

# European Communities

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## EUROPEAN PARLIAMENT

# Working Documents

1974-1975

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16 september 1974

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## Report

drawn up on behalf of the Committee on Public Health and the Environment

on the

- Communication from the Commission of the European Communities to the Council concerning the signing of the Paris Convention on the prevention of marine pollution from land-based sources
- Recommendation for a Council Decision concluding the Convention for the Prevention of Marine Pollution from land-based sources
- Recommendation for a Council Decision concerning Community participation in the Working Party entitled "Provisional Commission", to be set up on the basis of Resolution III of the 1974 Paris Convention for the Prevention of Marine Pollution from land-based sources

Rapporteur: Mr Augusto PREMOLI



By letter of 25 April 1974 the Commission of the European Communities forwarded to the European Parliament :

- a communication from the Commission to the Council concerning the signing of the Paris Convention on the Prevention of Marine Pollution from Land-based Sources,
- a recommendation for a Council decision concluding the Convention for the Prevention of Marine Pollution from Land-based Sources,
- a recommendation for a Council decision concerning Community participation in the Working Party entitled 'Provisional Commission', to be set up on the basis of Resolution III of the 1974 Paris Convention (Eoc. COM(74) 502 fin.).

On 24 May 1974 the Committee on Public Health and the Environment decided to draw up a report on this document and appointed Mr Premoli rapporteur.

By letter dated 11 July 1974, the President of the European Parliament authorized the Committee on Public Health and the Environment to draw up this report.

The draft report was discussed at the meeting of 7 June 1974.

At its meeting of 1 July 1974, the Committee unanimously adopted the motion for a resolution and the explanatory statement.

The following were present: Mr Della Briotta, chairman; Mr Jahn, vice-chairman; Mr Premoli, rapporteur; Mr Albertsen, Mrs Carettoni Romagnoli, Mr Eisma, Mr Gibbons, Mr Glesener (deputizing for Mr Springorum), Mr Martens, Mrs Orth, Mr Petersen and Lord St. Oswald.



The Committee on Public Health and the Environment hereby submits to the European Parliament the following motion for a resolution, together with explanatory statement:

MOTION FOR A RESOLUTION

embodying the opinion of the European Parliament on the communication and the two recommendations from the Commission of the European Communities concerning the prevention of marine pollution from land-based sources.

The European Parliament,

- having regard to the communication and the two recommendations from the Commission of the European Communities (COM(74) 502 fin.),
  - having regard to the report of the Committee on Public Health and the Environment (Doc. 197/74),
1. Reaffirms the views put in its resolution of 14 December 1973<sup>1</sup>;
  2. Invites the Council to adopt a decision on the accession by the Community in its own name to the Paris Convention for the Prevention of Marine Pollution from Land-based Sources;
  3. Believes that the Commission of the European Communities should be represented in the Commission set up by the Paris Convention where, for all matters falling within the Community's sphere of competence, it should be entitled to as many votes as there are Member States signatories of the Convention;
  4. Hopes that the Community will participate on similar terms in all future conferences and conventions concerned with the pollution of the Mediterranean;
  5. Instructs its President to forward this motion for a resolution and the report of its committee to the Council and Commission of the European Communities.

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<sup>1</sup> Cf. OJ No. C/2, 9.1.1974



EXPLANATORY STATEMENT

1. The Convention for the Prevention of Marine Pollution from Land-based Sources is of great importance to the Community because, of all the forms of environmental degradation, marine pollution is probably the most dangerous since it threatens to destroy biological equilibria essential for the survival of the human race.

2. The European Parliament, conscious of the ecological importance of the seas as a source of oxygen, a recreational environment and, last but not least, as a source of food for the constantly increasing world population, unanimously adopted on 14 December 1973 Mr L. Martens' report embodying its opinion on the proposal from the Commission of the European Communities on the participation by the European Economic Community in negotiations for the conclusion of the Paris Convention for the Prevention of Marine Pollution from Land-based Sources. Now that the Preparatory Conference has closed with the adoption of the Convention (22 February 1974), it is appropriate to confirm the initiative taken by the Assembly last December, by inviting the Community authorities to sign the Convention on behalf of those EEC Member States who are parties to the Convention, in accordance with Article 22 of the said Convention.

3. The arguments for the participation by the Community as a body in the Convention and its subsequent application are easy to follow.

Firstly, if the authorities of the European Communities are empowered to sign the Paris Convention on behalf of the states concerned, all the problems of competence attending accession by the Community at a later stage can be avoided. The proposed procedure has been used quite frequently in the past in a number of sectors relative to the Treaties, although it is true that some reservations have recently been shown by one or other of the Member States.

These considerations strengthen the point of view expressed by the European Parliament in its resolution of 11 June, welcoming the fact that - for some questions falling within its terms of reference - the Community would be participating as a body in the third United Nations Conference on the Law of the Sea in Caracas from June to August 1974. Another paragraph of the resolution invited the Council of the Communities and the Member States to increasingly transfer their national powers to Community bodies in the area in question.

It may therefore be useful to point to the significance of the Final Act I of the Convention which states:

'So far as the signature or accession of the European Economic Community is concerned, the Conference took note that in the European Economic Community the necessary competence for implementing the Convention for the Prevention of Marine Pollution from Land-based Sources may be vested either in the Member States or in the Community itself, for whom it was to decide the attribution of such competences in accordance with its internal procedures'.

4. Since, to repeat a point, it is better to prevent external interference than to try to correct it after the event, it is suggested that representatives of the Commission of the European Communities should participate directly in the Convention's management body. This is the best way of protecting the interests of the Community Member State which is not independently a party to the Convention while at the same time ensuring the protection and coordination of Community interests.

On participation by the Community, the Convention (in Article 19) concedes to the European Economic Community, acting within its competences, the right to a number of votes equal to the number of its Member States which are signatories of the Convention.

Note should also be taken of the simple solution adopted for the conduct of proceedings by the management body for the Convention, the 'Commission': a three-quarters majority is to be sufficient, but not binding on dissenting states.

5. Combating marine pollution involves business enterprises in additional costs: the Community will therefore have an essential coordinating role to play in preventing distortions of competition due to the re-location of certain enterprises on coastal sites different from those they had originally considered.

6. These highly complex matters should also be watched closely in order to prevent any conflict between the Convention and its eventual implementation and the provisions of the Treaties or measures under the Environmental Action Programme adopted by the Council of the European Communities on 19 July 1973.

It should be remembered that the entire Section 1 of Chapter VI of the Action Programme is concerned with pollution from the transport of cargoes and the movement of sea vessels, from the dumping of polluting materials in the open sea, from the exploitation of natural resources in the sea and underneath it, and from land-based sources; the latter

accounting for approximately 80% of total marine pollution. Very strict surveillance is therefore necessary in which a Community such as ours cannot abdicate its responsibilities, even if occasionally the necessary cooperation must take place in a broader or different context than that of the nine Member States.

7. Passing now to the substance of the communication and the two recommendations, it should be noted first of all that the Convention applies solely to the North-Eastern Atlantic. It would be highly desirable for Italy, which for geographical reasons is excluded from the Convention we are considering, to promote a similar initiative with respect to the Mediterranean. In view of the great importance of the Mediterranean to the progress of that country, the European Community should encourage any such move on Italy's part.

### Conclusion

A number of technical and political factors point to the need for the Community to act as a single organic entity in the conclusion and implementation of the Convention for the Prevention of Marine Pollution from Land-based Sources.

From the technical point of view it is clear that the Convention will help to fill a glaring gap in the overall system of the protection of the seas, and that its success will to a large extent depend on a constructive and unified approach by its signatories who are members of the European Community. This manner of accession would also permit better coordination between the provisions of the Convention and those of the Treaty and the Acts deriving therefrom.

Politically, it is a matter of extreme importance for the Community to continue to act in its relations with third countries as a unified entity, particularly on matters affecting the quality of life of the peoples of Europe.

