to the budgetary authorities. In fact certain measures, in particular those for fighting pollution and exploiting waste, could stimulate technological innovations and so contribute to improving the competitiveness of the Community's economy. The Community will continue its efforts by suitable measures.

To support the attainment of these objectives, the Commission intends to make increased use of the possibilities offered by the existing Community financial instruments. The Community financial instruments for the environment proposed to the Council will make it possible to supplement these aids by promoting the development of techniques and pilot projects in fields which are not eligible for assistance under the existing financial instruments.

## II. DEVELOPING AN OVERALL STRATEGY

9. The ultimate objectives of environment policy are the protection of human health, the long-term availability of all the resources which determine the quality of life, of adequate quality and in sufficient quantity, namely, water, air, space — from both the land-use and landscape points of view — climate, raw materials, the built environment, and the natural and cultural heritage, as well as the maintenance and, where possible, the restoration of the natural environment with suitable habitats for flora and fauna.

In view of their sometimes very close links, the sound management of these resources requires that an overall strategy should be conceived and put into practice. The need for such a strategy, recognized in

principle in the first and second programmes, has gradually increased as the latter have been implemented. The policy now needs to be put in concrete form, and present and future measures arranged within an appropriate general framework, drawing inspiration especially from the World Conservation Strategy launched by UNEP, IUCN and WWF in March 1980.

Three principles are crucial, if that goal is to be achieved, and need to be restated; namely, that each type of action must be applied at the most appropriate level and that prevention rather than cure should be the rule and that wherever possible attempts at restoration must be made.

It is necessary to seek the level of action — local, regional, national, Community or international — best suited to the problems in question; consequently, the Community level should be reserved for those measures which can be most effective there. This is particularly important, for instance, in spatial planning, where responsibilities are often very widely dispersed within the Community.

Conservation requirements, moreover, should be considered as early as possible in socioeconomic development planning and decision-making processes.

This approach, which is also the most economic as far as the Community is concerned, will become an essential part of all socioeconomic activity.

The following conditions must be met, if the principle of prevention is to have full effect:

- the requisite knowledge and information must be improved and made readily available to decision-makers and all interested parties, including the public,
- it is necessary to formulate and introduce procedures for judgment which will ensure that the appropriate facts are considered early in the decision-making processes relating to any activity likely to affect the environment significantly. Such procedures should be carried out in an ecological context, which will need to be gradually defined and will indicate the limits not to be exceeded to avoid jeopardizing the regenerative capacity of the ecosystem and the availability of natural resources,
- an effort must be made to achieve optimum distribution of resources,
- to monitor the implementation of adopted measures, to ensure their correct application and their adaptation if circumstances or new knowledge should so require,
- to strengthen the cohesion of Community and Member State environmental policies,
- training and public awareness with regard to the environment should be improved and intensified.

The Commission will elaborate ways and means of restoring the environment and submit proposals for their implementation on completion of its survey.

#### 10. *Dissemination of and access to research results*

In implementing the various research programmes approved by the Council, the Commission will place

greater stress on, in particular, those measures which are likely to sustain in the short, medium and long terms the present action programme. With this in view, it will also pursue its efforts to coordinate the Member States' environmental research programmes.

The Commission will continue its activities concerning the dissemination of scientific and technical data on the protection and improvement of the environment taking place simultaneously in the framework of the third IDST action plan and in the development of a European information market and a production market of its own.

The Commission will also continue to publish the results of pollution measurements compiled under the common information-exchange procedures approved by the Council in respect of surface water and air pollution.

The current 'ecological mapping' project is a very relevant instance of efforts to make information on the state of the environment more accessible throughout the Community.

#### 11. *Procedures to ensure that environmental data are taken into account in planning and decision-making*

Environmental impact assessment is the prime instrument for ensuring that environmental data is taken into account in the decision-making process. It should be gradually introduced into the planning and preparation of all forms of human activity likely to have a significant effect on the environment such as public and private development projects, physical planning schemes, economic and regional development programmes, new products, new technologies, and legislation.

Directive 79/831/EEC (sixth amendment to Directive 67/548/EEC on dangerous substances) <sup>(1)</sup> was a first step in this direction at Community level.

The Commission has also sent the Council a proposal for a Directive introducing environmental impact assessment into existing national procedures for the authorization of new industrial developments and agricultural infrastructures <sup>(2)</sup>.

<sup>(1)</sup> OJ No L 259, 15. 10. 1979, p. 10.

<sup>(2)</sup> OJ No C 169, 9. 7. 1980, p. 14.

If adopted, the Directive will be an important step in achieving the effective integration of the environmental aspect into decision-making in respect of development.

Where appropriate, the Commission will, in the light of the experience acquired in these two areas, put forward proposals to the Council for the gradual extension of the field of application of environmental impact assessments.

The Commission will further take the necessary initiatives to see that all Community measures which are expected to affect the environment significantly are gradually subjected to prior assessment.

## 12. *Optimal resource allocation*

Care must be taken to ensure optimum use of resources. To this end it is necessary, before any new measures are actually taken, to analyze carefully their justification and their optimum effectiveness from the point of view of cost-benefit. The Commission will do everything necessary to strengthen this practice, which it has been applying in principle since it began its action.

The application of the polluter-pays principle<sup>(1)</sup> is of decisive importance in a strategy which is designed to make the best use of resources. Apportioning the costs of protecting the environment to polluters, as provided by this principle, constitutes an incentive to them to reduce pollution caused by their activities and to discover less polluting products or technologies. This principle is therefore the chief way of bringing market forces to bear so as to achieve optimum structuring within a market economy.

The polluter-pays principle is usually applied by subjecting polluters to standards and/or charges and it implies that, in conformity with the general principles of the EEC Treaty concerning State aids that public authorities do not finance investments required to reduce pollution.

However, in some cases the introduction of new obligations for this purpose could be delayed because the consequential financial burden can cause serious difficulties for older firms and thus for employment. Faced with this situation, the Commission, by two Decisions dating from 1974 and 1980, has accepted that Member States may grant aids, during a period ending in 1987 and under certain conditions, aimed

at easing the introduction of new Regulations that could ensure adequate protection of the environment.

A particular area where State aids may be needed is in the protection of nature and of the landscape, aids which are usually given to local authorities or to voluntary organizations. Even if these aids do not contravene the provisions of the EEC Treaty concerning State aids, it is desirable to bring some of these aids into a Community context and so ensure their cohesion and thus increase their effectiveness.

Charges constitute one of the instruments for the application of the polluter-pays principle and they can provide an incentive to the introduction of antipollution measures to reinforce the application of standards and stimulate innovation, especially if residual pollution is also covered by the charge. It is necessary therefore to study carefully the fields where charging systems would allow the achievement of the objectives of environment policy more efficiently. However, care must be taken to ensure that any such charges do not, in their practical application, amount to a licence to pollute.

An environmental strategy at Community level should also be funded by financial resources specifically set aside for environmental purposes. Such instruments, which by their very existence would have a snowball effect and tend to stimulate the required 'osmosis' between national and Community environmental policies, would put the Community in a better position to help implement a balanced environmental policy in all its regions.

The Commission has proposed the inclusion in its preliminary draft budget for 1982 of (admittedly symbolic) amounts for these purposes. An optimum form for Community financial intervention concerning the environment will have to be thought out on the basis of the experience which would be gained from using these appropriations.

Finally, the Commission is drawing attention to the need to deploy greater efforts on integrating environmental data more fully into national accounts. National accounts in their traditional form do not take account of most environmental costs nor the benefits of improving the environment because they are difficult to measure. Consequently, it is important to improve indicators of environmental quality to supplement traditional national accounts that take inadequate account of the costs and benefits of improving the environment. Improvements should be achieved by promoting and harmonizing environmental statistics and introducing a common nomenclature of environmental parameters. Moreover, the inclusion of environment costs in GNP

<sup>(1)</sup> The first Community action programme on the environment, Title II (5) (OJ No C 112, 20. 12. 1973) and the Council recommendation of 3 March 1975 concerning cost allocation and action by public authorities on environmental matters (OJ No L 194, 25. 7. 1975).



would be facilitated by the application of the polluter pays principle and the use of charges to internalize external costs.

### 13. *Applying Council Decisions and the Information Agreement*

The Commission will continue to examine very closely the incorporation of Community texts into national law, in particular:

- the forms of national legislation used to incorporate the Community texts, and
- the complete incorporation thereof in all regions of each Member State, especially those where environmental protection is not the sole responsibility of the central government,
- the publication of legal and administrative provisions intended to give effect to Community texts.

The Commission will also continue to examine very closely the actual implementation at national level of Community Regulations, Directives and recommendations and will ensure that appropriate action is taken. This examination will also include a study of the sanctions available in the Member States in case of infractions.

At its meeting on 29 and 30 June 1981, the European Council 'agreed that a concerted effort must be made to strengthen and develop the internal market'. The Information Agreement on the environment of 5 March 1973 provides one important means for achieving progress in this field. The number of measures notified to the Commission pursuant to the Agreement fell from 41 in 1974 to two in the first half of 1981. The Commission will make a thorough examination of the way in which the Agreement has

been applied in the nine years of its existence. This will include notably a comparison of the measures notified to the Commission by the Member States and all the measures adopted by them, and will bring out the different national interpretations of the provisions in the Agreement. After the review, the Commission will put forward appropriate proposals for strengthening the application of the Agreement. Following this review, the Commission will make whatever proposals may be necessary to strengthen the application of the Agreement.

### 14. *Improvement and reinforcement of education in and public awareness of the environment*

Consciousness of the importance of protecting and improving the environment is a necessary condition for more responsible behaviour towards it at individual level.

Beyond the individual level, it is of first importance that public opinion, informed mainly by socio-economic undertakings, should support the efforts made at national and Community levels in favour of the adoption and application of laws required to protect the environment. For this reason the Commission will continue its action to spread information and to promote awareness in this field. It will continue its support, where necessary and at the appropriate levels, of non-governmental organizations working in the environment field.

Particular attention will be given to the education of young people of school-going age. The network of pilot schools in the environmental field will be extended to the secondary education level and similar action for professional education will be considered.

## III. PREVENTION AND REDUCTION OF POLLUTION AND NUISANCES IN THE DIFFERENT ENVIRONMENTS

15. It is first of all essential to combat the deterioration of the environment by reducing pollution and nuisances, in order to develop sound management of natural resources and to protect human beings.

For practical reasons, the Community and the Member States have most often carried out specific measures of this type in each environmental sphere separately. Although it will continue with this approach, the Commission will also pay great attention to coordinating those measures. With this in mind, it will review, in particular, how different discharges of wastes which can affect many

environments can be regulated as a whole, so as to avoid any transfer of pollution that might arise from only partial measures.

To contribute effectively to the conservation of the natural environment, the Commission will ensure that the application of Council Directives and Decisions does not result, directly or indirectly, in a reduction of environmental quality. It will also study how the total discharges of certain substances could gradually be reduced, with a view to submitting proposals to the Council.

The monitoring of pollution in the different environments also needs to be improved, especially in the context of UNEP's Global Environmental Monitoring System.

Sectoral studies conducted in various Member States have shown that some forms of pollution and nuisance help to bring about in irreversible deterioration of the Community's cultural heritage. A joint effort must be made to ensure that the latter is protected. To start with, the Commission will draw up an inventory of those sites which are particularly threatened and will continue studies to determine the criteria for establishing the cause-effect relationship in respect of different types of pollution and nuisance.

In carrying out this programme, the Commission will pay special attention to pollution which affects more than one Member State at once. The Community will also have to increase its contribution to international efforts to combat transboundary pollution affecting Member States and non-member countries.

In particular, in order to overcome certain difficulties caused by the application of Council Directives and Decisions in the environmental field which may affect the economies of certain regions in the Community, the Commission has proposed that a financial instrument for the environment should be set up to act as an incentive and a catalyst.

#### 16. *Fresh water and sea water*

The Commission will continue with the measures begun under the first two programmes and will implement the Directives and Decisions adopted by the Council with a view to preventing and reducing water pollution. The following are the main areas concerned:

- the control of pollution by dangerous substances,
- the control of pollution from oil spills,
- monitoring and control with a view to improving water quality and reducing pollution.

17. As regards the pollution of the aquatic environment by the dangerous substances covered by Directive 76/464/EEC <sup>(1)</sup>, it is essential to adopt the first implementing measures as soon as possible.

<sup>(1)</sup> OJ No L 129, 18. 5. 1976, p. 23.

Future action will involve the careful selection of priorities and the use of simplified procedures, especially with regard to the substances in List I. Particular attention will be paid to harmonizing programmes for reducing pollution by the substances recorded in List II of the same Directive.

To make this action more effective, the Commission will review measures for reducing indirect or dispersed discharges of certain substances and, if necessary, will send the appropriate proposals to the Council.

18. As regards marine pollution by hydrocarbons the serious consequences of illegal deballasting and repeated accidents — including some fairly recent ones — highlighted the inadequacy of attempts in the last decade to reduce this form of pollution and the urgent need for effective action at all levels.

To combat hydrocarbon pollution effectively, it is first of all essential to accelerate the implementation of a preventive policy. The Commission will therefore take steps to ensure that the international conventions concluded under the auspices of IMCO and the ILO <sup>(2)</sup> are quickly applied, and that the opportunities afforded by these conventions are properly used.

In the event of an accident, the authorities in the Member States concerned must be able to intervene quickly in a coordinated manner and with sufficient means. It is the Commission's wish to contribute effectively to such action and it will therefore act to bring into service the information system adopted by the Council while completing the study of the problems mentioned in its communication to the Council of 26 June 1980 and will make the relevant proposals. The Commission will coordinate its work with that carried out under the Barcelona Convention on the Protection of the Mediterranean Sea against Pollution and the Bonn Agreement on Pollution of the North Sea. During this preparatory work, the Commission will regularly consult the Advisory Committee on the control and reduction of pollution caused by hydrocarbons discharged at sea which it set up on 25 June 1980 <sup>(3)</sup>.

19. The Commission will supervise the technical application of the Council Directives and Decisions,

<sup>(2)</sup> The Conventions are mentioned in Council recommendations 78/584/EEC and 79/114/EEC (OJ No L 194, 19. 7. 1978, p. 17; OJ No L 33, 8. 2. 1979, p. 31).

<sup>(3)</sup> OJ No L 188, 22. 7. 1980, p. 11.

especially with regard to the common information-exchange procedure approved on 12 December 1977 <sup>(1)</sup> as well as to the regular reports and the programme laid down in the Council Directives. As regards fresh water, studies will be carried out by the Commission to prevent the dumping of organic and certain inorganic substances that accelerate the process of eutrophication as well as to reduce thermal pollution which is caused by production processes and which, in addition to interacting with other forms of pollution, represents a senseless waste of energy.

20. Finally, the Commission will continue to take part in the international conventions on the protection of fresh and sea water to which the Community is a Contracting Party and will negotiate the Community's accession, as and when the Council decides, to the other conventions which have the same objective. A particular effort will be made to clean up the Rhine under the aegis of the International Commission for the Protection of the Rhine against Pollution. The Community itself shall be prepared to make an appropriate contribution to the solution of the pollution of the Rhine, especially by salt, as called for in the European Parliament's resolution of 20 November 1981. The problem of pollution of the river Meuse, which flows through three Member States, will also be carefully considered by the Commission in the coming period. The Commission will also extend its measures aimed at the protection of the North Sea.

Efforts to protect the Mediterranean will likewise be stepped up. The Commission has already entered in its draft budget for 1982 appropriations which will help to give the Community a more vigorous and effective presence in this region.

#### 21. *Atmospheric pollution*

As regards the control of atmospheric pollution, the Commission will continue its efforts to establish air-quality standards. As to pollutants which are produced by a large number of scattered sources — i.e. ubiquitous pollutants such as nitrogen oxides and hydrocarbons — the Commission will continue to study the possibility of drawing up Community standards, notably in respect of photochemical oxidants. As regards the pollutants produced by a limited number of sources with a small radius of effect such as fluorine, cadmium, mercury and carbon monoxide, the Commission will study the effectiveness of regionally applied standards.

For some ubiquitous pollutants, a policy will have to be devised which initially will stabilize, and thereafter gradually reduce, total emissions by establishing emission standards, where necessary, for certain sources. This would apply notably to large, fixed sources with high stacks which distribute pollutants over a wide radius. This action will form part of the Commission's contribution to the effort to resolve the acid-rain and trans-boundary pollution problem being organized under the Geneva Convention on Long-Distance Trans-Boundary Atmospheric Pollution, under the auspices of the Economic Commission for Europe.

Coal is another case where emissions can be restricted. Energy supply problems will make it necessary to resort to other sources, notably coal, but will create further, particularly serious pollution problems in certain regions. Specific measures will have to be taken to reduce the discharges of pollutants produced by burning this fuel especially SO<sub>2</sub>, nitrogen oxides and suspended particulates.

They should be accompanied by the development and promotion of new less-polluting technologies.

The Commission will study how to strengthen the measures to control pollution from motor vehicles. It will in particular study, together with interested parties, the possibility that all new cars put on the market after a certain date be required to use antipollution devices or fuels which considerably reduce the present level of exhaust pollution, and make appropriate proposals. It will draw up long-term guidelines for the motor vehicle sector in general, and in so doing take account *inter alia* of the need for the European motor vehicle industry to meet the strict environment protection norms laid down by its major competitors such as the USA and Japan.

The Commission will also tackle the problems connected with the environmental impact of municipal waste, incinerating plants and of sludge from municipal sewage treatment plants.

Certain technical support measures will have to be taken, such as the more widespread use of emission inventories and the development and application of mathematical models representing the distribution of pollutants. Even closer attention should be paid to the economic consequences of all the proposed measures.

<sup>(1)</sup> OJ No L 334, 24. 12. 1977, p. 29.

Work on the harmonization of measuring methods will be continued and developed more systematically.

The Commission will continue to study the effects of certain chemicals, such as chlorofluorocarbons, on the ozone layer in the stratosphere and on the climate. It will also continue its measures to restrict the utilization of emission of these products by monitoring the marketing of existing chemical products. To this end it will draw up new forms of agreement with the economic interests concerned and take part in the negotiations for a framework agreement on the protection of the ozone layer which are being prepared under the UNEP.

## 22. Chemicals

The Member States have joined with industry in applying Community measures for the prohibition of substances dangerous to the environment as well as for the preventive testing of new and existing chemicals. However, the measures will need to be supplemented or improved.

The Commission and the Member States must set up proper procedures for consultation and cooperation. This is particularly true of the Sixth Amendment to the 1967 Directive on dangerous substances <sup>(1)</sup>, the application of which requires a very considerable effort by the competent national authorities and the Commission. To facilitate the implementation of the Directive, close cooperation between the competent national authorities should be encouraged. The Commission will therefore set up a coordinating committee, consisting of representatives of the Member States, to supervise the monitoring of chemical substances.

In addition, the Commission will continue its work on updating the Directives already adopted on dangerous substances and preparations.

Further, the assessment of the impact of chemicals on man and the environment will have to be harmonized to avoid differing assessments in the various Member States, which would be detrimental to the proper functioning of the common market. The methods should be applied systematically to both new and existing substances. Accordingly, the Commission will draw up at regular intervals lists of existing dangerous substances which require priority assessment. It will be assisted in this task by the Scientific Advisory Committee to examine the toxicity and ecotoxicity of chemical compounds, which was set up in 1979.

(1) OJ No L 259, 15. 10. 1979.

Measures which can lead to international agreements on toxic substances should also be intensified. More specifically, it is necessary to determine how the mutual recognition of specific test data, assessment data and, if possible, assessment procedures, can be achieved and to create the appropriate conditions. This could be done either bilaterally with certain non-member countries or internationally through, say, the OECD.

## 23. Noise

In view of the Community's economic situation, future noise-abatement measures, while still aimed at the promotion of quieter products, will give much great consideration to their socioeconomic consequences.

Particular attention will be paid to the connection between noise reduction and possible energy savings.

Further, to give more consideration to the environmental impact of different types of noise and to avoid devising solutions that are too partial, a greater effort will be made:

- to determine simple physical indicators with a view to evaluating the quality of a particular acoustic environment,
- to explore the links between these indicators and the reactions of the populations subjected to different types of noise source, whether isolated or combined,
- to harmonize methods of forecasting levels of exposure to noise.

These different items are also studied and discussed at international level.

Standards for combining sound and heat insulation properties will be studied.

Particular interest will be paid to the problems of mechanical vibrations, especially as regards the protection of the Community's cultural heritage.

More generally, the Commission will seek to speed up the work being done on standardization by various competent bodies.

To accomplish these objectives, the Commission will continue to take an active part in the standardization work being done by organizations such as ISO, CEI

and IUR, and in the special field of aircraft noise by ICAO and the ECAC <sup>(1)</sup>.

#### 24. *Waste*

Whereas waste production gives rise to problems of resource management, especially on account of the volume and nature of the wastes, treatment and disposal often create pollution and nuisance problems.

With regard to the second aspect, the Commission will see to it that the provisions regarding the

- (<sup>1</sup>) ISO = International Standards Organization;  
CEI = International Electrotechnical Committee;  
IUR = International Union of Railways;  
ICAO = International Civil Aviation Organization;  
ECAC = European Civil Aviation Conference.

treatment and inoffensive disposal of waste contained in the relevant Directives <sup>(2)</sup> already adopted by the Council are applied and will take the supplementary measures necessary, particularly for dangerous and toxic wastes.

#### 25. *Technology and pollution*

Preventive action designed to reduce pollution at source will, wherever possible, gradually replace attempts to control the effects of pollution and nuisances. The development of new production technologies and the design of new products will not only help make the management of natural resources more efficient but will also form a major element in the prevention of pollution.

- (<sup>1</sup>) OJ No L 194, 25. 7. 1975; OJ No L 108, 26. 4. 1976;  
OJ No L 54, 25. 2. 1978; OJ No L 84, 31. 3. 1978.

### IV. THE PROTECTION AND RATIONAL MANAGEMENT OF LAND; THE ENVIRONMENT AND NATURAL RESOURCES

#### 26. *The rational management of land*

Land in the Community is a very limited and much sought-after natural resource. The way it is used very largely conditions the quality of the environment. Physical planning is therefore one of the areas where a preventive environment policy is very necessary and very beneficial.

For this reason, policy efforts need to be reinforced, at both national and Community levels in order:

- to protect and conserve more successfully those zones which fulfil important ecological or cultural functions (natural or semi-natural ecosystems, countryside, grade 1 agricultural land, ground water protection areas),
- to ensure the integrated management of regions which are particularly sensitive because of their environmental importance and their attraction to economic developers, e.g. coastal regions or certain mountainous areas,
- to enhance the positive and reduce the negative effects on the environment of agriculture, which together with forestry covers more than 80 % of all Community territory. In this respect, the guidelines on rural land set down in the programme of 17 May 1977 remain valid. Within these limits, the Commission will place special

emphasis on the prior evaluation of the environmental effects of the major programmes and technical projects.

Since land usage can be significantly affected, most often irreversibly, by certain Community sectoral policies (e.g. in agriculture, regional development, energy and transport) the Community must help achieve these objectives.

Work will continue therefore along two main lines:

- the search for solutions to the problems shared by the different Member States and the widest possible distribution of the common stock of knowledge (through manuals of integrated management, guides, information schemes, etc.),
- the incorporation of these objectives into Community policies, especially by the development of suitable procedures as well as by the use of comparable information on the state of the environment at Community level ('ecological mapping').

#### 27. *The conservation of fauna and flora*

Genetic variety which is part of common heritage, constitutes an important economic resource and is an essential factor in providing ecological balance.

As a general rule, the measures taken to protect the environment have also had a beneficial effect on the fauna and flora. The protection of the latter, however, also requires specific measures and, to make these effective, the Community provides an important stage between the national level (often too narrow a base) and the world level (where the institutional framework for binding action is entirely lacking). The specific measures needed are:

- the conservation of habitats,
- monitoring the collection of wild fauna and flora,
- monitoring or banning of trade in endangered species and in goods or products derived from these species.

The last point impinges directly on Community responsibilities and therefore requires rules established at Community level because the unity of the market and the freedom of trade may be affected.

As to the collection of wild fauna and flora, national rules would have to be harmonized to an adequate extent, while respecting the variety of rational situations.

The main problem is the conservation of habitats where their gradual, irreversible disappearance in many cases constitutes the chief threat to the survival of species. While it is recognized that local, regional and national responsibilities are decisive in this case, a Community framework is becoming essential if greater cohesion is to be given to such efforts. Such a framework would ensure that a network of properly protected biotopes, sufficient in both extent and number, and interlinked in a rational fashion, was set up and maintained. The network should be designed in such a way as to guarantee — as far as the habitat is concerned — the survival of all species native to the Community. This would be made much easier if it were possible to use Community financial resources, and in particular those destined for the protection of the environment. One cost-effective use of these resources may be to grant support to voluntary organizations, within a framework of appropriate rules, to manage nature reserves.

The Commission will also see to it that the policies pursued at Community level do not have an unacceptable effect on important existing biotopes. The environmental impact of grants made or proposed within the framework of the regional, industrial

energy, transport, tourism and agricultural policies should be scrutinized so that they make a greater contribution to the achievement of these conservation goals. In the context of CAP, the EEC Directive relating to less-favoured areas should also be examined to ascertain if these objectives could be achieved.

In particular, the Commission will give consideration to the needs of nature conservation over trade requirements where the protection of endangered plant and animal species and the survival of rare ecosystems are at stake.

Finally the Community will have to play an important role in the international conventions for the conservation of species, e.g. those of Washington, Berne and Bonn. Similarly, the Community should also examine the possibility of acceding to the Antarctic Treaty with a view to doing everything possible to protect the marine ecosystems from the adverse effects of indiscriminate oil and mineral exploitation of the Antarctic.

#### 28. *The rational management of water resources*

The Commission's role in this sphere consists primarily in promoting their rational use and in improving methods for evaluating their availability.

So far, information has not always been distributed in a satisfactory way, and the vulnerability of bodies of water has not always been fully appreciated. The situation with regard to the Community's water resources is thus beginning to cause some anxiety and, in consequence, the conservation of these resources is a factor which must be included in all decision-making.

The first steps are:

- to carry out the objectives laid down in the 1977 to 1981 programme,
- to update and complete the data on the availability of the Community's water resources,
- to complete the study for the overall report on ground water resources by a further study of their quality and vulnerability.

The resulting information will contribute to the better management of these resources and especially of ground water. It could also improve the use of existing resources in the face of increasing consumer demand.

Finally, particular attention will be paid to supply problems in regions of shortage and areas where over-exploitation of resources is endangering the quality of the environment. Here the Commission will conduct a survey of areas where the diversion of fresh water is having detrimental effects on the natural environment. It will submit proposals aimed at restoring the *status quo*, in particular proposals allowing restrictions to be placed on the consumption of fresh water for industrial purposes. Special attention will be paid to the impact of ground water diversion on vulnerable environments like heathland, woodland and dunes.

All these measures will form the Community's contribution to the International Drinking Water Supply and Sanitation Decade declared by the United Nations for the period 1980 to 1990.

#### 29. *The management of waste*

The Community will continue its action described in the resolution of 17 May 1977, bearing in mind the following three main objectives of waste management policy in all areas of activity:

- to reduce the quantity of non-recoverable waste, and ultimately to abolish it,
- to recover, recycle and re-use waste for raw materials and energy,
- to manage non-recoverable waste properly and dispose of it in a harmless manner.

Greater emphasis will be placed on the recovery, recycling and re-use of waste, and on the prevention of waste and on product design which facilitates recycling.

In accordance with the guidelines laid down by the Committee on Waste Management <sup>(1)</sup>, this action should concentrate mainly on the agricultural and energy uses of waste.

Generally speaking, one of the Community's principal tasks here will be the more extensive recovery of secondary raw materials from waste in order to save resources; the intention here is to contribute to the solution of problems of supply difficulties, high raw materials costs and the currency problems associated therewith.

The whole problem of treating household waste (machinery, separate collections, cost of discharge,

etc.) and its close links with recycling will receive particular attention.

As far as waste disposal is concerned, Community rules on the management of toxic and dangerous wastes in particular should be supplemented and reinforced, by progressively substituting re-use for disposal of this waste.

As to the prevention of waste, the development of new technology which facilitates waste recycling or which removes the production of waste should be encouraged. Given the importance of waste management for the Community's economy, the Community must be able to provide proper incentives and have suitable financial instruments at its disposal.

It will in particular examine whether differences in legislation on chemical wastes (or in the application of legislation) is creating an extra-Community traffic in dangerous wastes with implications not only for competition but also for the protection of the environment.

In order to promote the abovementioned objectives, the Commission will:

- publish regularly the balance sheet of available raw materials and available secondary raw materials,
- start an incentive scheme for the recovery of secondary raw materials,
- start an incentive scheme for the extended use of products.

#### 30. *Technology and resources*

Clean technologies have different purposes but these are complementary: reduced pollution, reduced arisings of waste, the most rational husbanding of natural resources — energy and raw materials.

Clearly, a balance must be found, case by case, between these three objectives, since, even though they may not be mutually exclusive, they cannot always be achieved at the same time. Such a compromise can sometimes be found by modifying the production technology or by altering the design of the particular product. A practical, sectoral approach is therefore needed. On 9 April 1979, the Commission was invited by the Council of Environment Ministers:

- to analyze and compare the policies of the various Member States for encouraging the development

<sup>(1)</sup> OJ No L 115, 1. 5. 1976, p. 73.

of clean technologies and to prepare recommendations on the most effective ways of supporting the authorities in that development,

- to identify, from work being done by the UN Economic Commission for Europe at Geneva, the main industries concerned and the best technologies developed in the Member States,
- to promote the exchange of knowledge on these technologies between the Member States,
- to put forward, within the framework of the Community's environmental research programme,

proposals for stepping up efforts on clean technology.

The Commission will continue these measures in cooperation with the industries concerned. Moreover, particular attention will be paid to methods of analyzing new technologies so that their costs and benefits can be objectively assessed.

The Commission will suggest suitable measures on the basis of the results obtained. The creation of suitable financial instruments would make it possible to promote the development of clean technologies.

## V. ACTION AT INTERNATIONAL LEVEL

### 31. *Action within international organizations and agencies, and cooperation with non-member countries.*

The number of environment problems of world-wide dimensions today is continually increasing. This is due either to their very nature, which may require a global solution, or to the trans-boundary effects of certain forms of pollution, or to the repercussions which some national measures can have on the international economy and on trade flows.

The Community has therefore an obligation to continue and intensify its international commitment by playing an active role in the various organizations responsible for the general content and policy of international action on the environment, in order to help produce joint solutions and to see that due attention is paid to the Community measures in respect of the environment.

The Community will continue to speak in these bodies with a single voice, using to advantage the influence it has acquired in other areas of international cooperation.

More specifically, it will use this influence to ensure that plans drawn up at the international level — such as those of the United Nations Environment Programme and the World Conservation Strategy of the IUCN — are actually implemented and that the Community plays its part in this process. In particular the Commission will initiate meetings of experts from the Member States to go through the WCS so as to identify areas, e.g. the protection of the tropical rain-

forest, Antarctica, endangered species, etc., where further international action by the Community is possible and desirable. In addition it will promote the development of international legislation on the environment. As far as the Law of the Sea is concerned, the Commission will continue to press for environmental considerations to be taken fully into account. The Commission will examine the legislation already introduced by several Member States regarding deep-seabed mining and will, if necessary, make proposals for a Community deep-seabed mining regime which gives proper weight to environmental considerations and to the need to safeguard the marine wilderness.

As regards relations in respect of the environment with non-member countries, the Commission will continue and develop the bilateral cooperation which it has begun with several countries, intensifying the exchange of information and experience in areas of common interest; it will take pains to ensure, in particular, that the application of environmental legislation in those countries does not create any non-tariff barriers to trade, or through the granting of aid, give rise to any distortion of competition.

Furthermore, for geopolitical, economic and cultural reasons, the Community is directly affected by pollution and development problems in the Mediterranean region. It is imperative, therefore, that it should make a more effective and specific contribution to the sound management of resources in that region and, to solving such problems by introducing any steps which it feels are appropriate under the Action Plan for the Mediterranean to which it is a



signatory. It will also take steps to improve coordination on approaching the problems concerning the North Sea.

The Community will also ensure that practical use is made on the opportunities for action concerning the environment which spring from the cooperation agreements with Mediterranean countries and from the Euro-Arab Dialogue.

### *32. Cooperation with the developing countries on environmental matters*

The second energy crisis as well as the deteriorating situation of the poorest countries have re-focused international attention on relations between industrialized and developing countries. This was a prominent topic at the Ottawa summit and will be the main focus at a series of major international conferences on development: Ottawa summit, Nairobi conference on new energy sources, Paris meeting on the least developed countries, Cancun summit on the North-South Dialogue.

At the same time, it has become clear that environmental protection is not the preserve of industrialized countries but an essential component of development. Awareness of the close link between development and protection of the environment is growing: highlighted by the Interfutures Report and the work of UN agencies, it has been restated in the recent report of the Independent Commission on International Development, among others. Moreover, more and more governments and lending institutions are gradually integrating the environmental dimension with their aid programmes.

The Community, which has already taken account of the environment/development relationship in its present environment action programme and also in the second Lomé Convention and in the agreements with the Mediterranean countries, should henceforth regard environmental protection as an integral part of its aid to development policy. Moreover, by signing on 1 February 1980, together with eight multilateral development institutions, the declaration of environmental policies and procedures relating to economic development, the Community recognized the importance of environmental protection to the success of development policies and undertook to make it an objective of the cooperation programmes and projects carried out under its cooperation agreements with developing countries. For its part, the European Parliament has adopted a resolution concerning

compliance by the Community with the aims of the World Conservation Strategy by giving effect to them within all its policies (<sup>1</sup>).

The seriousness of the environmental position in developing countries stems from the pressure of population, often increasing, on the surroundings in the poorest countries as well as from unwise use of resources. In addition, the creation of modern industries or agricultural developments can result in new threats to the environment resembling those found in industrialized countries.

To contribute to resolving these problems the Community, in cooperating with developing countries, should promote conditions for lasting economic development which respects the interdependence of development, environment, population and resources. The Community will have regard to environmental problems both in drawing up its development policies and in implementing the Lomé Convention and other cooperation agreements. Under the provisions of these agreements, the Community will help these countries to tackle the environmental problems with which they are faced and to rectify existing damage, as well as to manage efficiently the resources they possess. It will be specially receptive to requests for technical assistance in training environmental specialists.

The priority aims will be conservation of tropical forests, desertification, water management, introduction of agricultural systems and forms of energy-use which are compatible with the environment. In order to identify as accurately as possible these problems in the areas particularly affected, thereby helping to realise the objectives of the World Conservation Strategy, the Commission will actively support the development of national conservation strategies in the developing countries. It will pay constant attention to this aspect in its activities under the Convention of Lomé and provide appropriate financial and technical support to this end. Particular attention will be given to education and information activities so that the developing countries will become able to undertake these tasks by themselves in future.

The Community will continue its action to encourage environmental protection within international organizations and negotiations concerning development.

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(<sup>1</sup>) Resolution of 20 May 1980 (OJ No C 147, 16. 6. 1980, p. 27).

**COUNCIL RESOLUTION**  
**of 7 February 1983**  
**concerning the combating of water pollution**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Whereas the resolution of 7 February 1983 concerning an environment action programme (1982 to 1986) <sup>(1)</sup> lists as priority actions, the combating of the pollution of fresh water and sea water *inter alia* by implementing Directive 76/464/EEC <sup>(2)</sup>;

Whereas the importance of combating water pollution has already been underlined in the 1973 <sup>(3)</sup> and 1977 <sup>(4)</sup> environment action programmes;

Whereas it is desirable to speed up proceedings by more active participation on the part of the Member States wherever possible;

Whereas it is therefore desirable to intensify research on a certain number of substances, in order to decide whether it is necessary to adopt specific Directives for those substances;

*Takes note* of the Commission communication to the Council of 22 June 1982 concerning dangerous substances which might be included in List I of Directive 76/464/EEC <sup>(5)</sup> and welcomes the effort made by the Commission preparatory to the further implementation of the said Directive;

*States* that the list of 129 substances contained in the Commission communication will serve as a basis for further work on the implementation of Directive 76/464/EEC;

*Welcomes* the fact that the Member States will endeavour to communicate to the Commission as soon as possible, and within three years at the latest, all readily available data concerning the list of 129

substances. When such data is being forwarded, prominence should be given to the following points:

- production, use and discharges as per branch of industry,
- diffuse sources,
- concentration in surface water, sediments and organisms,
- remedial measures already taken and/or envisaged and their effect on the quantities discharged.

Initially, special attention will, as far as possible and where appropriate, be focussed on the substances mentioned in the Annex,

*Understands* that the Member States will endeavour to supply additional data, where useful, concerning substances for which studies by the Commission have been completed or are being carried out,

*Notes* that the Member States recognize the list of 129 substances as a provisional basis for any national measures to combat pollution of water by these substances, when applying the measures provided for in Directive 76/464/EEC,

*Takes note* that the Commission, after consulting national experts, will provide guidance to Member States on the content and form of the information to be communicated under this resolution in the light of their continuing study of the environmental hazards posed by the 129 substances contained in the abovementioned communication and will circulate all data collected under this resolution to all Member States,

*Notes* that the various undertakings by the Member States mentioned above will not under any circumstances be interpreted in such a way as to cause delay to the Commission's activities concerning the implementation of Directive 76/464/EEC.

<sup>(1)</sup> See page 1 of this Official Journal.

<sup>(2)</sup> OJ No L 129, 18. 5. 1976, p. 23.

<sup>(3)</sup> OJ No C 112, 20. 12. 1973, p. 3.

<sup>(4)</sup> OJ No C 139, 13. 6. 1977, p. 3.

<sup>(5)</sup> OJ No C 176, 14. 7. 1982, p. 3.

ANNEX

2-chloroaniline  
3-chloroaniline  
4-chloroaniline  
1-chloro-2-nitrobenzene  
1-chloro-3-nitrobenzene  
1-chloro-4-nitrobenzene

2-4-dichlorophenol  
2-chloroethanol  
1,3-dichloro-2-propanol  
Epichlorohydrin  
Parathion (including methyl parathion).

# COMMISSION

ECU <sup>(1)</sup>

16 February 1983

Currency amount for one unit:

Belgian and Luxembourg franc con.	45.0482	United States dollar	0.949782
Belgian and Luxembourg franc fin.	46.6818	Swiss franc	1.89833
German mark	2.29012	Spanish peseta	122.617
Dutch guilder	2.52880	Swedish krona	7.02839
Pound sterling	0.617143	Norwegian krone	6.72636
Danish krone	8.10164	Canadian dollar	1.16424
French franc	6.49319	Portuguese escudo	86.9051
Italian lira	1318.30	Austrian schilling	16.1083
Irish pound	0.688997	Finnish markka	5.09083
Greek drachma	79.4493	Japanese yen	222.961
		Australian dollar	0.980168
		New Zealand dollar	1.31549

The Commission has installed a telex with an automatic answering device which gives the conversion rates in a number of currencies. This service is available every day from 3.30 p.m. until 1 p.m. the following day.

Users of the service should do as follows:

- call telex number Brussels 23789;
- give their own telex code;
- type the code 'cccc' which puts the automatic system into operation resulting in the transmission of the conversion rates of the EUA;
- the transmission should not be interrupted until the end of the message, which is marked by the code 'ffff'.

*Note:* The Commission also has an automatic telex answering service (No 21791) providing daily data on calculation of monetary compensatory amounts for the purposes of the common agricultural policy.

<sup>(1)</sup> Council Regulation (EEC) No 3180/78 of 18 December 1978 (OJ No L 379, 30. 12. 1978, p. 1).  
Council Decision 80/1184/EEC of 18 December 1980 (Convention of Lomé) (OJ No L 349, 23. 12. 1980, p. 34).  
Commission Decision No 3334/80/ECSC of 19 December 1980 (OJ No L 349, 23. 12. 1980, p. 27).  
Financial Regulation of 16 December 1980 concerning the general budget of the European Communities (OJ No L 345, 20. 12. 1980, p. 23).  
Council Regulation (EEC) No 3308/80 of 16 December 1980 (OJ No L 345, 20. 12. 1980, p. 1).  
Decision of the Council of Governors of the European Investment Bank of 13 May 1981 (OJ No L 311, 30. 10. 1981, p. 1).

## Average prices and representative prices for table wines at the various marketing centres

(Established on 15 February 1983 for the application of Article 4 (1) of Regulation (EEC) No 337/79)

Type of wine and the various marketing centres	ECU per % vol/hl	Type of wine and the various marketing centres	ECU per % vol/hl
<b>R I</b>		<b>A I</b>	
Bastia	2.466	Bordeaux	No quotation
Béziers	2.623	Nantes	2.816
Montpellier	2.629	Bari	2.289
Narbonne	2.629	Cagliari	No quotation
Nîmes	2.629	Chieti	2,327
Perpignan	2.668	Ravenna (Lugo, Faenza)	2.521
Asti	No quotation	Trapani (Alcamo)	No quotation
Firenze	2.327	Treviso	2.793
Lecce	No quotation	Athens	No quotation
Pescara	2.366	Heraklion	No quotation
Reggio Emilia	2.483	Patras	No quotation (*)
Treviso	2.502	Representative price	2.469
Verona (for local wines)	2.676		
Heraklion	No quotation		
Patras	No quotation		
Representative price	2.575		
			ECU/hl
<b>R II</b>		<b>A II</b>	
Bastia	2.524	Rheinfalz (Oberhaardt)	33.95
Brignoles	No quotation	Rheinhessen (Hügelland)	No quotation (*)
Bari	2.444	The wine-growing region of the Luxembourg Moselle	No quotation (*)
Barletta	No quotation	Representative price	33.95
Cagliari	No quotation		
Lecce	No quotation		
Taranto	No quotation		
Heraklion	No quotation	<b>A III</b>	
Patras	No quotation	Mosel-Rheingau	60.90
Representative price	2.516	The wine-growing region of the Luxembourg Moselle	No quotation (*)
		Representative price	60.90
	ECU/hl		
<b>R III</b>			
Rheinfalz-Rheinhessen (Hügelland)	No quotation (*)		

(\*) Quotation not taken into account in accordance with Article 10 of Regulation (EEC) No 2682/77.

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**STATE AIDS**

*(Decision No 2320/81/ECSC of 7 August 1981 establishing Community rules for aid to the steel industry)*

**Notice pursuant to Article 8 (3) of Decision No 2320/81/ECSC to the parties concerned other than the Member States regarding proposals by the Italian Government to grant aid to private steel firms**

1. Having initiated the procedure provided for in Article 8 (3) of Decision No 2320/81/ECSC in respect of this aid, the Commission hereby gives notice to all the parties concerned other than the Member States to submit their comments within one month of the date of this communication to the following address:  
Commission of the European Communities,  
Rue de la Loi 200,  
B-1049 Brussels.
2. The investment aids which have been notified would be granted on the basis of Laws Nos 675/77 and 183/76 and Presidential Decree No 902/76; they would total Lit 43 700 million.
3. Further details regarding this communication may be obtained from the Directorate-General for Competition, Directorate D, Division 3 (tel. 02/235 11 11, extension 58238).

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**STATE AIDS**

*(Decision No 2320/81/ECSC of 7 August 1981 establishing Community rules for aids to the steel industry)*

**Notice given in accordance with Article 8 (3) of Decision No 2320/81/ECSC to parties concerned other than Member States regarding proposals by the Federal Republic of Germany to grant investment aid and aid for research and development in favour of Dillinger Hüttenwerke AG**

1. Having initiated the procedure provided for in Article 8 (3) of Decision No 2320/81/ECSC in respect of the above aids, the Commission hereby gives notice to all parties concerned other than Member States to submit their comments within one month of the date of this notice to:  
Commission of the European Communities,  
Rue de la Loi 200,  
B-1049 Brussels.
  2. The investment concerned is in the order of DM 228.5 million and involves the reconstruction and modernization of the undertaking's main plate mill. The aid for research and development is in support of 12 individual projects.  
The envisaged investment aid consists of an 8.75 % regional grant. The proposed aid for research and development is granted in accordance with the general scheme for research and development to the German steel industry at a maximum rate of 50 % of the total so far, indefinite project costs.
  3. Enquiries regarding this notice may be made to the Directorate-General for Competition, Directorate D, Division 3 (tel. (02) 235 11 11, extension 58238).
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**Notice of initiation of an anti-dumping proceeding concerning imports of dicumyl peroxide originating in Japan**

The Commission has received a complaint alleging that dumping is being practised in respect of imports of dicumyl peroxide <sup>(1)</sup> originating in Japan and that injury is thereby being caused to a Community industry.

The complaint was lodged by the European Council of Chemical Manufacturers' Federations (CEFIC) on behalf of producers accounting for virtually all Community production.

The product allegedly being dumped is dicumyl peroxide, a product widely used as a vulcanizer for the reticulation of polymers (elastomers and plastics) and as an additive in fire-resistant polystyrene.

The allegation of dumping is based on a comparison at the ex-works level between the price charged on the domestic market and the export price as paid by an independent purchaser established in the Community during the first half of 1982; on this basis, it is estimated that the dumping margin is considerable.

With regard to injury, it is alleged in the complaint that imports from Japan, after holding a majority share of the market, have now stabilized at a level in excess of 20 %, which would still represent an appreciable market share.

It is also alleged that there has been an appreciable drop in the sales and production of Community producers between 1981 and 1982, while consumption remained stable, that the said producers' level of production-capacity utilization is at an unsatisfactory level and that the prices at which the imports in question are sold on the Community market are well below those charged by the Community

producers concerned. The complaint further alleges that the fall in production and the downward pressure on prices caused by the Japanese imports have resulted in a situation where the Community producers are no longer able to sell their product at a price which provides them with a reasonable profit. The industry in question is therefore suffering considerable losses.

Having decided, after consultation, that there is sufficient evidence to justify initiating a procedure, the Commission has commenced an investigation in accordance with the provisions of Article 7 of Council Regulation (EEC) No 3017/79 on protection against dumped or subsidized imports from countries not members of the European Economic Community <sup>(2)</sup>, as amended by Regulation (EEC) No 1580/82 <sup>(3)</sup>.

Any information relating to the matter may be sent in writing to the Commission of the European Communities, Directorate-General for External Relations (Division I D 1), rue de la Loi 200, B-1049 Brussels <sup>(4)</sup>.

Interested parties may, within 30 days following publication of this notice, make known their views in writing, in particular by replying to the questionnaire addressed to the parties known to be concerned and by providing supporting evidence.

Furthermore, the Commission will hear parties who so request when making their views known, provided that they can show that they are likely to be affected by the result of the procedure.

This notice is published in accordance with Article 7 (1) (a) of the aforementioned Regulation.

<sup>(1)</sup> Common Customs Tariff subheading ex 29.08 D; NIMEXE code ex 29.08-70.

<sup>(2)</sup> OJ No L 339, 31. 12. 1979, p. 1.

<sup>(3)</sup> OJ No L 178, 22. 6. 1982, p. 9.

<sup>(4)</sup> Telex: Comeurbru 21877.

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**Commission communications under Article 115 of the EEC Treaty**

By Decision dated 14 February 1983 the Commission has authorized Ireland not to apply Community treatment to men's and boys' outer garments, falling within subheading ex 61.01 B of the Common Customs Tariff (Category 17), originating in Hungary and in free circulation in the other Member States.

The said Decision is applicable from 24 January to 31 December 1983.

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By Decision dated 14 February 1983 the Commission has authorized the Italian Republic not to apply Community treatment to motor vehicles for the transport of persons, other than cross-country motor vehicles, falling within subheading ex 87.02 A of the Common Customs Tariff, originating in Japan and the USSR and in free circulation in the other Member States.

The said Decision is applicable from 1 February to 30 September 1983.

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## THE COMMUNITY LEGAL ORDER

Jean-Victor LOUIS

The European Communities are not simply a forum of discussion and negotiation between States. Their institutional structure, far more complex and original than that of traditional international organizations, has given birth to a vast quantity of legislation, most of which can be relied upon directly before national courts. The Court of Justice of the three Communities is faced with a workload increasing year by year in its efforts both to clarify the interpretation of Community law for the benefit of national courts and to resolve disputes between the institutions and individuals or Member States. In short, the Communities constitute a unique legal order with a highly complex structure, which penetrates further every day into economic and social reality in the Member States, yet still remains largely unrecognized.

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Jean-Victor Louis — Born 10 January 1938 — Agrégé in international law, Brussels University (ULB), 1969 — Lecturer in Community law, ULB — Former Director and Research Director, European Studies Department, ULB — Director of the *Cahiers de Droit Européen* — Head of the Legal Department, Banque Nationale de Belgique — Author of 'Les règlements de la Communauté économique européenne' and, with others, of 'Le droit de la Communauté économique européenne', ed. Jacques Mégret (nine volumes published).

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## **THE CUSTOMS UNION OF THE EUROPEAN ECONOMIC COMMUNITY**

**Nikolaus VAULONT**

Preface by Étienne DAVIGNON

In today's troubled economic climate, with all its implications for trade, the European Economic Community continues to make its presence felt by implementing major policies. Some of the most important — the common commercial and agricultural policies, development policy and the efforts to create a genuine internal market — are fundamentally dependent on the Customs Union.

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Nikolaus VAULONT. Born in 1937. Doctor of law (University of Bonn). Joined the Federal Republic of Germany's federal finance administration in 1967. Since 1971 has been an official at the Commission of the European Communities, where he is currently Assistant to the Director-General of the Customs Union Service.

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