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ORAL QUESTION (0-25/75)

with debate pursuant to Rule 47 of the Rules of Procedure
by Mr JAHN on behalf of the commission on Public Health and the
Environment

to the Commission of the European Communities

Subject: Inadequate EEC bird protection measures

The communiqué issued by the Heads of State or of Government of the Member States of the enlarged Community, meeting in Paris in October 1972, underlines the importance of a Community environmental policy and invites Community Institutions to establish, before 31 July 1973, a programme of action accompanied by a precise timetable. The communiqué also states that the Heads of State or of Government were agreed in thinking that, for the purpose in particular of carrying out the tasks laid down in the different programmes of action, it was desirable to make the widest possible use of all the dispositions of the Treaties, including Article 235 of the EEC Treaty.

The Programme of Action of the European Communities on the Environment drawn up in consequence, and adopted by the Council on 22 November 1973, expressly refers to the Paris Summit Conference¹. It contains a section entitled 'Protection of birds and certain other animal species' (Part II, Title II, Chapter 1 (B)(f)) under which the Commission is committed to 'study with a view to possible harmonization of national regulations on the protection of animal species and migratory birds in particular'.

The Programme also states that this action should be carried out as quickly as possible, and by 31 December 1974 at the latest, and that where appropriate the Commission would make proposals before this date².

1) OJ No C112, 20.12.1973, p. 1

2) OJ No C 112, 20.12.1973, p. 40

Despite this unequivocal provision in the Environmental Action Programme and considerable activity on the part of the European Parliament to ensure effective bird protection in the Community (repeated written questions by several of its Members, oral questions and the resolution on Petition No. 8/74 on saving migratory birds), all the Commission has done is to address, on 20 December 1974, a recommendation to Member States concerning the protection of birds and their habitats¹. However, Article 189 of the EEC Treaty states that recommendations are not binding; therefore the Member States do not have to follow them, whereas Article 235 of the EEC Treaty provides a basis in law for the Commission to propose regulations or directives which are legally binding throughout the Community.

In view of the above facts and the legal situation, the Commission is asked to reply to the following questions:

1. For what reasons has the Commission done no more than issue a non-binding recommendation, instead of following the Programme of Action on the Environment, and submitting a proposal for a regulation or directive, based on Article 235 of the EEC Treaty, which would have binding force?
2. Even if all the Member States were to fully adopt the Commission's Recommendation in the near future, and accede to the international Paris and Ramsar Conventions, does the Commission believe that bird life would thereby be afforded sufficient protection?
3. Why has the Commission hitherto refrained from submitting proposals on the harmonization of the laws of Member States on the protection of birds, as it was asked to do in the Programme of Action on the Environment?
4. Is the Commission prepared to review its attitude and meet its obligations arising from the Programme of Action on the Environment?
5. By what date can one expect the submission of proposals for regulations or directives on the protection of birds which would be binding on the Member States?

¹OJ No. L 21, 28 January 1975, page 24