

COMMISSION OF THE EUROPEAN COMMUNITIES

SEC(91) 213 final

Brussels, 7 February 1991

PROPOSAL FOR A COUNCIL DECISION CONCERNING

THE SIGNATURE OF THE ECE CONVENTION ON ENVIRONMENTAL IMPACT

ASSESSMENT IN A TRANSBOUNDARY CONTEXT

(presented by the Commission)

COMMUNICATION FROM THE COMMISSION TO THE COUNCIL

Subject: Signature of the Convention on Environmental Impact Assessment in a transboundary context

1. At the Seminar on Environmental Impact Assessment (EIA), held in Warsaw (Poland) in September 1987 the stress was placed on the need to consider the application of an EIA procedure to activities which could have significant transboundary environmental effects.

2. On the basis of the Seminar's recommendations and taking into account the Aims and Principles of EIA established by UNEP, the United Nations Economic Commission for Europe (ECE) in 1988 a Special Working Group of Government Advisers on environmental problems was given the task of drafting a Convention on environmental impact assessment in a transboundary context.

3. The essential aim of this Convention is to take preventive measures to alleviate, reduce and combat all major harmful transboundary environmental effects that certain activities might have. To this end, it is also envisaged that relevant legislative and administrative measures should be taken and that, if necessary, an appropriate institutional framework should be set up to facilitate and increase cooperation in this field.

4. The Commission was authorised on 17 September 1990¹ by the Council to participate in the work of the ad hoc working group and negotiate on behalf of the Community in close consultation with Member States and in conformity with the Directive 85/337/EEC of 27 June 1985.

5. The Community has tried to make its contribution to the negotiations right from the start as fruitful as possible. It has played a leading role in the negotiating process, in particular as concerns the projects for which an EIA should be carried out. These were listed on the basis of the existing Community legislation. The ad hoc working group concluded its task in September 1990.

At this stage only an English text of the draft Convention is available.

6. The Convention is to be adopted at Espoo, Finland, from 25 February to 1 March 1991 and will be open to signature immediately thereafter.

7. In addition to the existing negotiating mandate the Council is therefore requested to authorise the President to designate the persons empowered to sign the above mentioned Convention on behalf of the Community.

1. Council Document 8569/90 Restr Env. 198, Note Point A

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The Council of the European Communities,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the proposal from the Commission,

Whereas the Commission has participated on behalf of the Community in the negotiations in the framework of the ad hoc working group under the auspices of the United Nations Economic Commission for Europe in preparation of a Convention on Environmental Impact Assessment in a Transboundary Context,

Whereas in particular Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment, is affected,

Whereas the Commission has informed the Council of the outcome of the negotiations in order to allow the Council to take a definite position,

Whereas this Convention is to be adopted during the Diplomatic Conference in Espoo, Finland, from 25 February till 1 March 1991,

Whereas it is essential that this Convention should be signed by the Community,

Has adopted this decision:

SINGLE ARTICLE

The President of the Council is hereby authorised to designate the persons empowered to sign, according to the applicable procedures, the Convention on Environmental Impact Assessment in a Transboundary Context in accordance with Article 16 of the Convention following the Diplomatic Conference which will be held at Espoo, Finland, from 25 February till 1 March 1991. A coordination on the spot and in conformity with the negotiating directives will take place before signature.