

COMMISSION OF THE EUROPEAN COMMUNITIES

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Draft agreement by the Representatives of the Governments
of the Member States meeting in Council

on information to the Commission with a view to possible harmonization
throughout the Community of urgent measures concerning the environment

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The Representatives of the Governments of the Member States meeting in Council,

whereas the reduction in pollution and nuisances resulting from the production, consumption and transport of products and foodstuffs is an integral part of the tasks of the European Communities; whereas measures should be taken urgently to combat such pollution and nuisances;

whereas the Commission has proposed a programme of action in this respect to the Council;

whereas such measures are being prepared in most Member States;

whereas some of these measures, if not harmonized, would be likely to affect the functioning of the common market and, more generally, the attainment of the objectives of the European Communities;

whereas nevertheless the aim of harmonization must not cause any delay in the adoption of the essential measures for better protection of the environment;

whereas the Commission must be in a position to know Member State projects in this respect in order to examine the advisability of extending them to other Member States or attaining the same objective in other ways;

whereas it is therefore necessary to establish a Community procedure for notification of the intentions and projects of Member State governments, especially when such projects are liable to affect the functioning of the common market and the attainment of the objectives of the European Communities;

whereas the information must be given as early as possible before the entry into force of the planned measures;

whereas Member State governments must always be able exceptionally to take immediate action at national level when it is urgently necessary for safety or health reasons;

have agreed:

I. (a) to inform the Commission of any projects for provisions laid down by law, regulation or administrative action concerning the protection or improvement of the environment, liable to affect the functioning of the common market and, more generally, the objectives of the European Communities;

(b) only to adopt these provisions if the Commission does not notify the Government concerned, within two months from receipt of the said information, of its intention to submit to the Council a proposal designed to extend the envisaged provisions to the other Member States or to attain the same objective in other ways. However, if the Commission does not submit a proposal to the Council within five months from receipt of the said information, the Government may adopt the envisaged provisions immediately. The same shall apply if the Council, with a proposal from the Commission before it, does not act on that proposal within five months from its receipt;

II. (a) to inform the Commission of any projects for provisions laid down by law, regulation or administrative action concerning the protection or improvement of the environment which, although not liable to affect the functioning of the common market or attainment of the objectives of the European Communities, are nevertheless of special interest from the aspect of the protection of public health or the natural environment;

(b) not to adopt these provisions until expiry of a three month period from the receipt of the said information;

III. to adopt provisions laid down by law, regulation and administrative action, notwithstanding what has been said above and as an exception, only if they are urgently necessary for serious safety or health reasons. However, such texts shall immediately be notified to the Commission, which shall inform the other Member States;

IV. to apply the information procedure covered by this agreement in cases where Member States participate, within international organizations—in particular the Organization for Economic Cooperation and Development, the United Nations Organization, the Economic Commission for Europe, the Food and Agriculture Organization and the World Health Organization—in work on the harmonization of provisions laid down by law, regulation or administrative action in the field of protection of the environment.