

Written Question No. 94/80

by Mr. zu Sayn-Wittgenstein, Mr Klepsch, Mr Gonella, Mr Janssen van Raay,  
Mr de Keersmaeker, Mr Rayn, Mr von Bismarck, Mr van Aerssen, Mr Hoffmann,  
Mr Luster and Mr Pöttering

to the Commission of the European Communities

Subject : Negotiating position at the Third UN  
Conference on the Law of the Sea

- in view of the significance within the European Community of the customary law being evolved during negotiations for a convention on international law which has not yet reached the stage of ratification,
- acknowledging the Commission's efforts to promote freedom of establishment in the Community's continental shelf and economic zones,
- aware of the fundamentally different geographical areas of interest of the Member States of the Community,
- concerned about the implications for European unity of the precedents, unacceptable from the point of view of their effect on orderly relationships, that might be set on the basis of the draft text of the convention at present on the negotiating table,

the Commission is requested to answer the following questions:

1. What areas will each Member State gain from the extension of coastal waters, the establishment of an economic zone and the current plans for an extension of the continental shelf?
2. Is there at present adequately quantified information, and if so of what type, on the raw materials resources explored within Community waters? How are these to be distributed between the Member States?
3. Does the Commission regard Community exploitation of the benefits accruing to individual Member States as a possible way of compensating Community states with a short coastline for the curtailment of their rights under the present version of the convention?
4. What, in the Commission's view, are the prospects for a fundamental recognition of freedom of establishment in Community waters?

REPLY GIVEN BY MR HAFERKAMP ON BEHALF OF THE COMMISSION  
TO WRITTEN QUESTION NO 94/80 BY MR ZU SAYN-WITTGENSTEIN AND OTHERS

1. The general issue of the extension of maritime zones is the responsibility of the Member States. Consequently, the Commission has never considered it necessary to calculate itself the areas which each Member State will gain from the extension of coastal waters, the establishment of an economic zone and the current plans for extending the continental shelf. In any event, the demarcation of zones has not yet been decided on either at bilateral level or in the Conference on the Law of the Sea. As regards the continental shelf and its future dimensions, the demarcation of its outer limit is currently being discussed at the Conference.

The Commission is, however, aware of the immense potential in the oceans and since 1972 has been drawing the Member States' attention to the need for Community firms to pool their expertise in a large number of fields and establish consortia which are sufficiently well-endorsed financially and technically to exploit alluvial deposits; submarine extensions of land deposits, or deep-sea nodules. In its discussions with the Member States on the definition of a Community supply policy the Commission is continuing to stress the importance of such action.

2. If the Conference on the Law of the Sea results in the establishment of a Community economic zone, the Commission will collect all available information on the raw material resources in this zone and will undertake any research required to supplement it.

It should also be pointed out that for two years now the Commission has been running a Research and Development programme on non-energy raw materials in order to accelerate possible discoveries on Community territory, facilitate the economic exploitation of low-grade and complex ores, and consequently reduce the Community's dependence on imports.

For the purposes of devising and applying this programme, which the Commission intends to undertake in the years ahead, the Community's waters could of course be included with the land area.

3. The opportunities made available to states with a long coastline to the detriment of states with shorter coastlines stem from the changes brought about by the new Law of the Sea which is being codified. The Member States of the Community, with their geographical differences, have been able to attenuate the effects of the present version of the convention inter alia by a common fisheries policy, which by pooling the biological resources in the 200-mile fishing zone from 1 January 1977 compensates the Member States with short coastlines.

The Commission would confirm the position it has already communicated to Parliament.

4. In the Commission's view, the exercise by the Member States of their right of sovereignty in order to pursue certain activities, notably the exploration and tapping of natural resources on the continental shelf, is subject to the provisions of the Treaty. The same principle holds for the application of the laws of Member States on economic activities pursued by private individuals.

Of the Community acts which could have a particular bearing on the continental shelf, the Commission would like to draw attention to Regulation (EEC) No 1496/68 of the Council of 27 September 1968<sup>1</sup> on the definition of the customs territory of the Community, which defers to a subsequent act the definition of the customs system applicable to the continental shelf or that applicable to waters and foreshores situated between the coasts or shore and the limit of territorial waters.

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<sup>1</sup> OJ No L 238, 28.9.1968.