

AGREEMENT

for cooperation in dealing with pollution of the North Sea by oil and other harmful substances

(Bonn Agreement)

THE GOVERNMENTS OF THE KINGDOM OF BELGIUM, THE KINGDOM OF DENMARK, THE FRENCH REPUBLIC, THE FEDERAL REPUBLIC OF GERMANY, THE KINGDOM OF THE NETHERLANDS, THE KINGDOM OF NORWAY, THE KINGDOM OF SWEDEN, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE EUROPEAN ECONOMIC COMMUNITY,

RECOGNIZING that pollution of the sea by oil and other harmful substances in the North Sea area may threaten the marine environment and the interests of coastal States,

NOTING that such pollution has many sources and that casualties and other incidents at sea are of great concern,

CONVINCED that an ability to combat such pollution as well as active cooperation and mutual assistance among States are necessary for the protection of their coasts and related interests,

WELCOMING the progress that has already been achieved within the framework of the Agreement for cooperation in dealing with pollution of the North Sea by oil, signed at Bonn on 9 June 1969,

WISHING to develop further mutual assistance and cooperation in combating pollution,

HAVE AGREED AS FOLLOWS:

Article 1

This Agreement shall apply whenever the presence or the prospective presence of oil or other harmful substances polluting or threatening to pollute the sea within the North Sea area, as defined in Article 2 of this Agreement, presents a grave and imminent danger to the coast or related interests of one or more Contracting Parties.

Article 2

For the purpose of this Agreement the North Sea area means the North Sea proper southwards of latitude 61° N, together with:

- (a) the Skagerrak, the southern limit of which is determined east of the Skaw by the latitude 57° 44' 00" .8N;
- (b) the English Channel and its approaches eastwards of a line drawn 50 nautical miles to the west of a line joining the Scilly Isles and Ushant.

Article 3

1. The Contracting Parties consider that protection against pollution of the kind referred to in Article 1 of this Agreement is a matter which calls for active cooperation between them.

2. The Contracting Parties shall jointly develop and establish guidelines for the practical, operational and technical aspects of joint action.

Article 4

Contracting Parties undertake to inform the other Contracting Parties about:

- (a) their national organization for dealing with pollution of the kind referred to in Article 1 of this Agreement;
- (b) the competent authority responsible for receiving and dispatching reports of such pollution and for dealing with questions concerning

measures of mutual assistance between Contracting Parties:

- (c) their national means for avoiding or dealing with such pollution, which might be made available for international assistance;
- (d) new ways in which such pollution may be avoided and about new effective measures to deal with it;
- (e) major pollution incidents of this kind dealt with.

Article 5

1. Whenever a Contracting Party is aware of a casualty or the presence of oil or other harmful substances in the North Sea area likely to constitute a serious threat to the coast or related interests of any other Contracting Party, it shall inform that Party without delay through its competent authority.

2. The Contracting Parties undertake to request the masters of all ships flying their flags and pilots of aircraft registered in their countries to report without delay through the channels which may be most practicable and adequate in the circumstances:

- (a) all casualties causing or likely to cause pollution of the sea;
- (b) the presence, nature and extent of oil or other harmful substances likely to constitute a serious threat to the coast or relating interests of one or more Contracting Parties.

3. The Contracting Parties shall establish a standard form for the reporting of pollution as required under paragraph 1 of this Article.

Article 6

1. For the sole purpose of this Agreement the North Sea area is divided into the zones described in the Annex to this Agreement.

2. The Contracting Party within whose zone a situation of the kind described in Article 1 of this Agreement occurs, shall make the necessary assessments of the nature and extent of any casualty or, as the case may be, of the type and approximate quantity of oil or other harmful substances and the direction and speed of movement thereof.

3. The Contracting Party concerned shall immediately inform all the other Contracting Parties through their competent authorities of its assessments and of any action which it has taken to deal with the oil or other harmful substances and shall keep these substances under observation as long as they are present in its zone.

4. The obligations of the Contracting Parties under the provisions of this Article with respect to the zones of joint responsibility shall be the subject of special technical arrangements to be concluded between the Parties concerned. These arrangements shall be communicated to the other Contracting Parties.

Article 7

A Contracting Party requiring assistance to deal with pollution or the prospective presence of pollution at sea or on its coast may call on the help of the other Contracting Parties. Contracting Parties requesting assistance shall specify the kind of assistance they require. The Contracting Parties called upon for help in accordance with this Article shall use their best endeavours to bring such assistance as is within their power taking into account, particularly in the case of pollution by harmful substances other than oil, the technological means available to them.

Article 8

1. The provisions of this Agreement shall not be interpreted as in any way prejudicing the rights and obligations of the Contracting Parties under international law, especially in the field of the prevention and combating of marine pollution.

2. In no case shall the division into zones referred to in Article 6 of this Agreement be invoked as a precedent or argument in any matter concerning sovereignty or jurisdiction.

Article 9

1. In the absence of an agreement concerning the financial arrangements governing actions of Contracting Parties to deal with pollution which might be concluded on a bilateral or multilateral basis or

on the occasion of a joint combating operation, Contracting Parties shall bear the costs of their respective actions in dealing with pollution in accordance with subparagraphs (a) or (b) below:

- (a) if the action was taken by one Contracting Party at the express request of another Contracting Party, the Contracting Party requesting such assistance shall reimburse to the assisting Contracting Party the costs of its action;
- (b) if the action was taken by a Contracting Party on its own initiative, this Contracting Party shall bear the costs of its action.

2. The Contracting Party requesting assistance may cancel its request at any time, but in that case it shall bear the costs already incurred or committed by the assisting Contracting Party.

Article 10

Unless otherwise agreed the costs of action taken by a Contracting Party at the request of another Contracting Party shall be calculated according to the law and current practice in the assisting country concerning the reimbursement of such costs by a person or entity liable.

Article 11

Article 9 of this Agreement shall not be interpreted as in any way prejudicing the rights of Contracting Parties to recover from third parties the costs of action to deal with pollution or the threat of pollution under other applicable provisions and rules of national and international law.

Article 12

1. Meetings of the Contracting Parties shall be held at regular intervals and at any time when, due to special circumstances, it is so decided in accordance with the Rules of Procedure.

2. The Contracting Parties at their first meeting shall draw up Rules of Procedure and Financial Rules, which shall be adopted by unanimous vote.

3. The Depositary Government shall convene the first meeting of Contracting Parties as soon as possible after the entry into force of this Agreement.

Article 13

Within the areas of its competence, the European Economic Community is entitled to a number of votes equal to the number of its Member States which are Contracting Parties to the present Agreement. The European Economic Community shall not exercise its right to vote in cases where its Member States exercise theirs and conversely.

Article 14

It shall be the duty of meetings of the Contracting Parties:

- (a) to exercise overall supervision over the implementation of this Agreement;
- (b) to review the effectiveness of the measures taken under this Agreement;
- (c) to carry out such other functions as may be necessary under the terms of this Agreement.

Article 15

1. The Contracting Parties shall make provision for the performance of secretariat duties in relation to this Agreement, taking into account existing arrangements in the framework of other international agreements on the prevention of marine pollution in force for the same region as this Agreement.

2. Each Contracting Party shall contribute 2,5 % towards the annual expenditure of the Agreement. The balance of the Agreement's expenditure shall be divided among Contracting Parties other than the European Economic Community in proportion to their gross national product in accordance with the scale of assessment adopted regularly by the United Nations General Assembly. In no case shall the contribution of a Contracting Party to this balance exceed 20 % of the balance.

Article 16

1. Without prejudice to Article 17 of this Agreement, a proposal by a Contracting Party for the amendment of this Agreement or its Annex shall be

considered at a meeting of the Contracting Parties. Following adoption of the proposal by unanimous vote the amendment shall be communicated by the Depositary Government to the Contracting Parties.

2. Such an amendment shall enter into force on the first day of the second month following the date on which the Depositary Government has received notifications of approval from all Contracting Parties.

Article 17

1. Two or more Contracting Parties may modify the common boundaries of their zones described in the Annex to this Agreement.

2. Such a modification shall enter into force for all Contracting Parties on the first day of the sixth month following the date of its communication by the Depositary Government unless, within a period of three months following that communication, a Contracting Party has expressed an objection or has requested consultation on the matter.

Article 18

1. This Agreement shall be open for signature by the Governments of the States invited to participate in the Conference on the Agreement for cooperation in dealing with pollution of the North Sea by oil and other harmful substances, held at Bonn on 13 September 1983, and by the European Economic Community.

2. These States and the European Economic Community may become Parties to this Agreement either by signature without reservation as to ratification, acceptance or approval or by signature subject to ratification, acceptance or approval followed by ratification, acceptance or approval.

3. Instruments of ratification, acceptance or approval shall be deposited with the Government of the Federal Republic of Germany.

Article 19

1. This Agreement shall enter into force on the first day of the second month following the date on which the Governments of all the States mentioned in Article 18 of this Agreement and the European Economic Community have signed the Agreement

without reservation as to ratification, acceptance or approval.

2. Upon the entry into force of this Agreement the Agreement for cooperation in dealing with pollution of the North Sea by oil, done at Bonn on 9 June 1969, shall cease to be in force.

Article 20

1. The Contracting Parties may unanimously invite any other coastal State of the north-east Atlantic area to accede to this Agreement.

2. In such a case Article 2 of this Agreement and its Annex shall be amended as necessary. The amendments shall be adopted by unanimous vote at a meeting of the Contracting Parties and shall take effect upon the entry into force of this Agreement for the acceding State.

Article 21

1. For each State acceding to this Agreement, the Agreement shall enter into force on the first day of the second month following the date of deposit by such State of its instrument of accession.

2. Instruments of accession shall be deposited with the Government of the Federal Republic of Germany.

Article 22

1. After this Agreement has been in force for five years it may be denounced by any Contracting Party.

2. Denunciation shall be effected by a notification in writing addressed to the Depositary Government which shall notify all the other Contracting Parties of any denunciation received and of the date of its receipt.

3. A denunciation shall take effect one year after its receipt by the Depositary Government.

Article 23

The Depositary Government shall inform the Contracting Parties and those referred to in Article 18 of this Agreement of:

- (a) any signature of this Agreement;
- (b) the deposit of any instrument of ratification, acceptance, approval or accession and of the receipt of any notice of denunciation;
- (c) the date of entry into force of this Agreement;
- (d) the receipt of any notification of approval relating to amendments to this Agreement or its Annex and of the date of entry into force of such amendments.

Article 24

The original of this Agreement, of which the English, French and German texts are equally authentic, shall be deposited with the Government of the Federal Republic of Germany, which shall send certified copies thereof to the Contracting Parties and which shall transmit a certified copy to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

In witness whereof the undersigned, being duly authorized thereto by their respective Governments, have signed this Agreement.

Done at Bonn, this 13th day of September 1983.

FÜR DIE REGIERUNG DES KÖNIGREICHS BELGIEN,
FOR THE GOVERNMENT OF THE KINGDOM OF BELGIUM,
POUR LE GOUVERNEMENT DU ROYAUME DE BELGIQUE:

Vorbehaltlich der Ratifikation,

Subject to ratification,

Sous réserve de ratification.

FÜR DIE REGIERUNG DES KÖNIGREICHS DÄNEMARK,
FOR THE GOVERNMENT OF THE KINGDOM OF DENMARK,
POUR LE GOUVERNEMENT DU ROYAUME DE DANEMARK:

Vorbehaltlich der Genehmigung,

Subject to approval,

Sous réserve d'approbation.

FÜR DIE REGIERUNG DER FRANZÖSISCHEN REPUBLIK,
FOR THE GOVERNMENT OF THE FRENCH REPUBLIC,
POUR LE GOUVERNEMENT DE LA RÉPUBLIQUE FRANÇAISE:

FÜR DIE REGIERUNG DER BUNDESREPUBLIK DEUTSCHLAND,
FOR THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY,
POUR LE GOUVERNEMENT DE LA RÉPUBLIQUE FRANÇAISE:

FÜR DIE REGIERUNG DES KÖNIGREICHS DER NIEDERLANDE,
FOR THE GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS,
POUR LE GOUVERNEMENT DU ROYAUME DES PAYS-BAS:

Vorbehaltlich der Annahme,
Subject to acceptance,
Sous réserve d'acceptation.

FÜR DIE REGIERUNG DES KÖNIGREICHS NORWEGEN,
FOR THE GOVERNMENT OF THE KINGDOM OF NORWAY,
POUR LE GOUVERNEMENT DU ROYAUME DE NORVÈGE:

Vorbehaltlich der Ratifikation,
Subject to ratification,
Sous réserve de ratification.

FÜR DIE REGIERUNG DES KÖNIGREICHS SCHWEDEN,
FOR THE GOVERNMENT OF THE KINGDOM OF SWEDEN,
POUR LE GOUVERNEMENT DU ROYAUME DE SUÈDE:

FÜR DIE REGIERUNG DES VEREINIGTEN KÖNIGREICHS GROSSBRITANNIEN
UND NORDIRLAND,

FOR THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND,

POUR LE GOUVERNEMENT DU ROYAUME-UNI DE GRANDE-BRETAGNE ET
D'IRLANDE DU NORD:

Vorbehaltlich der Ratifikation,

Subject to ratification,

Sous réserve de ratification.

FÜR DIE EUROPÄISCHE WIRTSCHAFTSGEMEINSCHAFT
FOR THE EUROPEAN ECONOMIC COMMUNITY,
POUR LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE:

Vorbehaltlich der Annahme,

Subject to acceptance,

Sous réserve d'acceptation.

ANNEX

Description of the zones referred to in Article 6 of this Agreement

The zones, with the exception of the zones of joint responsibility, are limited by lines joining the following points:

<i>Denmark</i>		<i>Norway</i>	
55°03'00",0N	8°22'00",0E	61°00'00",0N	4°30'00",0E
55°10'00",0N	7°30'00",0E	61°00'00",0N	2°00'00",0E
55°10'00",0N	2°13'30",0E	57°00'00",0N	1°30'00",0E
57°00'00",0N	1°30'00",0E	57°00'00",0N	2°25'04",6E
57°00'00",0N	2°25'04",6E	56°35'42",0N	2°36'48",0E
56°35'42",0N	2°36'48",0E	56°05'12",0N	3°15'00",0E
56°05'12",0N	3°15'00",0E	56°35'30",0N	5°02'00",0E
56°35'30",0N	5°02'00",0E	57°10'30",0N	6°56'12",0E
57°10'30",0N	6°56'12",0E	57°29'54",0N	7°59'00",0E
57°29'54",0N	7°59'00",0E	57°37'06",0N	8°27'30",0E
57°37'06",0N	8°27'30",0E	57°41'48",0N	8°53'18",0E
57°41'48",0N	8°53'18",0E	57°59'18",0N	9°23'00",0E
57°59'18",0N	9°23'00",0E	58°15'41",2N	10°01'48",1E
58°15'41",2N	10°01'48",1E	58°10'00",0N	10°00'00",0E
58°10'00",0N	10°00'00",0E	58°53'34",0N	10°38'25",0E
57°48'00",0N	10°57'00",0E	To be continued along the Norwegian-Swedish border	
57°44'48",0N	10°38'00",0E		
<i>Federal Republic of Germany</i>		<i>Sweden</i>	
53°34'N	6°38'E	57°54'N	11°28'E
54°00'N	5°30'E	57°48'N	10°57'E
54°00'N	2°39',1E	58°10'N	10°00'E
55°10'N	2°13',5E	58°53'34",0N	10°38'25",0E
55°10'N	7°30'E	To be continued along the Norwegian-Swedish border	
55°03'N	8°22'E		
<i>Netherlands</i>		<i>United Kingdom</i>	
51°32'N	3°18'E	61°00'N	0°50'0
51°32'N	2°06'E	61°00'N	2°00'E
52°30'N	3°10'E	57°00'N	1°30'E
54°00'N	2°39',1E	52°30'N	3°10'E
54°00'N	5°30'E	51°32'N	2°06'E
53°34'N	6°38'E		

The zones of joint responsibility are as follows:

1. **Belgium, France and United Kingdom**

Sea area between parallels 51°32'N and 51°06'N.

2. **France and United Kingdom**

The English Channel south-west of parallel 51°06'N to a line drawn between the points 49°52'N 07°44'W and 48°27'N 06°25'W.

3. **Denmark and Sweden**

Sea area between the lines in Skagerrak joining the points:

57°54'N	11°28'E
57°44',8N	10°38'E
57°44',8N	11°28'E

COUNCIL DECISION

of 28 June 1984

on the conclusion of the Convention between the European Economic Community and the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) concerning aid to refugees in the countries of the Near East

(84/359/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 235 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas the Community wishes to continue its programme of aid to Palestine refugees in the Near East;

Whereas the Convention concluded with the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) approved on 21 December 1981 ⁽³⁾ and amended by the Conventions approved on 21 December 1982 ⁽⁴⁾ and 17 October 1983 ⁽⁵⁾, expired on 31 December 1983;

Whereas a new Convention should be concluded with UNRWA so that the Community's aid can continue to be provided as part of a comprehensive operation offering a measure of continuity;

Whereas the Treaty does not provide for the necessary powers for this purpose,

HAS DECIDED AS FOLLOWS:

Article 1

The Convention between the European Economic Community and the United Nations Relief and

Works Agency for Palestine Refugees (UNRWA) concerning aid to refugees in the countries of the Near East is hereby approved on behalf of the Community.

The text of the Convention is attached to this Decision.

Article 2

1. Questions relating to the execution of the Community programme of food aid to UNRWA shall be governed by the procedure defined in Regulation (EEC) No 3331/82 ⁽⁶⁾.

2. Questions relating to the application of the Convention shall be examined by the Commission together with UNRWA.

Article 3

The President of the Council is hereby authorized to designate the persons empowered to sign the Convention in order to bind the Community.

Done at Luxembourg, 28 June 1984.

For the Council

The President

H. BOUCHARDEAU

(1) OJ No C 92, 3. 4. 1984, p. 3.
 (2) OJ No C 172, 2. 7. 1984, p. 170.
 (3) OJ No L 392, 31. 12. 1981, p. 4.
 (4) OJ No L 371, 30. 12. 1982, p. 42.
 (5) OJ No L 293, 25. 10. 1983, p. 17.

(6) OJ No L 352, 14. 12. 1982, p. 1.

CONVENTION

between the European Economic Community and the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) concerning aid to refugees in the countries of the Near East

Article 1

Desirous of continuing its aid to Palestine refugees, the European Economic Community (hereinafter referred to as 'the Community') hereby concludes this Convention with the United Nations Relief and Works Agency for Palestine Refugees (hereinafter referred to as 'UNRWA') in order to confirm its commitment to a programme of aid to UNRWA. This aid shall take the form of contributions in kind or in cash extending over a three-year period for use under the UNRWA education and feeding programmes.

Article 2

1. The Community shall pay to UNRWA annually a cash contribution towards the cost of the education programme. The size of this contribution shall be as follows:

- 1984: 16 million ECU,
- 1985: 17 million ECU,
- 1986: 17 million ECU.

2. UNRWA shall send the Community each year a report on the use made of the Community contribution. UNRWA shall also provide the Community with all the documentation relating to the execution of the education programme, including the detailed accounts of expenditure and budgetary estimates of future expenditure and the yearly statistics of the UNRWA/Unesco Department of Education.

3. UNRWA shall inform the Community of any significant changes planned to the education services provided by the Agency.

4. In the event of any significant changes in the education services provided by UNRWA during the period of validity of this Convention, the Community reserves the right to give its approval to the use made of the funds it is making available to UNRWA.

Article 3

Aid for the feeding programmes

1. The Community shall contribute in kind or in cash to the various UNRWA feeding programmes (the programme for distribution of rations to special hardship cases, the feeding in training centres programme and the supplementary feeding programme).

2. The size and form of the Community contribution to these programmes and the conditions on which the aid is granted shall be determined by the Community each year in the framework of its food-aid programmes, on the basis of the requests submitted by UNRWA.

3. The Community shall pay the following contributions in cash to UNRWA for the feeding programmes:

- a sum as a contribution to the operating costs of the supplementary feeding programme,
- a sum for the purchase of products on the Community market. However, in the event of an emergency or non-availability on the Community market, the products concerned may be purchased in the developing countries or on the local market,
- in respect of these products, a specific sum per tonne of each product purchased by UNRWA under the programme for distribution of rations to special hardship cases and the feeding in training centres programme, as a contribution to transport and distribution costs.

4. UNRWA shall send the Community in April of each year a report on the operation of the feeding programmes, indicating in particular the number, category and location of recipients and the services provided, the cost of the programmes and the use made of Community contributions in kind and in cash.

Article 4

Information

UNRWA shall take all reasonable steps to inform the Palestine refugees and the authorities of the host

countries of the aid received from the Community and from its Member States.

Article 5

UNRWA shall give every facility to any persons nominated by the Community for the purpose of following the Agency's use of the Community's aid ⁽¹⁾. UNRWA shall also provide such supplementary information as may reasonably be requested by the persons so nominated.

Article 6

Any questions arising out of this Convention shall

be settled by consultation between the two parties at the request of either party.

Article 7

Duration of the Convention

This Convention shall cover a period of three calendar years (1984, 1985 and 1986).

Article 8

This Convention is drawn up in duplicate in the Danish, Dutch, English, French, German, Greek and Italian languages, each version being equally authentic.

Done at Brussels, 28 June 1984.

FOR THE UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE
REFUGEES (UNRWA)

ON BEHALF OF THE COUNCIL OF THE EUROPEAN COMMUNITIES

⁽¹⁾ The checks will be carried out principally by the Commission delegates in the various countries concerned.

COUNCIL DIRECTIVE
of 28 June 1984
on the combating of air pollution from industrial plants
(84/360/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 100 and 235 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas the 1973 ⁽⁴⁾, 1977 ⁽⁵⁾ and 1983 ⁽⁶⁾ action programmes of the European Communities on the environment stress the importance of the prevention and reduction of air pollution;

Whereas the 1973 and 1977 action programmes in particular provide not only for the objective evaluation of the risks to human health and to the environment from air pollution but also for the formulation of quality objectives and the setting of quality standards, especially for a number of air pollutants regarded as the most hazardous;

Whereas the Council has already adopted several Directives under these programmes;

Whereas, moreover, under Decision 81/462/EEC ⁽⁷⁾ the Community is a party to the Convention on long-range transboundary air pollution;

Whereas the 1983 action programme, the general guidelines of which have been approved by the Council of the European Communities and by the representatives of the Member States meeting within the Council, envisages that the Commission will

continue its efforts to establish air quality standards and that where appropriate emission standards for certain types of source should be laid down;

Whereas all the Member States have laws, regulations and administrative provisions concerning the combating of air pollution from stationary industrial plants; whereas several Member States are in the process of amending the existing provisions;

Whereas the disparities between the provisions concerning the combating of air pollution from industrial installations currently in force, or in the process of amendment, in the different Member States are liable to create unequal conditions of competition and thus have a direct effect on the functioning of the common market; whereas, therefore, approximation of the law in this field is required, as provided for by Article 100 of the Treaty;

Whereas one of the essential tasks of the Community is to promote throughout the Community a harmonious development of economic activities and a continuous and balanced expansion, tasks which are inconceivable in the absence of a campaign to combat pollution and nuisances or of an improvement in the quality of life and in the protection of the environment;

Whereas the Community should and must help increase the effectiveness of action undertaken by the Member States to combat air pollution from stationary industrial plants;

Whereas in order to achieve this end certain principles aiming at the implementation of a series of measures and procedures designed to prevent and reduce air pollution from industrial plants within the Community should be introduced;

Whereas the Community's endeavours to introduce these principles can be only gradual, bearing in mind the complexity of the situations and the fundamental principles on which the various national policies are based;

⁽¹⁾ OJ No C 139, 27. 5. 1983, p. 5.

⁽²⁾ OJ No C 342, 19. 12. 1983, p. 160.

⁽³⁾ OJ No C 23, 30. 1. 1984, p. 27.

⁽⁴⁾ OJ No C 112, 20. 12. 1973, p. 1.

⁽⁵⁾ OJ No C 139, 13. 6. 1977, p. 1.

⁽⁶⁾ OJ No C 46, 17. 2. 1983, p. 1.

⁽⁷⁾ OJ No L 171, 27. 6. 1981, p. 11.

Whereas initially a general framework should be introduced to permit the Member States to adapt, where necessary, their existing rules to the principles adopted at Community level; whereas the Member States should therefore introduce a system of prior authorization for the operation and substantial alteration of stationary industrial plants which can cause air pollution;

Whereas, moreover, the competent national authorities cannot grant such authorization unless a number of conditions have been fulfilled, including the requirements that all appropriate preventive measures are taken, and that the operation of the plant does not result in a significant level of air pollution;

Whereas it should be possible to apply special provisions in particularly polluted areas and in areas in need of special protection;

Whereas the rules applicable to the authorization procedures and to the determination of emissions must satisfy certain requirements;

Whereas in certain situations the competent authorities must explore the need to impose further requirements, which, however, must not result in excessive costs for the undertaking concerned;

Whereas the provisions taken pursuant to this Directive are to be applied gradually to existing plants, taking due account of technical factors and the economic effects;

Whereas provision must be made for cooperation between the Member States themselves and with the Commission to facilitate implementation of the measures designed to prevent and to reduce air pollution and to develop preventive technology,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The purpose of this Directive is to provide for further measures and procedures designed to prevent or reduce air pollution from industrial plants within

the Community, particularly those belonging to the categories set out in Annex I.

Article 2

For the purposes of this Directive:

1. 'Air pollution' means the introduction by man, directly or indirectly, of substances or energy into the air resulting in deleterious effects of such a nature as to endanger human health, harm living resources and ecosystems and material property and impair or interfere with amenities and other legitimate uses of the environment.
2. 'Plant' means any establishment or other stationary plant used for industrial or public utility purposes which is likely to cause air pollution.
3. 'Existing plant' means a plant in operation before 1 July 1987 or built or authorized before that date.
4. 'Air quality limit values' means the concentration of polluting substances in the air during a specified period which is not to be exceeded.
5. 'Emission limit values' means the concentration and/or mass of polluting substances in emissions from plants during a specified period which is not to be exceeded.

Article 3

1. Member States shall take the necessary measures to ensure that the operation of plants belonging to the categories listed in Annex I requires prior authorization by the competent authorities. The necessity to meet the requirements prescribed for such authorization must be taken into account at the plant's design stage.
2. Authorization is also required in the case of substantial alteration of all plants which belong to the categories listed in Annex I or which, as a result of the alteration, will fall within those categories.
3. Member States may require other categories of plants to be subject to authorization or, where national legislation so provides, prior notification.

Article 4

Without prejudice to the requirements laid down by national and Community provisions with a purpose other than that of this Directive, an authorization may be issued only when the competent authority is satisfied that:

1. all appropriate preventive measures against air pollution have been taken, including the application of the best available technology, provided that the application of such measures does not entail excessive costs;
2. the use of plant will not cause significant air pollution particularly from the emission of substances referred to in Annex II;
3. none of the emission limit values applicable will be exceeded;
4. all the air quality limit values applicable will be taken into account.

Article 5

Member States may:

- define particularly polluted areas for which emission limit values more stringent than those referred to in Article 4 may be fixed,
- define areas to be specially protected for which air quality limit values and emission limit values more stringent than those referred to in Article 4 may be fixed,
- decide that, within the abovementioned areas, specified categories of plants set out in Annex I may not be built or operated unless special conditions are complied with.

Article 6

Applications for authorization shall include a description of the plant containing the necessary information for the purposes of the decision whether to grant authorization in accordance with Articles 3 and 4.

Article 7

Subject to the provisions regarding commercial secrecy, Member States shall exchange information among themselves and with the Commission regarding their experience and knowledge of measures for prevention and reduction of air pollution, as well as technical processes and equipment and air quality and emission limit values.

Article 8

1. The Council, acting unanimously on a proposal from the Commission, shall if necessary fix emission limit values based on the best available technology not entailing excessive costs, and taking into account the nature, quantities and harmfulness of the emissions concerned.
2. The Council, acting unanimously on a proposal from the Commission, shall stipulate suitable measurement and assessment techniques and methods.

Article 9

1. Member States shall take the necessary measures to ensure that applications for authorization and the decisions of the competent authorities are made available to the public concerned in accordance with procedures provided for in the national law.
2. Paragraph 1 shall apply without prejudice to specific national or Community provisions concerning the assessment of the environmental effects of public and private projects and subject to observance of the provisions regarding commercial secrecy.

Article 10

The Member States shall make available to the other Member States concerned, as a basis for all necessary consultation within the framework of their bilateral relations, the same information as is furnished to their own nationals.

Article 11

Member States shall take the necessary measures to ensure that emissions from plants are determined for the purpose of monitoring compliance with the obligations referred to in Article 4. The determination methods must be approved by the competent authorities.

Article 12

The Member States shall follow developments as regards the best available technology and the environmental situation.

In the light of this examination they shall, if necessary, impose appropriate conditions on plants authorized in accordance with this Directive, on the basis both of those developments and of the desira-

bility of avoiding excessive costs for the plants in question, having regard in particular to the economic situation of the plants belonging to the category concerned.

Article 13

In the light of an examination of developments as regards the best available technology and the environmental situation, the Member States shall implement policies and strategies, including appropriate measures, for the gradual adaptation of existing plants belonging to the categories given in Annex I to the best available technology, taking into account in particular:

- the plant's technical characteristics,
- its rate of utilization and length of its remaining life,
- the nature and volume of polluting emissions from it,
- the desirability of not entailing excessive costs for the plant concerned, having regard in particular to the economic situation of undertakings belonging to the category in question.

Article 14

Member States may, in order to protect public

health and the environment, adopt provisions stricter than those provided for in this Directive.

Article 15

The Directive does not apply to industrial plants serving national defence purposes.

Article 16

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 30 June 1987.

2. Member States shall communicate to the Commission the texts of the provisions of national law which they adopt in the field governed by this Directive.

Article 17

This Directive is addressed to the Member States.

Done at Luxembourg, 28 June 1984.

For the Council

The President

H. BOUCHARDEAU

*ANNEX I***CATEGORIES OF PLANTS (1)**
(covered by Article 3)

1. **Energy industry**
 - 1.1. Coke ovens
 - 1.2. Oil refineries (excluding undertakings manufacturing only lubricants from crude oil)
 - 1.3. Coal gasification and liquefaction plants
 - 1.4. Thermal power stations (excluding nuclear power stations) and other combustion installations with a nominal heat output of more than 50 MW.
2. **Production and processing of metals**
 - 2.1. Roasting and sintering plants with a capacity of more than 1 000 tonnes of metal ore per year
 - 2.2. Integrated plants for the production of pig iron and crude steel
 - 2.3. Ferrous metal foundries having melting installations with a total capacity of over 5 tonnes
 - 2.4. Plants for the production and melting of non-ferrous metals having installations with a total capacity of over 1 tonne for heavy metals or 0,5 tonne for light metals.
3. **Manufacture of non-metallic mineral products**
 - 3.1. Plants for the production of cement and rotary kiln lime production
 - 3.2. Plants for the production and processing of asbestos and manufacture of asbestos-based products
 - 3.3. Plants for the manufacture of glass fibre or mineral fibre
 - 3.4. Plants for the production of glass (ordinary and special) with a capacity of more than 5 000 tonnes per year
 - 3.5. Plants for the manufacture of coarse ceramics notably refractory bricks, stoneware pipes, facing and floor bricks and roof tiles.
4. **Chemical industry**
 - 4.1. Chemical plants for the production of olefins, derivatives of olefins, monomers and polymers
 - 4.2. Chemical plants for the manufacture of other organic intermediate products
 - 4.3. Plants for the manufacture of basic inorganic chemicals.
5. **Waste disposal**
 - 5.1. Plants for the disposal of toxic and dangerous waste by incineration
 - 5.2. Plants for the treatment by incineration of other solid and liquid waste.
6. **Other industries**

Plants for the manufacture of paper pulp by chemical methods with a production capacity of 25 000 tonnes or more per year.

(1) The thresholds given in this Annex refer to production capacities.

*ANNEX II***LIST OF MOST IMPORTANT POLLUTING SUBSTANCES**
(within the meaning of Article 4 (2))

1. Sulphur dioxide and other sulphur compounds
2. Oxides of nitrogen and other nitrogen compounds
3. Carbon monoxide
4. Organic compounds, in particular hydrocarbons (except methane)
5. Heavy metals and their compounds
6. Dust; asbestos (suspended particulates and fibres), glass and mineral fibres
7. Chlorine and its compounds
8. Fluorine and its compounds