

II

(Preparatory Acts)

Tax - Pol - etc

COMMISSION

Proposal for a Council Directive on the collection, regeneration and/or destruction of polychlorinated biphenyls (PCB's)

(Submitted to the Council by the Commission on 13 February 1975)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Having regard to the Opinion of the Economic and Social Committee;

Whereas PCB's present hazards, which are widely recognized as being harmful to human health and the environment; whereas these substances must therefore be controlled at each stage of their use;

Whereas Regulations relating to collection, regeneration and/or destruction of PCB's are necessary in order to attain within the framework of the common market the objectives of the Community in the fields of improvement of living conditions, harmonious development of economic activities throughout the Community and continuous and balanced expansion; whereas the necessary powers have not been provided in the Treaty;

Whereas the programme of action of the European Communities on the environment, approved by the Council of the European Communities and the representatives of the Governments of the Member States, meeting within the Council, in the declaration of 22 November 1973 ⁽¹⁾, recognizes the need for

Community action with respect to wastes whose treatment, for reasons of toxicity and non-degradability, requires solutions transcending the national framework;

Whereas the Council Directive of on the approximation of the laws, regulations and administrative provisions of the Member States relating to restriction of the sale and use of certain dangerous substances and preparations already restricts the use of these substances to certain categories of applications;

Whereas the Council Directive of relates to the disposal of wastes in general; whereas it is necessary to create for particularly dangerous wastes special arrangements offering every guarantee that human health and the environment will be safeguarded against harmful effects from these wastes or from uncontrolled abandonment or dumping; whereas PCB constitutes such a case;

Whereas, in order to avoid as far as possible the risks of dispersion into the environment, it is desirable that the Member States take the necessary measures to make mandatory the clearing and collection of waste PCB's or of PCB's in equipment no longer in use where the design of this equipment permits recovery of such PCB's;

Whereas provision should also be made for the setting up or designation by the Member States of one or more bodies or undertakings to be responsible for the collection, regeneration and/or destruction of PCB's; whereas anyone in possession of PCB's which

(¹) OJ No C 112, 20. 12. 1973.

he wishes to dispose of must hold them at the disposal of such bodies or undertakings,

2. He shall bear that portion of the treatment costs which those bodies or undertakings are unable to recoup by utilization or disposal of the waste PCB's.

HAS ADOPTED THIS DIRECTIVE:

Article 1

For the purposes of this Directive 'PCB's' means polychlorinated biphenyls or mixtures containing polychlorinated biphenyls and polychlorinated terphenyls.

Article 6

The Member States shall lay down the special provisions with which those in possession of PCB's and the bodies or undertakings responsible for the collection, regeneration and/or destruction of PCB's must comply pursuant to Articles 2 and 3.

Article 2

The Member States shall take the necessary measures to prohibit the uncontrolled discharge, dumping and deposit of PCB's and of objects and equipment containing them.

Article 7

Every three years each Member State shall compile a report on the position as to PCB treatment in its territory and shall forward it to the Commission. The Commission shall forward it to the other Member States.

Article 3

1. The Member States shall take the necessary measures to ensure that the collection, regeneration or destruction of waste PCB's, or of PCB's contained in objects or equipment no longer in use takes place under conditions which preclude any risk or harm to human health and the environment.

Article 8

The Member States shall bring into force the measures necessary to comply with this Directive within 24 months of its notification and shall forthwith inform the Commission thereof.

2. The Member States shall take the necessary measures to make compulsory the clearing and collection of waste PCB's, and of PCB's contained in equipment no longer in use where such equipment is so designed as to permit their recovery.

Article 4

For the purposes of Articles 2 and 3 of this Directive, each Member State shall set up or designate one or more competent bodies or undertakings to be responsible for the collection, regeneration and/or destruction of PCB's.

Article 9

Following notification of this Directive, the Member States shall inform the Commission, in sufficient time for it to submit its comments, of all proposed laws, regulations or administrative provisions which they intend to adopt in the field covered by this Directive.

Article 5

1. Anyone in possession of PCB's which he wishes to dispose of shall hold them at the disposal of the bodies or undertakings referred to in Article 4.

Article 10

This Directive is addressed to the Member States.

- having regard to the proposal from the Commission of the European Communities to the Council of October 1973⁽¹⁾,
- having regard to the Opinion on this proposal adopted by the European Parliament on 14 March 1974⁽²⁾,
- having regard to the subsequently amended proposal from the Commission of 12 August 1974⁽³⁾.

1. Recalls the Council's resolution of 22 March 1971 on Economic and Monetary Union, in which the common system of value added tax plays an extremely important role;

2. Stresses also the budgetary significance of this sixth Directive, since, pursuant to Article 4 of the Decision of 21 April 1970, by 1 January 1975, the budget of the Communities was to have been financed entirely from own resources including those accruing from value added tax and obtained by applying a rate not exceeding 1% to a uniform basis of assessment; —

3. Considers it intolerable that in the present circumstances the derogation provided for in Article 4 of this Decision should continue to apply, to the detriment of the Community;

4. Cannot avoid the impression that the lengthy procedure in the Council is due to the absence of political will;

5. Expects the Council to take a decision without delay to the effect that the Directive may enter into force no later than 1 January 1976, so that the Community — since the Member States will require some time to adjust their legislation after the adoption of this Directive in the Council — has genuine own resources on 1 January 1977 at the latest,

6. Instructs its President to forward this resolution to the Council and Commission of the European Communities and to the Governments and Parliaments of the Member States.

⁽¹⁾ OJ No C 80, 5. 10. 1973, p. 1.

⁽²⁾ OJ No C 40, 8. 4. 1974, p. 34.

⁽³⁾ OJ No C 121, 11. 10. 1974, p. 34.

Directive on polychlorinated biphenyls

After Mr Radoux had spoken, Parliament adopted the following resolution contained in the report drawn up by Mrs Elisabeth Orth on behalf of the Committee on Public Health and the Environment on the proposal from the Commission of the European Communities to the Council (Doc. 510/74) for a Directive on the collection, regeneration and/or destruction of polychlorinated biphenyls (PCB's) — (Doc. 117/75):

RESOLUTION

embodying the Opinion of the European Parliament on the proposal from the Commission of the European Communities to the Council for a Directive on the collection, regeneration and/or destruction of polychlorinated biphenyls (PCB's)

The European Parliament,

- having regard to the proposal from the Commission of the European Communities to the Council⁽¹⁾,
- having been consulted by the Council pursuant to Article 235 of the EEC Treaty (Doc. 510/74),
- having regard to the report of the Committee on Public Health and the Environment and the Opinion of the Committee on Economic and Monetary Affairs (Doc. 117/75),

1. Considers the Commission's proposal for a directive a useful and necessary instrument for achieving better, more effective protection of public health and the environment;
2. Notes with satisfaction that the present proposal constitutes one of the urgent measures to be taken under the European Community's programme of action on the environment;
3. Notes with satisfaction that the European Community, in this Directive, follows the decision of the Council of the OECD on the protection of the environment by control of polychlorinated biphenyls;
4. Urges the Commission to ensure that the provisions to be established by the Member States for bodies responsible for PCB treatment, should not lead to reduced efficiency on the part of such enterprises or to distortion of competition conditions;
5. Agrees with the proposal that part of the treatment costs should be borne by the person or enterprise wishing to dispose of PCB's, since this complies with the 'polluter pays' principle;
6. Urges the Commission to ensure that the deadline of 24 months for the introduction of provisions under this Directive commencing on 1 October 1975, is strictly observed to avoid further delay in their enforcement;
7. Requests the Commission, pursuant to Article 149 (2) of the EEC Treaty to make the following amendments to its proposal;
8. Requests its appropriate committee to check carefully whether the Commission of the European Communities adopts the European Parliament's amendments to its proposal and, if necessary, to report on this matter to Parliament.

⁽¹⁾ OJ No C 49, 1. 3. 1975, p. 1

TEXT PROPOSED BY THE COMMISSION
OF THE EUROPEAN COMMUNITIES (1)

TEXT AMENDED BY THE EUROPEAN PARLIAMENT

Council Directive on the collection, regeneration and/or destruction of polychlorinated biphenyls (PCB's)

Preamble, recitals and Articles 1 to 6 unchanged

⁽¹⁾ For full text, see OJ No C 49, 1. 3. 1975, p. 1.

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TEXT PROPOSED BY THE COMMISSION
OF THE EUROPEAN COMMUNITIES

Article 7

Every three years each Member State shall compile a report on the position as to PCB treatment in its territory and shall forward it to the Commission.

The Commission shall forward it to the other Member States.

Article 8

The Member States shall bring into force the measures necessary to comply with this Directive within 24 months of its notification and shall forthwith inform the Commission thereof.

TEXT ADOPTED BY THE EUROPEAN PARLIAMENT

Article 7

Every three years each Member State shall compile a report on the position as to PCB treatment in its territory and shall forward it to the Commission.

The Commission shall forward to the other Member States, the Council and the European Parliament a report on the application of the Directive in the various Member States.

Article 8

The Member States shall bring into force the measures necessary to comply with this Directive within 24 months of its notification, 1 October 1975 being established as the latest date for such notification, and shall forthwith inform the Commission thereof.

Articles 9 and 10 unchanged

Speed limits in the EEC

Mr Nyborg introduced the motion for a resolution which he had tabled on behalf of the Committee on Regional Policy and Transport on speed limits within the European Economic Community (Doc. 118/75).

The following spoke: Mr Seefeld on behalf of the Socialist Group and Mr Simonet, Vice-President of the Commission.

Parliament then proceeded to vote on the motion for a resolution.

Mr Seefeld had tabled amendment No 1 on the first indent of the preamble: he now moved this amendment.

Mr Nyborg spoke.

Amendment No 1 was adopted.

Parliament adopted the first indent, accordingly modified.

Parliament then adopted the second, third and fourth indents.

On the fifth indent of the preamble, Mr Seefeld had tabled amendment No 2, which he now moved.

Mr Nyborg spoke.

Amendment No 2 was adopted.

Parliament adopted the fifth indent, accordingly modified.

Parliament then adopted the sixth and seventh indents of the preamble, then paragraph 1.

On paragraph 2, Mr Seefeld had tabled amendment No 3 which he now moved.

Mr Nyborg spoke.

Amendment No 3 was rejected.

Parliament adopted paragraph 2, then paragraphs 3 to 5.

The following resolution was adopted: