

EUROPEAN PARLIAMENT

Working Documents

1981 - 1982

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27 January 1982

DOCUMENT 1-957/81

MOTION FOR A RESOLUTION

tabled by Mr SAYN-WITTGENSTEIN-BERLEBURG,  
Mr VERGEER, Sir Frederick WARNER, Mr HOFFMANN,  
Mrs MOREAU, Mr von HASSEL, Mr van AERSSEN,  
Sir Peter VANNECK, Mr JANSSEN van RAAY,  
Mr MÜLLER-HERMANN and Mr FRANZ

pursuant to Rule 47 of the Rules of Procedure

on the law of the sea

PE 76.940

The European Parliament,

- 1) Points out once more that without exception all questions concerning the law of the sea fall within the spheres of activity of the European Community in that Community law
  - a) concedes to the organs of the Community capacity in international law analogous to that of the Member States,
  - b) by virtue of obligations and rights arising from international law is assigned new responsibilities not wholly defined by the legislation of the Member States,
  - c) can be given a part to play in the attainment of highly important objectives in connection with the law of the sea through appropriate decisions of the Council;
- 2) Supports the Commission in consistently seeking to infer from Article 235 and Article 227 (1) of the EEC Treaty - as construed by the Court of Justice of the European Communities in cases Nos 3, 4 and 6/76 - a limited power to reach a common position for the Member States of the European Community at the third United Nations Conference on the Law of the Sea;
- 3) Sees a promising means of achieving commercially acceptable arrangements on the law of the sea in the foreign trade sector, first and foremost through close coordination with the United States - which according to present information regards as unsatisfactory the draft convention's cumbersome international rules, the provisions on transfer of technology (inter alia for security reasons), the arrangements with regard to duties and the provisional investment protection measures - and secondly through cooperation between the Member States in the exclusive economic zones extending up to the edge of the continental shelf in accordance with the European Parliament's decision of 10 April 1981 and thirdly through coordination of the interim laws of Member States with deep-sea mining interests;
- 4) Recognizes that bilateral agreements with Third World countries are a sound way of helping them develop their economic activities through new forms of international cooperation;
- 5) Calls therefore for technological cooperation:
  - a) with a view to implementing the subsidy programme provided for in the second Lomé agreement for mining on the continental shelf of the partner states and

- b) with a view to extending the Communities' cooperation agreement with Brazil concerning common investments in deep-sea mining, as proposed in point 37 ff of the resolution adopted at the EEC/Latin America interparliamentary conference held at Bogota from 25 to 28 January 1981;
- 6) Welcomes the unofficial announcement by the organizing committee of the Conference on the Law of the Sea dated 27 August 1981 that the planned package solution would contain an EEC clause whereby the United Nations noted a special division of competence between the Community and the Member States;
- 7) Considers, given that this EEC clause entails an obligation on signatory states to notify all rights vested exclusively in the Community, that apart from measures under Article 84, it is high time that the Community be given real competence for economic activities in the maritime field;
- 8) Suggests as sectors to be notified irrespective of the state of harmonization of laws and the actual transfer of executive powers:
  - a) powers vested in the Community exclusively under the Treaty of Rome: Community fishing rights and coordination of environmental protection, competition law, rights of establishment and related rights with respect to shipping and the exploitation of the seabed;
  - b) powers exercisable jointly by the Community and the Member States as against third parties:
    - responsibility under the ECSC Treaty for financial aid in favour of exploration projects, adoption of a Community position on the extraction of minerals from the continental shelf beyond 200 nautical miles from the coast and possibly on the present arrangements with regard to deep-sea mining;
- 9) Assures the Commission that the European Parliament will pursue the debate on maritime matters in its appropriate committees;
- 10) Instructs its President to forward this resolution to the Council, the Commission and the chairman of the third UN Conference on the Law of the Sea.