



# EUROPEAN BACKGROUND INFORMATION COMMUNITY

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## EC POSITION AT THE FIFTH SESSION OF THE LAW OF THE SEA CONFERENCE

In time for the opening of the Fifth Session of the Law of the Sea Conference in New York on August 2, 1976, the Council of the European Communities adopted various decisions concerning the Community's position at the conference. These agreements are essentially:

- I. that the Community as such should be a contracting party to the convention,
- II. on the common positions to be taken on some of the main issues before the conference,
- III. on a declaration of intent to establish a 200 mile fishing zone, if this should be necessary in order to defend Community interests, even if the conference should fail to reach agreement.

### I. The Community Clause

In the process of establishing a customs union and an economic community, the Community member states have transferred to the Community their competences in certain areas, principally as regards commercial, agricultural (including fishing), and competition policies. As the proposed convention on the law of the sea deals with some areas in which the Community has competence, it is essential that the Community, as well as its individual member states, becomes a contracting party to the convention. This is important not only as a matter of internal legal competence, but also to ensure that all third states have a guarantee that they have contracted with parties capable of honoring all the obligations laid down in the convention. The Community will thus propose a clause enabling it, and any similar regional economic groupings, to become signatory.

The main topics dealt with by the conference in which the Community competence is involved are the following:

- Provisions relating to living resources of the economic zone. The Community has established a common policy in the fisheries sector, which includes a common organization of the market in fisheries products and the application of common rules with respect to fishing in maritime waters under the sovereignty or jurisdiction of member states. Discussions are now being held within the Community on the future of the common fisheries policy in the light of the creation of 200-mile zones. The Community is in particular examining the arrangements to be made, on a Community basis, in order to ensure the pooling, sharing, conservation and exploitation of the biological resources of the single area formed by the future economic zones of the member states.

- As regards the international sea bed area, the texts relating to commodity issues and customs exemptions involve the application of the common commercial policy of the Community. It is worth recalling that the Community is already a party to various commodity agreements (wheat, cocoa, coffee, tin).

- Preservation of the marine environment. The single negotiating text provides that the states shall respect international rules and lay down national laws and regulations to control maritime pollution. The Community is already a contracting party to the Paris Convention on Maritime Pollution in the North Atlantic From Landbased Sources and the Barcelona Convention on Pollution of the Mediterranean, and has recently adopted its own directive on the discharge of dangerous substances into the waters of the Community.

## II. EC Coordination and Common Positions

The Council has decided that common positions should be presented based on the following points:

1) Acceptance of the principle of a 200-mile economic zone, established in a way which assures the protection of the interests of the Community and its member states.

2) Extension of jurisdiction to the edges of the margin where the continental shelf extends beyond 200 miles.

3) As regards the proposed international sea-bed authority:

- acceptance of the principle that an operational organ of the authority should be created, provided that it does not have privileged treatment and that acceptable economic conditions are provided for normal commercial operators,
- there should be no impediment to the Community as such being represented in the organs of the international authority,
- the need to avoid the creation of monopolistic situations or dominant positions.

4) Procedures for the obligatory settlement of differences should be an essential element of a future convention.

### III. Declaration of Intent to Establish a 200-Mile Fishing Zone

The EC hopes that the conference will reach agreement on the terms under which 200-mile zones may be established. Several states in the North Atlantic, however, have created or intend to create such a zone unilaterally. This is the case for Iceland, Canada, Norway, and the United States. In these circumstances, there is a danger that EC waters will be seriously over-fished unless the Community follows suit. The Community has therefore declared that it will, in the absence of international agreement, if necessary, extend its fishing limits to 200 miles, fishing in these limits being governed by the Community's common fishery policy. The modalities of the action to be taken will be decided on in the light of the results of the present session of the Law of the Sea Conference, or at the latest by October 1, 1976.