

## Clarification on “Discharge”

In a preliminary ruling handed down by the Court on 29 September (case C-231/97), the Court clarified the concept of “discharge” into the aquatic environment. It held that any pollution caused by certain dangerous substances discharged into the aquatic environment in the European Union, in whatever form (liquid, solid or gaseous) should be considered as a “discharge,” as should condensation, in certain cases, from polluted steam that forms on rooftops or the ground and then runs off down gutters and drainpipes to join surface waters.

The case concerned a Dutch company that specialises in treating wood for conservation purposes, and a

neighbour. The latter accused the firm of being responsible for direct and indirect discharges of polluted steam containing arsenic, copper and chromium, all substances listed in Annex II of Directive 76/464/EEC on combating water pollution. A Dutch court had asked the European Court of Justice to clarify whether or not such condensation falling back into surface water and a ditch near waste water coming off neighbouring rooftop gutters and plots of land constituted a “discharge” within the meaning of the EU Directive. □