

Annex

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## NOTE TO READER

Appearing at the same time as the English edition are editions in the six other official languages of the Communities: Danish, German, Greek, French, Italian and Dutch. The English edition contains the original texts of the interventions in English and an English translation of those made in other languages. In these cases there are, after the name of the speaker, the following letters, in brackets, to indicate the language spoken: *(DA)* for Danish, *(DE)* for German, *(GR)* for Greek, *(FR)* for French, *(IT)* for Italian and *(NL)* for Dutch.

The original texts of these interventions appear in the edition published in the language spoken.

## SITTING OF MONDAY, 13 DECEMBER 1982

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IN THE CHAIR: MR DANKERT

*President*

*(The sitting opened at 5 p.m.)*

#### 1. *Resumption of the session*

**President.** — I declare resumed the session of the European Parliament which was adjourned on 19 November 1982.

**Mr Chambeiron (COM).** — *(FR)* Mr President, I have asked to speak on a point which seems to me particularly serious in that it calls into question the underlying credibility of our institution. Nobody disputes the fact that, in terms of the organization of the pow-

ers and responsibilities of the Community, the Commission is the custodian of the Treaties. But our Parliament has its word to say in ensuring respect for the Treaties. However, an event has been reported in the press, as you no doubt already know, Mr President, which amounts to a manifest violation of the terms of reference of the Community against which we wish to lodge a formal protest. On 6 December last in Paris, the Vice-President of the Commission, Mr Natali, made a public statement to the effect that the Community should set up a common defence policy.

My question is this: if that report is correct the European Parliament and public opinion must know whether Mr Natali was expressing the views of the Commission or merely his own personal position, a fact which would in itself raise certain problems as far as he is concerned. At all events, Mr President, we believe that the Commission must explain without delay why it made a statement which we consider inadmissible. I therefore ask you to request the Com-

**Chambeiron**

mission, on behalf of this Parliament, to state its position on this matter.

**President.** — Mr Chambeiron, provision is made for dialogue between the Commission and Parliament. I do not think that this is the time, when we are in the middle of drawing up the agenda, to amend that agenda by setting up a dialogue procedure. We can however require information from the Commission by way of oral or written questions, for example.

For the moment this problem lies with the Commission so long as Parliament has not put a question on the subject.

**Mr Chambeiron (COM).** — (*FR*) Mr President, this is none the less a rather serious matter. You are the President of this Parliament; I maintain that Mr Natali's statement calls into question the credibility of the Communities. This Parliament is required to ensure respect for the Treaties. For my part I am asking the Commission to make a statement on the position adopted in public by Mr Natali in Paris.

**President.** — Mr Chambeiron, the Commission is to be treated as a collegiate body. Its members do not represent it automatically. I propose therefore that you first put questions to the Commission.<sup>1</sup>

**2. Agenda**

**President.** — At its meeting of 16 November 1982 the enlarged Bureau drew up the draft agenda, which has been distributed.

At its meeting of 3 December 1982 the chairmen of the political groups instructed me to propose a number of amendments.

*(The President read out the amendments proposed)<sup>2</sup>*

I have received from the Council several requests for urgency most of which have become superfluous.

As regards the request relating to the regulation on aids to shipbuilding, the Committee on Economic and Monetary Affairs has already adopted a report by Mrs Desouches which could be included on the agenda for Wednesday, after the voting.

**Mr Enright (S).** — Mr President, I am quite happy to go along with urgency for Council's purposes but cannot Council do something in return — occasionally give us reports in decent time to consider them? It could give them in draft form — it does not do so at the moment — and this is frankly not helpful either to Council or ourselves.

**President.** — Mr Enright, I think your question is perfectly in order. I myself have already entered into written communication with Council and Commission on this subject. I think the Commission gave a satisfactory answer and as far as I can recall there has been no answer so far from Council.

Pursuant to Rule 56 of the Rules of Procedure, I have received from the European Democratic Group a request to include at 9 a.m. on Wednesday a statement lasting approximately 15 minutes on agricultural prices by Commissioner Dalsager, to be followed by a meeting of the Committee on Agriculture at which questions could be put to Mr Dalsager.

I have to indicate that Rule 40 says on this kind of statement that unless Parliament decides otherwise, such a statement in such a case is made by the Commission and shall not be followed, I repeat not be followed, by a debate. Members may, however, avail themselves of a period of 30 minutes in which to put brief and concise questions with a view to clarifying specific points in such statements.

In view of this, the meeting of group chairmen this morning agreed that it would be better to give Commissioner Dalsager the opportunity to address the Committee on Agriculture at a public meeting; make a statement and reply to questions asked by members of the Committee on Agriculture. The problem is that the Commission will decide during Tuesday night on the price proposals. In view of the statement by the President-in-Office of the Council and the President of the European Council there will not be any further room on our agenda on Wednesday morning. This will mean that we will probably have to complain about the agricultural discussions and proposals being reported in the press before we get the chance of being informed by the Commission.

**Sir Henry Plumb (ED).** — Mr President, when my own group considered this position, they were concerned that one of the most important items of the year was going to be presented by the Commission to Parliament in a private session, or at least in a public session in a room separate from this. Therefore the conclusion they came to, which they wish to recommend to this House, is that we find 15 minutes for a presentation by the Commissioner to this House, and then any questions which Members wish to put to the Commissioner could be put in public session in another room. Thus we get a presentation to the

<sup>1</sup> Approval of minutes — Membership of Committees — Petitions — Transfer of appropriations — Motions for resolutions (Rule 49 of the Rules of Procedure) — Authorization of reports Referral to committee — Documents received — Application of the Rules of Procedure: See Minutes.

<sup>2</sup> See Minutes.

**Plumb**

House and do not take any further time for debate. That can take place for the 30 or 50 minutes, however many minutes you wish, set aside for discussion in a room separate from this Chamber.

**Mr Curry (ED), chairman of the Committee on Agriculture.** — Mr President, I quite understand your concern about the agenda, and I quite understand your concern not to allow a debate to begin in the Chamber on the basis of what will be purely oral information given by the Commissioner, if indeed he is in a position to make a statement at all. But I do think that since the Commission will be making decisions which will govern the larger part of the budget, which is the major topic of this week, it is curious if we, as a democratic institution, do not give him the opportunity of making a statement. I think then, Mr President, that the actual analysis of the statement — the detailed questions — do properly belong to the Committee on Agriculture, and the committee could then convene immediately. I would also say, Mr President, that I think it probably is the job of the Committee on Agriculture to decide whether that would be an open meeting or a closed meeting.

**President.** — That is right, Mr Curry, it is the competence of the Committee on Agriculture to decide on whether it is an open or a closed meeting. However, the problem for the House is that, according to the Rules, if a Commissioner makes a statement on behalf of the Commission, there follows a period of questions and answers. It is absolutely impossible to find time in Wednesday's agenda for that period of questions and answers, and it will be extremely difficult, in view of the statements the presidency has to make, to find the time necessary to have a full statement by the Commission on agricultural prices. That is why the proposal did not come forward to put Mr Dalsager on the agenda.

I shall now call two speakers — one for, one against.

**Sir James Scott-Hopkins (ED).** — I am speaking against the proposal you have put to the House, Mr President, not only for the reason already given by my colleague, Mr Curry, but also because of the precedent you are setting by so doing. It is the temptation of every Commissioner to make a statement privately outside this House — not in the full glare of publicity here. This is a precedent which is not to be followed and not to be encouraged. Since this is the most important issue of the year, apart from the budget, I think it would be a grave mistake for this House to allow a Commissioner to make a statement of this importance to a meeting, either closed or open, of a committee outside this House.

Therefore I do hope that you and the House will decide that, even though the time is pressing, a quarter of an hour's statement by Commissioner Dalsager on

agricultural prices — assuming that he has got that determination from the Commission — will take place on Tuesday morning. The House can perfectly well forgo its right to ask him questions, and, assuming that the Committee on Agriculture will allow all Members who wish to do so to attend that meeting, those questions can be put in that committee some time during the day. However, it really is essential and vital that that announcement by the Commissioner should be made here in this House in plenary session.

*(Applause from the European Democratic Group)*

**President.** — I note that no-one wishes to speak in favour of the proposal. I therefore call the Commission.

**Mr Andriessen, Member of the Commission.** — *(NL)* Very briefly, Mr President, I would just like to make it quite clear to the House that, in the discussions held earlier this morning, the Commission expressed its preference for the making of the statement to the full plenary sitting, adding, however, that it was prepared to come to another arrangement, should the House so wish. Were the House to get the erroneous impression that the Commission's preference was for the procedure now being put forward, then I would have to take issue emphatically with Sir James Scott-Hopkins on this point.

**Mr Arndt (S).** — *(DE)* Mr President, what must I do if I want the Commissioner to make a statement in the House and then to put questions pursuant to the Rules of Procedure?

**President.** — The enlarged Bureau has submitted an order of business for this week. The European Democratic Group has now requested that the agenda be so amended as to include a Commission statement on agricultural prices at 9 a.m. on Wednesday lasting about 15 minutes, without questions being put to the Commission.

*(Parliament agreed to the request)*

**Mr Sutra (S).** — *(FR)* Mr President, Mr Andriessen told us that the Commission would have preferred this to be done in a different way. It is too late now but we might at least ask how the Commission would have liked us to proceed. Common politeness makes it appropriate for Parliament to do that.

**Mrs Ewing (DEP).** — Mr President, can we have your assurance that there will be no change in the hour of Question Time, either on Tuesday or on Wednesday, as what happened at the last part-session was really quite disgraceful?

**President.** — As far as I am concerned, you have the assurance. I hope that Parliament doesn't decide otherwise.

**Mr Edward Kellett-Bowman (ED).** — Mr President, I heard you say that the voting on the first reading of supplementary budget No 1 will be tomorrow, Tuesday, but I did not hear you state the time.

**President.** — Mr Kellett-Bowman, if you read the agenda, the only voting time scheduled is at 6 o'clock.

**Mr Edward Kellett-Bowman (ED).** — Then you may be surprised, Mr President, to hear that the Directorate-General for Sessional and General Services sent round a communication dated 6 December proposing that the vote on the first reading should be from 2 p.m. to 6 p.m. tomorrow.

**President.** — I hear from authorized sources that it was an unusual error!

*(Laughter)*

**Mr Pearce (ED).** — Mr President, I wish to enquire from you under which Rule and at what time I may inform Parliament that I will be taking up with the Court of Auditors the fact that the subsidy of 13 pence per 250-gramme pack from Community funds on butter in intervention stocks put on the UK market — Christmas butter, that is — seems unlikely to be passed on fully, directly and recognizably to the purchaser of the butter and that the Court should watch out that these Community funds are used in the way intended by the Commission, as indicated to Parliament.

When may I raise that issue, Mr President?

**President.** — Well, Mr Pearce, I think the only way to bring the matter to the attention of the Court of Auditors is the way you have done it now, because we have no established and institutionalized dialogue with the Court of Auditors. Perhaps you could also write to them in order to inform them. In this case that is the only procedure. You can come back to the problem again on the occasion of the annual report of the Court of Auditors in the context of the discharge procedure, or a specific report.

**Mr Rogalla (S).** — *(DE)* Mr President, the time-limit for tabling amendments to the reports by Mr von Wogau and Mrs Desouches on the customs union was originally 12 noon on Friday, 10 December. In the meantime, a new aspect has emerged in that I have received from the Commission a very detailed answer to a written question on the legal bases which the

Commission believes apply to the free movement of persons. This would result in an amendment to the von Wogau report. I would therefore be grateful if you could propose to the House pursuant to Rule 53(3) that the time-limit for the tabling of amendments to the von Wogau report should be extended until 12 noon tomorrow.

*(Parliament agreed to Mr Rogalla's request.)*

**Mr Kirk (ED).** — *(DA)* I have an item of information for you, Mr President. I have a report on the agenda for Thursday, item 247, and I think that the Committee on Agriculture wants to discuss it. It will be presented without debate. That might perhaps lighten the burden on the timetable somewhat.

**President.** — Yes, we decided this morning that it would be without debate.<sup>1</sup>

*(Parliament adopted the draft agenda thus amended)*

### 3. Deadline for tabling amendments

**President.** — I would point out that the deadline for tabling amendments to items on the agenda has expired except for the budget reports, on account of their late publication and the business in plenary session. The deadline for tabling amendments to the motions for resolutions could be extended until 8 p.m. on Monday, 13 December since the deadline for tabling amendments to the budget and to the proposals for a regulation proper remain unchanged. I understand there is a problem with the French version of the Barbarella report.

The text has been sent by road from Luxembourg and will be available at 5 p.m. There will therefore need to be a slightly longer deadline for the French amendments to the Barbarella report. We might perhaps arrange at 9 p.m. for the French-speaking Members to read the text in French.

**Mr von der Vring (S).** — *(DE)* Mr President, at the last part-session on the same issue you recommended that I cycle to Luxembourg. Is that what you now recommend to other colleagues?

*(Laughter)*

**Mr De Goede (NI).** — *(NL)* Mr President, during the last part-session there was an exchange of views,

<sup>1</sup> Regulation on the indication of origin of certain textile products imported from third countries — speaking time: see Minutes.

**De Goede**

although I did not desire to be involved, on a public statement which you made on behalf of the European Parliament. Would you now be kind enough to allow me to say a few words concerning a statement which, to the best of my knowledge, you have not yet made, concerning the horrendous events taking place in one of our Lomé Convention states, Surinam. You may well ask why I have chosen this particular moment. It is true that Thursday has been set aside for debating motions of urgency, and indeed I feel sure that this subject will figure prominently at that time, but Council is meeting today and tomorrow. Furthermore the Commission is meeting tomorrow and I sincerely hope that, following the lead given by the governments of the Netherlands and the United States, measures will be set in motion and public utterances made to express the horror at the events taking place in that country, and I would set great store by declarations on this matter from the President of our institution and from the Council, which is, as already indicated, meeting today and tomorrow, being added to the numerous utterances already made. Indeed the Commissioner, who is present in the House today . . .

**President.** — Mr De Goede, there is no point in going deeply into this matter. You have outlined the situation and I think that all of us have reacted with shock to the events in Surinam, but the only way to get it placed on Parliament's agenda is by way of an urgency debate on Thursday and if you want the Council or Commission to make a statement on it, you must get in touch with those bodies one way or another. I do not believe we can settle that sort of thing by means of the agenda.

**Mr De Goede (NI).** — (NL) Well, I just hope that it does indeed come up for urgent debate on Thursday, Mr President.

**President.** — I propose that we set the deadline for requests to speak on all the budgetary reports entered on the agenda for Tuesday, 14 December at 8 p.m. this evening.

Are there any comments?

That is agreed.

#### 4. Action taken on the opinions of Parliament

**President.** — The next item is the communication from the Commission on action taken on the opinions and resolutions of the European Parliament.<sup>1</sup>

**Sir James Scott-Hopkins (ED).** — Just as a matter of interest, Mr President, I wonder if, following the meeting of the Council at which the import of seal-skins into the Community was considered, the Commissioner could comment on whether the Commission intends to modify its proposal.

**Mr Andriessen, Member of the Commission.** — (NL) To the best of my knowledge the Council intends to take up the matter once again, on this coming Friday, 17 December. The Commission has no intention of modifying its proposal on this matter.

**Mr Enright (S).** — In paragraph C(5) on page 4, referring to Mr Boyes' very able report on the poverty programme, the Commission says that 'the European Parliament will be kept informed'. Now that does not assure us of the real and urgent action that is desperately needed at the moment? Will the Commissioner give us an assurance that the Commission will pursue this matter as actively as it possibly can?

**Mr Andriessen, Member of the Commission.** — (NL) Mr President, I can give an unequivocal affirmation.

**Mr Bangemann (L).** — (DE) Mr President, on page 1 of its written communication the Commission states that, following its proposal for a regulation concerning limited action in the area of transport infrastructure, it has received from the Council a very precise mandate under which it may conduct negotiations with Austria on anything — except money! Where cooperation with Austria is concerned, this is, of course, very unsatisfactory, because the injustice is that we use Austria as a kind of transit country without paying any kind of financial compensation.

I would therefore ask the Commissioner how he sees this negotiating mandate. Does he think that what has so far been heard from Austria will be enough for worthwhile results to be achieved? It is not enough, after all, simply to talk about various routes without telling Austria what we might be willing to pay. I should therefore like to hear what the Commissioner thinks of this negotiating mandate.

**Mr Andriessen, Member of the Commission.** — (NL) Mr President, the Commission itself is far from satisfied with the brief it has received from the Council, regarding these negotiations. It would have preferred its mandate to be widened to include some financial aspects. It intends to continue urging upon the Council the necessity of a wider brief.

<sup>1</sup> See Annex II.

5. *Votes*<sup>1</sup>

IN THE CHAIR: MR ESTGEN

*Vice-President*6. *Law of the sea***President.** — The next item is the joint debate on:

- the report by Mr Vié, drawn up on behalf of the Legal Affairs Committee, on the signature and ratification of the Convention on the Law of the Sea (Doc. 1-793/82)
- the report by Mrs Spaak, drawn up on behalf of the Committee on the Environment, Public Health and Consumer Protection, concerning deep seabed mining and the marine environment (Doc. 1-688/82).

**Mr Vié (DEP), Rapporteur.** — (FR) Mr President, ladies and gentlemen, the report which I am now submitting to you on behalf of the Legal Affairs Committee relates to an area of exceptional importance: the Law of the Sea.

Its importance is exceptional in quantitative terms because the area of the sea represents close on twice that of the land mass; it is also exceptionally important because essential aspects of the life of our countries are dependent on the sea: freedom of movement and hence the security of supplies, the extension of international trade and closer links between the peoples bringing greater prospects of peace; then again there is the aspect of access to vast resources of food, energy and a reservoir of raw materials holding out the prospect of progress and prosperity for the population of the world. The exceptional importance of this subject is also apparent even to an unformed observer from the length of the discussions — 88 weeks over a period of nine years — and the bitterness of the controversy to which adoption of the convention does not put an end.

It might seem strange or scandalous, depending on your point of view, that our Parliament should only be dealing with this matter after the event, i.e. after the Convention was signed by 119 countries last Friday. Mrs Veil, the chairman of the Legal Affairs Committee to whom I wish to pay tribute, attempted unsuccessfully to have this debate included on the

agenda of the last part-session which would have enhanced the standing of our Parliament. Of course our agendas are always very full but, in my personal capacity, I feel bound to deplore the fact that our Parliament has been prevented in this way from playing its part under effective and appropriate conditions.

Admittedly the matter is not closed, far from it. I am sure Members will bear with me if I inflict on them details of a rather dry calendar which do seem necessary to me to promote greater understanding of this debate.

Firstly, the Convention was adopted on 30 April last by 130 votes to 4 including the USA, with 7 abstentions, including the USSR.

This was followed by the procedure for signing the text which took place last Friday in Jamaica: 119 countries were in favour and 141 countries signed the final act which was a kind of comprehensive minute of the proceedings — that document was also signed by the USA.

Thirdly, the countries which are signatory to the Convention are automatically members of the preparatory committee for the establishment of the international authority which will be responsible for administering the common heritage of mankind represented by the sea outside the limits of the continental shelf; the other countries were merely observers. Unfortunately the Community was not able in its turn to sign the final act because only five Member States signed the Convention. It is therefore not an automatic member of the preparatory committee but simply an observer. I shall return to that in a moment.

Fourthly, the Convention itself will not enter into force until 60 countries have ratified it. In most cases that presupposes a special national law.

Fifthly, pending this application after ratification by 60 countries, the preparatory committee has the authority to deliver exploration permits to 'pioneer investors'.

Sixthly: these investors are either countries which have earmarked more than 30 million dollars by 1 January 1983 (1 January 1985 in the case of developing countries) i.e. France, Japan, India and the USSR, or entities, namely international consortia of which there are four with the USA in a majority associated with a number of industrial countries — Belgium, Canada, Italy, The Netherlands, the Federal Republic of Germany, etc.

Seventhly, during the transitional period, i.e. before ratification by 60 countries, the signature of one single country will be sufficient to lend credit to these consortia whereas after the entry into force of the Convention all the States of which the individuals or bodies constituting these entities are nationals, will have to

<sup>1</sup> See Annex I.



Vié

be parties to the Convention. Despite the regret which I expressed just now, it therefore seems that the Community has by no means had its last word on this matter.

I apologize again for giving you these somewhat dry details; I shall now try to explain clearly the purpose of this report which is not to deal with the Law of the Sea as such with all its political or economic implications — the committees which have been asked for their opinions will be delivering them — but as the title of the document indicates to examine the signing and ratification of the Convention in light of the provisions of Community law.

Even from that strictly juridical angle, this report which reflects the almost unanimous position of the Legal Affairs Committee with 12 votes in favour and 2 abstentions, is in my opinion of considerable importance because it throws full light on the underlying problem which is that of the respective role of our institutions in the life of the Community. First of all the Council is being reminded of the indisputable juridical foundation of Community powers i.e. Articles 210 and 228. The Council is also reminded of Article 5 of the Treaty which requires the Member States to give effect to the obligations deriving from the Treaty.

Then again this report reminds the Commission that it is the custodian of the Treaties and has a duty to make the Member States aware of their obligations if necessary by proceedings in the Court of Justice (Articles 169 and 175). Finally, this report recalls the possibility of prior consultation of the Court of Justice if there is any doubt as to the compatibility of the Convention with the EEC Treaty (Article 228).

This particular Convention contains the important provision that international organizations may sign it if a majority of their members authorize them to do so. In terms of logic that is absurd. Either the Community has the authority to sign through a delegation of sovereignty deriving from the Treaties in which case it needs no approval from the Member States or it has no such authority in which case it needs the approval not of a majority but of all its members. Herein lies the extreme importance of our debate. Beyond the disputes between experts, we are concerned here with nothing less than the role of the Community in international discussions and, within the Community, the correct balance between its different institutions: the Council, Commission, Parliament and Court of Justice.

The Legal Affairs Committee found it unthinkable for Member States to be able to sign individually, without reference to existing Community achievements; hence the vigorous appeal in this report for a Community decision. The peoples of our various countries represented in this Parliament have already been disappointed by the loss of ground in Europe; each one of

us is aware of this through contacts with public opinion in our respective countries. Of the two common policies provided for in the Treaty only the common agricultural policy is operational and we know to what extent its very existence is jeopardized; all our colleagues realize that the whole issue must be given our close attention. No progress has been made upon energy, commercial, economic and research policy and our electors may well feel that the institutions have lost their *raison d'être* and failed in their duty.

To my mind, this debate provides an opportunity to demonstrate that the Parliament will abandon none of its obligations or prerogatives. It is performing its proper role when it reminds the other Community institutions of their obligations. That is why I should like this Parliament to give its unanimous approval to the report, thus providing evidence of its clear-sightedness and determination to contribute to the construction of Europe which, more than ever, is vital for the peace and security of the whole world.

(Applause)

**Mrs Spaak (NI), Rapporteur.** — (FR) Mr President, ladies and gentlemen, our Parliament has already held several debates and adopted a number of reports and resolutions on the exploitation of the seabed and on the third United Nations Conference of the Law of the Sea. All those texts have laid emphasis on the economic importance for the Community of participation in the exploitation of the mineral and energy resources of the deep seabed given its heavy dependence on external sources of these raw materials. They have all stressed the importance of the Convention on the Law of the Sea which has been laid open for signatures since December 1982 and on which the United Nations has been working since 1973.

It is vital for the Convention to be signed for several reasons which my colleague, Mr Vié, has mentioned: firstly, to ensure legal certainty for activities at sea including exploration and exploitation of the seabed. Secondly, the exercise of those activities by Europe in complete independence; thirdly, protection of the marine environment which is essential to the ecosystem of the land. That aspect is governed by Chapter 12 of the Convention. The Convention cannot be treated as a generally recognized international Law of the Sea unless it is signed and ratified by a large number of states and especially by the major maritime powers of which the Community is one.

Chapter 11 of the Convention relates to exploitation of the deep seabed. It gives rise to serious objections on the part of the Community and, more generally, on the part of those countries which have gained some advance in this area. Once the Convention has been signed by at least 50 countries a preparatory committee will be set up to work out the rules, regulations and procedures needed for its application and func-