

RESOLUTION (68) 4

(Adopted by the Ministers' Deputies on 8th March 1968)

**approving the "Declaration of Principles"
on air pollution control**

The Committee of Ministers,

Having regard to the report of the second meeting of the Committee of Experts on Air Pollution (CM (67) 169),

I. Approves the "Declaration of Principles" on air pollution control appended hereto ;

II. Recommends that the Governments of member States of the Council of Europe:

(a) bear in mind the principles set forth in the aforesaid Declaration when they come to introduce legislation and to frame administrative regulations in the matter of air pollution ;

(b) give the Declaration the widest possible publicity ;

III. Requests the Governments of member States to send to the Secretary General of the Council of Europe every three years a report detailing the steps taken to prevent or mitigate air pollution, having regard to the principles set out in the appended Declaration.

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.

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.