

FIRST STEPS TOWARD EUROPEAN COOPERATION IN REDUCING AIR POLLUTION—ACTIVITIES OF THE COUNCIL OF EUROPE

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When the Consultative Assembly of the Council of Europe, which is composed of parliamentary delegations appointed by the national parliaments of the eighteen member countries,¹ was confronted with the problem of air pollution, it immediately realized the complexity and urgency of this problem. The Assembly decided to convene an international conference to which specialists in the different fields would be invited. Mr. Radius, who was then Chairman of the Social Committee and Rapporteur of the Assembly, prepared a Recommendation defining the aims and methods of this Conference. This Recommendation was adopted by the Consultative Assembly on September 23, 1961 (Recommendation 290).

The Committee of Ministers of the Council of Europe, which is the executive body of the organization, and is composed of the Ministers for Foreign Affairs of the member States, implemented this Recommendation and convened the European Conference on Air Pollution, which took place in Strasbourg from June 24 to July 1, 1964.

Some 350 persons participated in this Conference: personalities in the fields of science, technology, medicine, industry, law, economics and journalism; representatives of local authorities, administrations, international organizations; and a number of political figures, many of them members of governments.

The agenda comprised the following fourteen items:

- (1) effects of pollution on human health;
- (2) effects of pollution on animals and plants;
- (3) economic aspects of air pollution;
- (4) danger thresholds;
- (5) terminology and units of measure;
- (6) standardization of measuring and control apparatus and of methods of measuring;
- (7) meteorological, topographical, and geographical factors influencing air pollution;
- (8) methods of reducing pollution caused by combustion (domestic and industrial);
- (9) methods of reducing pollution caused by internal combustion engines (motor vehicles);

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¹ Austria, Belgium, Cyprus, Denmark, France, Federal Republic of Germany, Greece, Iceland, Ireland, Italy, Luxembourg, Malta, Netherlands, Norway, Sweden, Switzerland, Turkey, United Kingdom.

- (10) methods of reducing pollution caused by specific industries;
- (11) town and country planning;
- (12) organization or development of European cooperation in research, standardization, and documentation concerning the campaign against air pollution;
- (13) methods of informing and educating the public on the different ways of combatting air pollution; and
- (14) comparisons of national laws and regulations and the possibility of standardizing these and drawing up technical and legislative agreements and European conventions on air pollution.

On each of these items government experts from the different European countries prepared a report. On the basis of these reports fourteen general reports were drawn up—one on each point of the agenda.² It is important to note that experts from the United States were invited to prepare information reports on each point of the agenda. This invitation was accepted.³ Dr. John T. Middleton, Director of the Air Pollution Research Center at the University of California, and Arthur C. Stern, from the Division of Air Pollution of the U.S. Department of Health, Education, and Welfare, were present at the Conference and their participation in the debates was greatly appreciated.

A Committee of Experts on Air Pollution was duly set up and held its first session in October 1966, followed by a second session in October 1967. The major task of this Committee is to draft recommendations and conventions to be submitted to the governments of member countries. In fact, the activities of this Committee are more of a legal and administrative nature than of a technical one, although, of course, their proposals to the governments are based on technical information.

From the outset it seemed important, in order to avoid any duplication of work, that technical or scientific organizations such as the World Health Organization, the Economic Commission for Europe, the World Meteorological Organization, and the Organization for Economic Co-operation and Development should continue work in their own fields of activity, while the Council of Europe would use the relevant scientific information obtained to draw up conventions and recommendations. In consequence, the Committee does not intend to undertake technical studies, but to make use of those carried out by the above-mentioned international organizations. This is a good example of cooperation and distribution of work among the inter-

² A complete record of the proceedings of the Conference including the 14 general reports, the record of the debates and the proposals submitted by the participants at the Conference, may be obtained in English and in French from the Secretariat of the Council of Europe in Strasbourg.

³ The following reports were submitted by experts from the United States:

Agenda Item 1—report by Mr. Spicer; Item 2—Mr. Middleton and Mr. Otis Emik; Item 3—Mr. Smith Griswold; Item 5—Mr. Rossano; Item 6—Mr. Thomas; Item 7—Mr. McCormick; Item 8—Mr. C. W. Gruber; Item 9—Mr. Jensen and Mr. Scanlin; Item 10—Mr. Faith; Item 10/I—Mr. Brands; Item 10/II—Mr. Cralley, Mr. Olson and Mr. Donaldson; Item 10/III—Mr. Doherty; Item 10/V—Mr. Burhouse; Item 11—Mr. Sutermeister; Item 12—Mr. Stern; Item 14—Mr. Edelman.

governmental organizations. It is worth noting that representatives from these organizations take part in the meetings of the Council of Europe's Air Pollution Committee as observers. Officials of the Council of Europe Secretariat are also invited to meetings organized by these organizations.

The results of the Conference were examined by the Social Committee of the Consultative Assembly which presented concrete proposals to the Committee of Ministers. This organ appointed an ad hoc committee of experts in order to examine the results of the Conference as well as the proposals of the Assembly. In response to the proposals of the ad hoc committee the Committee of Ministers adopted the following Resolution on March 28, 1966:⁴

R E S O L U T I O N (66) 23

AIR POLLUTION

The Committee of Ministers,

Having regard to Article 17 of the Statute;

Having regard to the report of the *ad hoc* Committee on Air Pollution (Doc. CM(65)151),

Decides:

1. A Committee of Experts on Air Pollution shall be set up:

(a) to implement the programme of work on air pollution approved by the Committee of Ministers on the basis of the report of the *ad hoc* Committee;

(b) to define and follow the work of consultant experts to be appointed and to examine their report;

(c) to examine reports communicated to it by the different international organisations;

(d) to convene in due course a second European Conference on Air Pollution.

2. The Committee shall consist of two experts per member country appointed by Governments.

3. The Rules of Procedure of Council of Europe Committees of Experts shall apply to this Committee.

The Committee's first aim—and we shall see later why—was to define in general terms the principles to be followed by member governments in order to combat air pollution. These governments should bear in mind these principles when introducing legislation and when formulating administrative regulations. At a meeting of the Deputies of the Committee of Ministers, held in Strasbourg from March 4 to 8, 1968, a resolution was adopted which approved the following declaration of principles on air pollution control:

PART I

Preamble

As air is essential to life, its natural quality must be maintained in order to safeguard man's health and well-being and to protect his environment.

⁴ Adopted by the Ministers' Deputies on 28th March 1966.

This natural quality of air may be affected by the introduction of a foreign substance or by a significant variation in the proportion of its components.

Air is deemed to be polluted when the presence of a foreign substance or a variation in the proportion of its components is liable to have a harmful effect or to cause nuisance.

The member States of the Council of Europe will take the necessary legislative and administrative action to prevent or abate air pollution from all sources in accordance with the principles set out below.

PART II

Principles

1. *Liability of those causing pollution*

Legislation should provide that whoever causes or adds to air pollution must, even where there is no proof of damage, keep such pollution to a minimum and ensure that impurities emitted are properly dispersed.

2. *Basis of regulations*

Legislation on air pollution control must be based on the principle of prevention.

In each particular case where the circumstances so require, the competent authorities should be in a position to enforce appropriate practicable technical measures, having due regard to the degree and frequency of pollution, the geographical situation, present and future population density and all other relevant factors.

Prevention may be regulated differently according to the nature of the source of the pollution:

- (a) where the setting up of new installations or the alteration of old installations is likely to contribute significantly to air pollution, they should be subject to individual authorisation laying down specifications for siting, construction and operation designed to limit emissions; special regulations might be issued for existing installations;
- (b) installations which individually contribute less significantly to air pollution may nevertheless be subject to general operating specifications if, for example, their proximity to each other might lead to a significant concentration of pollutants in the neighbourhood;
- (c) motor vehicles and mass-produced fuel-burning appliances should be subject to general provisions; since motor vehicles circulate across frontiers, uniform European standards for their construction and operation should be established as soon as possible; such standards might also be envisaged for mass-produced fuel-burning appliances which are the subject of international trade.

3. *Supervision and implementation*

Member States should set up or cause to be set up administrative machinery:

- (a) to ascertain the nature and extent of pollution;
- (b) to check compliance with regulations governing installations, motor vehicles, and fuel-burning appliances;
- (c) to take such action as may be required to bring about the necessary improvements.

4. *Adjustment to technical and scientific progress*

Legislation should be so conceived that due account can be taken of new processes, technical improvements and scientific advances.

5. *Special measures*

Apart from measures applicable to all areas, there should be legislative provision for special measures to be applied to zones requiring special protection, to heavily polluted areas and in cases of emergency.

6. *Financing*

The cost incurred in preventing or abating pollution should be borne by whoever causes the pollution. This does not preclude aid from Public Authorities.

7. *Pollution in frontier areas*

Pollution in frontier areas should be the subject of joint study by the countries concerned, in accordance with a procedure to be laid down.

8. *Town and country planning*

The planning of urban and industrial development should take into account the effects of such development on air pollution; adequate consideration should be given by Planning Authorities to the maintenance and creation of green spaces.

PART III

Government aid for research

In order to make air pollution control more effective, Governments must encourage study and research, at national and international level, on the technical means of preventing or abating air pollution, on the dispersal of pollutants and on their effects on man and his environment.

This declaration having been adopted, the Committee of Experts on Air Pollution will now concentrate on the following problems which take priority on their agenda:

- heating appliances
- limitation of emissions
- correlation between pollution and town planning
- trans-frontier pollution problems
- installations important from the point of view of air pollution
- the right of neighbouring inhabitants to make objections and complaints.

At the moment it is not possible to say what stage has been reached in the above-mentioned activities as the work of the Committee is confidential.

Another of the tasks of this Committee is to collect information from different sources and distribute it to the national administrations which are represented on the Committee. This information would concern, in particular, changes made in the laws and regulations and new developments in the legislation of member States, as well as lists of scientific, technical or administrative bodies, public or private, permanently engaged in the campaign against air pollution.

CONCLUSION

It is difficult to judge the results of the work undertaken if one does not bear in mind that these activities are just beginning. The first aim of the Council of Europe was to find the appropriate ground for European cooperation, taking into account the activities of other intergovernmental organizations. The Council of Europe also intended to facilitate national activities by establishing personal and working contacts among national experts. This aim was achieved by the Conference and its follow-up.

Now a second stage has been reached, and the experts are making the first steps towards cooperation, mainly in the fields of legislation, administration, and information. One must also remember that among the member countries of the Council of Europe only a few have special legislation regarding air pollution and that, apart from the United Kingdom, these countries adopted such legislation in recent years. This is both an advantage and a disadvantage. It is an advantage because as many member countries have not yet adopted special legislation it will be easier to establish it on a common basis, which will make cooperation much simpler in the future. This explains why the first aim of the experts was to establish general principles on the matter. It is a disadvantage because the experience of the member countries in this field is not yet extensive enough, and therefore the experts have to proceed slowly and cautiously when dealing with legislative problems.

Multilateral work in an intergovernmental organization is always extremely difficult and lengthy since one must take into account different customs and sometimes conflicting interests. However, everybody is convinced that in a technical field, such as that of air pollution control, each country has something to gain through a collective analysis of the problems and through collective decisions. Therefore, although the results are not yet spectacular, the governments seem to attach great importance to the work of this Committee.