

Written Question No. 1789/80

by Mr Glinne

to the Commission of the European Communities

Subject: Exploitation of deep sea mineral resources

The United Nations conferences on the Law of the Sea are hampered by the refusal of the industrialized countries to share equitably with the developing countries the deep sea mineral resources which are generally considered part of the common heritage of mankind. Various industrialized countries, including Member States of the Community have, however, adopted (Federal Republic of Germany) or are about to adopt (United Kingdom, France and Belgium) unilateral national legislation on this subject.

At the UN conferences on the Law of the Sea did the Nine speak with one voice? If so, what was their common position? If not, what position was adopted by each Member State? In the latter case, did the Commission make recommendations or proposals to help achieve a common position? What were these? What is the outcome?

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REPLY GIVEN BY MR HAFERKAMP ON BEHALF OF THE COMMISSION
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On the basis of the Council Decision of 19 July 1976 the Community is negotiating with the other countries the possibility of becoming a contracting party to the future Convention on the Law of the Sea to be concluded under the aegis of the Third United Nations Conference on the Law of the Sea. With regard to the arrangements for exploiting the sea-bed and Community representation on the bodies to be set up under the future International Sea-bed Authority, the Council stressed, in the annex to its Decision, the need for common positions drawn up within the Community framework to be put forward whenever necessary. On 16-17 May 1977 the Council, on the basis of a Commission communication of 20 April that year, recalled its decision of 19 July 1976, reaffirming the need for common positions to be adopted.

In July 1980, pending the acceptance of an international convention on this matter, the Federal Republic of Germany followed the United States in adopting, as an interim measure, national legislation allowing exploration and exploitation of sea-bed resources. In both cases the sea-bed resources may be exploited only as from 1988, which leaves the way open for alignment with international rules such as those provided for in the unofficial draft convention drawn up by the Conference on the Law of the Sea. It is possible that in the near future other Community Member States will produce such laws, probably on the same lines.

At the ninth session of the Conference, held in August 1980, the gap between the positions of the industrialized and the developing countries narrowed on a number of key points relating to the arrangements for exploration and exploitation of the sea-bed and made it possible to finalize an unofficial draft International Convention on the Law of the Sea, which is still to be discussed at the Conference's tenth session, due to be held in March-April 1981.

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The Community Member States, taking into account their respective interests, contributed towards the achievement of this major stage, which holds out the prospect that the work of the Conference will be completed in the near future, with a final session to sign the Convention likely to be held in Caracas in September 1981.

Since the start of the Conference the Commission has placed before the Council a number of communications on the positions to be adopted by the Community and its Member States. For the purposes of the Conference's tenth session the Commission transmitted on 28 November 1980 a communication to the Council aimed at providing a satisfactory solution to the problem of protecting preliminary investment made in the international sea-bed area before the Convention's entry into force. Since the Federal Republic of Germany has adopted an interim national legislation on sea-bed exploitation and other Member States seem likely to do so the Commission considers that a consultation procedure should be set up to ensure that these various laws are mutually compatible and thereby avoid any distortions of competition.