



Recommendation of the Council on Coal and the Environment

**OECD Legal
Instruments**

This document is published under the responsibility of the Secretary-General of the OECD. It reproduces an OECD Legal Instrument and may contain additional material. The opinions expressed and arguments employed in the additional material do not necessarily reflect the official views of OECD Member countries.

This document, as well as any data and any map included herein, are without prejudice to the status of or sovereignty over any territory, to the delimitation of international frontiers and boundaries and to the name of any territory, city or area.

For access to the official and up-to-date texts of OECD Legal Instruments, as well as other related information, please consult the Compendium of OECD Legal Instruments at <http://legalinstruments.oecd.org>.

Please cite this document as:

OECD, *Recommendation of the Council on Coal and the Environment*, OECD/LEGAL/0173

Series: OECD Legal Instruments

© OECD 2018

This document is provided free of charge. It may be reproduced and distributed free of charge without requiring any further permissions, as long as it is not altered in any way. It may not be sold.

This document is available in the two OECD official languages (English and French). It may be translated into other languages, as long as the translation is labelled "unofficial translation" and includes the following disclaimer: *"This translation has been prepared by [NAME OF TRANSLATION AUTHOR] for informational purpose only and its accuracy cannot be guaranteed by the OECD. The only official versions are the English and French texts available on the OECD website <http://legalinstruments.oecd.org>"*

Date(s)

Adopted on 08/05/1979

Background Information

The Recommendation on Coal and the Environment was adopted by the OECD Council on 8 May 1979 on the proposal of the Environment Committee (now called Environment Policy Committee). The Recommendation advises that Adherents, in elaborating policies for expanded coal use, develop or improve environmental protection and control measures with effect from the planning and policy drafting stage in order to achieve integrated environment and energy policies.

THE COUNCIL,

HAVING REGARD to Article 5 b) of the Convention on the Organisation for Economic Co-operation and Development of 14 December 1960;

HAVING REGARD to the Recommendation of the Council of 26 May 1972 on Guiding Principles concerning International Economic Aspects of Environmental Policies [C(72)128];

HAVING REGARD to the Recommendation of the Council of 18 June 1974 on Guidelines for Action to Reduce Emissions of Sulphur Oxides and Particulate Matter from Fuel Combustion in Stationary Sources [C(74)16(Final)];

HAVING REGARD to the Recommendation of the Council of 14 November 1974 on Measures Required for Further Air Pollution Control [C(74)219];

HAVING REGARD to the Recommendation of the Council of 14 November 1974 on Energy and the Environment [C(74)222];

HAVING REGARD to the Recommendation of the Council of 14 November 1974 on the Implementation of the Polluter Pays Principle [C(74)223];

HAVING REGARD to the Recommendation of the Council of 12 October 1976 concerning the Reduction of Environmental Impacts from Energy Production and Use [C(76)162(Final)];

NOTING the adoption in the framework of the International Energy Agency on 5 October 1977 of the principle of improvement of procedures for resolving conflicts which may exist between environmental concerns and energy requirements and of the principle of promoting international trade in coal;

NOTING the conclusions and guidelines of the International Energy Agency publication "Steam Coal - Prospects to 2000", the OECD publication "Clean Fuel Supply", and the Environment Committee Report on "Coal and the Environment";

RECOGNISING that, in securing adequate supplies of energy in the medium term, where coal will assume an increasingly important role, there is a need to ensure that this accelerated development proceeds in an environmentally acceptable fashion;

RECOGNISING that carbon dioxide resulting from the combustion of all fossil fuels may pose environmental problems;

RECOGNISING that, while expansion of coal production and use could result in greater environmental stress and consequences for health and safety;

- a) Many adverse effects are local although research results also indicate regional effects, particularly due to long-range transport of sulphur compounds, and possibly, even global effects; and
- b) Experience suggests that control costs for reducing these effects can be balanced against the environmental, social and economic benefits gained;

RECOGNISING that significant measures to ensure that coal production and use is environmentally and socially acceptable have already been taken or are under preparation;

RECOGNISING the implications of different constitutional and legal systems in Member countries;

RECOMMENDS that:

1. Member countries, in elaborating policies for expanded coal use, develop or improve environmental protection and control measures with effect from the planning and policy drafting stage in order to achieve integrated environment and energy policies designed to balance on the one hand

the environmental, health and safety implications and on the other hand the energy and economic implications for each stage of the coal cycle, as well as for the overall cycle.

2. Research on the utilisation of fossil fuels, especially in regard to cost-effective and environmentally acceptable advanced control technologies for coal combustion, be intensified.

3. Member countries, in the light of appropriate research results, seek to define acceptable fuel qualities, emission levels or ambient media qualities, as appropriate, for:

- Carbon dioxide;
- Trace metals;
- Secondary pollutants such as sulphates and nitrates;
- Carcinogenic substances;
- Other compounds and materials as may be warranted;

taking into account the cost of control technologies to achieve these levels as well as the social benefit resulting therefrom, including the advantages of increased coal use.

4. In order to ensure the appropriate use of different energy resources, the cost of environmental protection and pollution control should be, as is compatible with the Polluter Pays Principle, reflected in the price of energy.

5. An assessment be made of the environmental and social consequences of a large scale introduction of coal, including the national and regional aspects, especially in countries where coal is not currently used.

6. Member countries implement effective information programmes aimed at policy makers and at investors, traders and users, as well as at the general public, in order to develop increased awareness of the need to resolve the environmental policy issues related to coal.

7. Member countries, in developing their coal policies, follow the guidelines set out in the Annex to this Recommendation of which it is an integral part.

ANNEX

GUIDELINES TO ENSURE AN ENVIRONMENTALLY SUCCESSFUL DEVELOPMENT OF THE COAL SECTOR

A. Mining

Land reclamation after mining is the main environmental concern. It is technically feasible, at a cost, in most areas. Reclamation can be carried out most successfully and cost-effectively when provision therefor has been made an integral part of the mine development plan. For the successful development of mining activities:

- The process of enforcement of environmental legislation, e.g. reclamation, should be conducted in a manner which avoids or minimises delays and associated costs;
- The calculation of the cost of coal should allow for the cost of future land reclamation made necessary by its production;
- An assessment of environmental and socio-economic impact should be undertaken when establishing mining activities in areas where there has been no coal mining;
- Drainage of water containing acids and heavy metals from mining and/or waste disposal, which is a threat to ground and surface waters, should be abated and techniques should be used which minimise the total cost, including the social cost;
- The highest practicable degree of occupational health and safety for miners should be assured.

B. Transport and Handling

Transport of coal has environmental advantages over transport of oil and liquid natural gas when considering the possible impact of shipping accidents. For improvements in the transport and handling of coal:

- Measures should be implemented to control environmental disturbances when coal is loaded and unloaded, from coal stockpiles and from railroad cars, trucks and barges and in using new coal transportation systems;
- Consideration should be given to the continuing demands made on water resources and the need to ensure that the discharged water is of acceptable quality when coal slurry transport or coal washing techniques are employed;
- Efforts should be intensified in coal cleaning and blending techniques to provide coal of uniform quality, which is specifically important for small-scale plants.

C. Utilisation -- Air Pollution

Most countries have already taken measures to achieve an acceptable ambient air quality, including, among others, restriction of coal use to certain less polluting systems or combustion modes. In areas where coal use is to be increased:

- Possible environmental impact should be assessed and the most appropriate cost-effective remedies available -- both short and long-term -- employed to minimise the damage;
- Taking into account their cost-effectiveness, the best available abatement techniques should be employed to minimise the emission of particulates and SO_x in order to ensure that no significant degradation of the environment will occur, both within and beyond national frontiers;
- Proven technologies for reducing NO_x emissions should be used, taking into account their costs and advantages. These technologies would include new combustion system designs, including improved burner, fluidised beds and flue gas denitrification;

- Gaseous and particulate carcinogenic pollutants and by-products should be strictly controlled;
- emissions and ambient air quality should be adequately monitored to ensure that requisite guidelines are followed and standards are met;
- priority should be given to the burning of less polluting coal while applying and developing further the appropriate technical and economic means for controlling emissions from more polluting coals, with due regard to relevant constraints.

D. Utilisation -- Solid Waste

An expansion of coal use will increase the quantities of waste requiring disposal or utilisation. For areas where coal use is to be increased:

- An assessment should be made of all environmental implications and associated environmental costs of those air pollution control technologies which produce solid waste to ensure that water and land impacts are controlled;
- Practical guidelines for controlled ash disposal should be developed;
- The environmental consequence and costs of coal preparation and the disposal of resultant wastes prior to burning should be examined;
- An examination should be made of the desirability of incentives needed to extend the existing commercial uses for fly ash and desulphurisation waste; and increased effort should be directed towards demonstrating the practicality of solid waste utilisation, taking into account its impact on the environment;
- An examination should be made of the desirability of incentives needed to encourage disposal of the wastes into the mine and their environmental consequences.

E. Utilisation -- Labelling of Coals

Coals entering world trade may not be sufficiently characterised with respect to the properties which have a potential environmental impact which makes it difficult for users to judge whether the composition is adequate to meet national environmental standards. To improve this situation:

- The sulphur characteristics (e.g. data needed by physical preparation plants) of all coals entering world trade should be specified in a standardized manner;
- An examination should be made of how coals entering world trade should be assayed as to their metal content.

F. Utilisation -- Research and Development Requirements

There are many environmental aspects of the coal cycle which require further research. Co-ordination of this research internationally could be advantageous. In particular:

- Increased efforts should be made to develop and commercialise cost-effective advanced control technologies for coal combustion, including new systems such as fluidised bed combustion, in order to use coal more efficiently and diminish adverse impact on the environment;
- More R&D should be pursued to develop coal conditioning agents which would promote sulphur capture by the ash;
- An assessment should be made of the fate of metals released from the coal during combustion followed by particulate control using electrostatic precipitators and baghouses;
- Alternative combustion systems should be evaluated for their ability to control NOx emissions;

- New processes for the use of coal (e.g. coal gasification, coal liquefaction) which are environmentally beneficial, should be further developed;
- Beneficial use of by-products, including waste heat and the chemical constituents of liquid wastes, should be encouraged.

Adherents*

OECD Members

Australia
Austria
Belgium
Canada
Chile
Czech Republic
Denmark
Estonia
Finland
France
Germany
Greece
Hungary
Iceland
Ireland
Israel
Italy
Japan
Korea
Latvia
Luxembourg
Mexico
Netherlands
New Zealand
Norway
Poland
Portugal
Slovak Republic
Slovenia
Spain
Sweden
Switzerland
Turkey
United Kingdom
United States

Non-Members

* Additional information and statements are available in the Compendium of OECD Legal Instruments:
<http://legalinstruments.oecd.org>

About the OECD

The OECD is a unique forum where governments work together to address the economic, social and environmental challenges of globalisation. The OECD is also at the forefront of efforts to understand and to help governments respond to new developments and concerns, such as corporate governance, the information economy and the challenges of an ageing population. The Organisation provides a setting where governments can compare policy experiences, seek answers to common problems, identify good practice and work to co-ordinate domestic and international policies.

The OECD Member countries are: Australia, Austria, Belgium, Canada, Chile, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Korea, Latvia, Luxembourg, Mexico, the Netherlands, New Zealand, Norway, Poland, Portugal, the Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Turkey, the United Kingdom and the United States. The European Union takes part in the work of the OECD.

OECD Legal Instruments

Since the creation of the OECD in 1961, around 450 substantive legal instruments have been developed within its framework. These include OECD Acts (i.e. the Decisions and Recommendations adopted by the OECD Council in accordance with the OECD Convention) and other legal instruments developed within the OECD framework (e.g. Declarations, international agreements).

All substantive OECD legal instruments, whether in force or abrogated, are listed in the online Compendium of OECD Legal Instruments. They are presented in five categories:

- **Decisions:** OECD legal instruments which are legally binding on all Members except those which abstain at the time of adoption. While they are not international treaties, they entail the same kind of legal obligations. Adherents are obliged to implement Decisions and must take the measures necessary for such implementation.
- **Recommendations:** OECD legal instruments which are not legally binding but practice accords them great moral force as representing the political will of Adherents. There is an expectation that Adherents will do their utmost to fully implement a Recommendation. Thus, Members which do not intend to do so usually abstain when a Recommendation is adopted, although this is not required in legal terms.
- **Declarations:** OECD legal instruments which are prepared within the Organisation, generally within a subsidiary body. They usually set general principles or long-term goals, have a solemn character and are usually adopted at Ministerial meetings of the Council or of committees of the Organisation.
- **International Agreements:** OECD legal instruments negotiated and concluded within the framework of the Organisation. They are legally binding on the Parties.
- **Arrangement, Understanding and Others:** several ad hoc substantive legal instruments have been developed within the OECD framework over time, such as the Arrangement on Officially Supported Export Credits, the International Understanding on Maritime Transport Principles and the Development Assistance Committee (DAC) Recommendations.