

European Communities

EUROPEAN PARLIAMENT

Working Documents

1973-1974

13 December 1973

DOCUMENT 284/73

Report

drawn up on behalf of the Committee on Public Health and the Environment

on the proposal from the Commission of the European Communities to the Council (Doc. 280/73) for a decision concerning the participation of the European Economic Community in the negotiations for the conclusion of a Convention for the prevention of sea-pollution from land-based sources

Rapporteur : Mr L. MARTENS

PE 35.170/fin.

By letter of 10 December 1973 the President of the Council of the European Communities requested the European Parliament, pursuant to Article 235 of the EEC Treaty, for an opinion on the proposal from the Commission of the European Communities to the Council for a decision concerning the participation of the European Economic Community in the negotiations for the conclusion of a Convention for the prevention of sea-pollution from land-based sources.

On 11 December 1973 Parliament referred this proposal to the Committee on Public Health and the Environment.

The Committee appointed Mr Martens rapporteur on 11 December 1973.

It considered the proposal at its meeting of 11 December 1973 and unanimously adopted the motion for a resolution and the accompanying explanatory statement.

The following were present: Mr della Briotta, chairman; Mr Martens, rapporteur; Mr Elisma, Mr Lagorce, the Marquess of Lothian, Mr Müller, Mr Noé, Mr Rosati, Mr Vernaschi and Mrs Walz.

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The Committee on Public Health and the Environment hereby submits to the European Parliament the following motion for a resolution, together with explanatory statement:

MOTION FOR A RESOLUTION

embodying the opinion of the European Parliament on the proposal from the Commission of the European Communities to the Council for a decision concerning the participation of the European Economic Community in the negotiations for the conclusion of a Convention for the prevention of sea-pollution from land-based sources

The European Parliament,

- having regard to the proposal from the Commission of the European Communities to the Council (COM(73) 1830 final),
 - having been consulted by the Council (Doc.280/73),
 - having regard to the Report of the Committee on Public Health and the Environment (Doc.284/73),
1. Approves the Commission's proposal in principle and urges the Council to authorize the Commission without delay to participate in negotiations at the Paris Conference on the prevention of sea pollution;
 2. Insists that the Commission of the European Community must sign the Paris Convention on behalf of the Community to rule out any need for later accession by the Community;
 3. Instructs its President to forward this Resolution and the report of its Committee to the Council and Commission of the European Communities.

EXPLANATORY STATEMENT

1. The first session of the Conference on Sea Pollution from Land-based Sources was held in Paris on 17-21 September 1973 at the invitation of the French Government. The following countries participated: Belgium, Denmark, France, Germany, Ireland, the Netherlands, Norway, Portugal, Spain, Sweden and the United Kingdom. Finland, Luxembourg, Iceland, Italy and Switzerland were present as observers. The Council of Europe, the United Nations Environment Programme (UNEP) and the Commission of the European Communities also attended as observers.

2. The declared aim of this Conference is the conclusion of a Convention on the prevention of sea-pollution from land-based sources, covering in particular

- (a) the reduction or elimination of sea-pollution caused by the discharge of substances listed in one or more annexes,
- (b) the establishment, by the contracting parties, of a common monitoring network in the maritime zone covered by the Convention,
- (c) the establishment of a commission, composed of representatives of the contracting parties, with the following tasks:
 - preparation of programmes of pollution-abatement,
 - coordinating and exploiting the monitoring network,
 - reviewing the list of polluting substances,
 - establishment of environmental quality objectives

3. In its proposal for a Council decision, the Commission is seeking authorization to participate, alongside the seven Member States concerned in the Paris negotiations for the conclusion of the Convention, with a view to having the Convention written in such a manner as to permit the Commission to become a signatory or to accede to it without such accession being conditional on the unanimous approval of the contracting parties.

4. The reasons for the Commission's proposal may be summarized as follows:

- the Paris Summit Conference in October 1972, the meeting of the Ministers responsible for the environment in Bonn later in the same month and the Council of Ministers' meeting in Brussels on 19 July 1973, all re-affirmed the importance of a common environmental policy. The prevention of sea pollution and pollution of the

sea from land-based sources were singled out as an area of outstanding importance. The Community as a whole should therefore participate in the elaboration of a Convention designed to fill a major gap in the general system of protective arrangements for the marine environment.

- The important obligations to be assumed by the contracting parties to the Paris Convention and by the commission created in the framework of this Convention are largely identical with the obligations assumed by the Community under the action programme on the environment adopted by the Council on 19 July 1973. One of the objectives of this programme is in fact to reduce or eliminate pollution, including sea-pollution from land-based sources. This will include the need to define environmental quality objectives, to assess risks, fix standards and take the necessary measures for monitoring and surveillance. The Community must act on its own responsibility in this field.
- As a contracting party the Community would enjoy the same rights as the other Members and would thus automatically be represented in the commission of the Convention. As a Member of that commission, it could seek to ensure a consistency of approach between the policies and programmes of the latter and those of the Community. Since rapid progress has been achieved within the framework of the Environment Programme, for example in the field of quality objectives it may prove possible for the Community to hasten the decisions to be taken by the Paris commission in important respects.
- It is probable that certain measures of an economic character of particular interest to the Common Market may be adopted within the framework of this Convention. With the Community as a contracting party to the Convention, these measures could be adopted from the start by the Community without having to undergo subsequent harmonization in order to take account of national legislation.
- Subsequent accession of the Community might encounter political difficulties, particularly if accession is conditional on unanimous approval of the contracting parties, not all of whom are members of the Community. Even before the Convention is ratified, a temporary commission will begin work and the Community should have the opportunity to be associated with that work at the earliest possible date. If, however, the status of the Community in the Convention remained in doubt, this collaboration might be jeopardized.

5. The Committee on Public Health and the Environment considers the Commission's arguments to be valid. It is thus able to endorse in principle the Commission's proposal.

However, your committee considers it vital that the Commission should become a signatory to the Convention on behalf of the Community, and that the possibility of a subsequent Community accession to the Convention - a possibility raised by the Commission in its conclusion - be ruled out from the start, since this would involve the various disadvantages already specified in Section 4 of this explanatory statement.

6. In addition to authorizing the Commission to sign the Convention, the Commission proposes in its conclusion that the Council should

- invite Member States to work together with the Commission to achieve this objective at the resumed session of the Conference,
- remind Member States that they should adopt a common position on the essential provisions of the Convention before the next session of the Conference, especially Articles 4, 6, 10 and the Annexes,
- invite the Commission to inform the participating third countries of the authorization to negotiate granted it by the Council.

7. Your committee has discussed the question of whether it would be appropriate for these proposals to be incorporated in the Council decision as an indication of their binding nature.

Mr SCARASCIA MUGNOZZA, Vice-President of the Commission, explained in this connection that after consulting its legal department the Commission was convinced that the single article¹ of the proposed decision sufficiently covered the other proposals made in paragraph 6 above for these proposals to be implemented.

8. Your committee accepted this explanation and decided to adopt the Council decision proposed by the Commission unchanged.

¹ The single article of the proposal for a Council decision reads:

'The Commission is authorized to participate, alongside the Member States concerned, in the negotiations for the conclusion of the Convention. The Commission will conduct these negotiations in consultation with the representatives of the Member States in accordance with the following directive.

DIRECTIVE FROM THE COUNCIL TO THE COMMISSION

The articles concerned of the draft Convention should be written in such a manner as to permit the Community to become a signatory and to adhere to this Convention, without adhesion being conditional on the unanimous approval of the contracting parties.'

