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Conformément au règlement (CEE, Euratom) n° 354/83 du Conseil du 1er février 1983 concernant l'ouverture au public des archives historiques de la Communauté économique européenne et de la Communauté européenne de l'énergie atomique (JO L 43 du 15.2.1983, p. 1), tel que modifié par le règlement (CE, Euratom) n° 1700/2003 du 22 septembre 2003 (JO L 243 du 27.9.2003, p. 1), ce dossier est ouvert au public. Le cas échéant, les documents classifiés présents dans ce dossier ont été déclassifiés conformément à l'article 5 dudit règlement.

In accordance with Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 43, 15.2.1983, p. 1), as amended by Regulation (EC, Euratom) No 1700/2003 of 22 September 2003 (OJ L 243, 27.9.2003, p. 1), this file is open to the public. Where necessary, classified documents in this file have been declassified in conformity with Article 5 of the aforementioned regulation.

In Übereinstimmung mit der Verordnung (EWG, Euratom) Nr. 354/83 des Rates vom 1. Februar 1983 über die Freigabe der historischen Archive der Europäischen Wirtschaftsgemeinschaft und der Europäischen Atomgemeinschaft (ABl. L 43 vom 15.2.1983, S. 1), geändert durch die Verordnung (EG, Euratom) Nr. 1700/2003 vom 22. September 2003 (ABl. L 243 vom 27.9.2003, S. 1), ist diese Datei der Öffentlichkeit zugänglich. Soweit erforderlich, wurden die Verschlussachen in dieser Datei in Übereinstimmung mit Artikel 5 der genannten Verordnung freigegeben.

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(75) 229 final
Brussels, 28 May 1975

DRAFT COUNCIL DECISION

concerning the participation of the European Economic Community in the negotiation of an outline Convention and a Protocol for the protection of the Mediterranean against marine pollution from land-based sources

Commission Recommendation to the Member States invited to attend the Intergovernmental Meeting in Barcelona

(submitted to the Council by the Commission)

EXPLANATORY MEMORANDUM

As far as the prevention of marine pollution is concerned, the experience acquired over the last few years has demonstrated the need to ensure, at Community level, the maximum degree of coherence between, on the one hand, the measures taken in this area within the framework of the EEC Treaty and the European Communities Environment Programme and, on the other hand, the measures decided on under world-wide or regional international conventions. To meet this need, the Council authorized the Community to participate, along with the Member States concerned, in the negotiations on the drafting of the Paris Convention for the prevention of sea pollution from land-based sources¹ and thereafter to sign this Convention².

A similar situation exists today as regards the protection of the Mediterranean against marine pollution from land-based sources. In the context of the United Nations Environment Programme (UNEP), the countries bordering the Mediterranean were invited to attend an Intergovernmental Meeting, held in Barcelona from 28 January to 4 February 1975, on the protection of the Mediterranean.

During this meeting, a programme of action was adopted for the protection of the Mediterranean, involving:

- (a) integrated planning for the development and management of the natural resources of the Mediterranean basin;
- (b) a coordinated programme of research and continuous supervision, involving the exchange of information and appraisal of pollution levels and protection standards;
- (c) a framework agreement on the protection of the Mediterranean marine environment, together with related protocols and technical annexes covering each of the principal sources of sea pollution;
- (d) a study of the institutional and financial implications of this project.

¹ Council Resolution 2412/73 (Ass. 1427) of 14 December 1973.

² Council Resolution R/14/75 (ENV. 4) of 30 January 1975.

Since then a meeting of legal experts has been held in Geneva (7-11 April 1975) to examine the draft outline agreement and also the two draft Protocols on the prevention of dumping at sea by ships and aircraft and the control of pollution from hydrocarbons and other noxious substances as a result of accidents at sea.

At this stage it is expected that one or more countries bordering the Mediterranean will take steps to propose draft Protocols on other sources of pollution, with special reference to the prevention of pollution from land-based sources.

Accordingly, in the interests of consistency and rationality, the Commission feels that the Member States concerned and the Community should move jointly to lay before the Intergovernmental Meeting, whose next session is due to be held in Barcelona from 2nd February to 13th February 1976, the amendments which will enable the Community to participate in the outline convention and also a draft Protocol on the protection of the Mediterranean against pollution from land-based sources, to be modelled, *mutatis mutandis*, on the clauses of the Paris Convention.

The Commission is therefore forwarding to the Council, a draft Decision authorizing it to negotiate, on behalf of the Community, a draft outline Convention on the protection of the Mediterranean and a draft Protocol on marine pollution from land-based sources.

This draft Protocol should be modelled on the provisions of the Paris Convention, adopted on 21 February 1974.

The Commission decided also to forward to the Council, for information purposes, a Recommendation which it intends to send to the Member States concerned asking them to propose that the formulation of such a Protocol be included on the agenda for the next session of the Conference.

Draft Council Decision of concerning the participation of the European Economic Community in the negotiation of an outline Convention and a Protocol for the protection of the Mediterranean against marine pollution from land-based sources

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 Declaration of the Council of the European Communities and of the representatives of the Governments of the Member States meeting in the Council of 22 November 1973 on the programme of action of the European Communities on the environment¹ stresses the importance which the Community attaches to the prevention of marine pollution in general and provides, among other things, for Community measures to combat marine pollution from land-based sources;

Whereas the Barcelona Intergovernmental Meeting on the Protection of the Mediterranean Environment has also provided for the drawing-up of an outline Convention on the protection of the Mediterranean marine environment, together with related protocols on each of the principal sources of marine pollution, with special reference to land-based sources; whereas the Community ought therefore to participate in these negotiations;

Whereas steps should be taken to ensure the coherent implementation of commitments due to be entered into under this outline Convention and Protocol, of other commitments connected with the Convention on the prevention of marine pollution from land-based sources (adopted in Paris on 21 February 1974) and, in general, of commitments undertaken by the Member States as part of the European Communities Environment Programme.

¹OJ No C 112, 20 December 1973, p.1

HAS DECIDED AS FOLLOWS:

Sole Article

The Commission is hereby authorized to participate in the negotiations at the Intergovernmental Meeting in Barcelona with a view to concluding, on behalf of the Community, an outline Convention and a Protocol for the protection of the Mediterranean against marine pollution from land-based sources.

The Commission shall conduct these negotiations in accordance with the Directives annexed hereto and subject to any further Directives which it may receive at some future date.

Done at Brussels,

For the Council

The President

ANNEX

Directives from the Council to the Commission

The draft outline Convention, at present being prepared, must be so formulated that this Convention can be signed by the Community.

The draft Protocol for the protection of the Mediterranean against marine pollution from land-based sources should be modelled on the provisions of the Paris Convention, adopted on 21 February 1974.

Commission Recommendation to the Member States invited to attend
the Intergovernmental Meeting in Barcelona

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community and in particular Article 155 thereof;

Whereas the Declaration of the Council of the European Communities and of the representatives of the Governments of the Member States meeting in the Council of 22 November 1973 on the programme of action of the European Communities on the environment¹ stresses the importance which the Community attaches to the prevention of marine pollution in general and provides, among other things, for Community measures to combat marine pollution from land-based sources:

Whereas the Paris Convention on the prevention of marine pollution from land-based sources of 21 February 1974 provides for the drawing-up and implementation of programmes for eliminating or reducing this type of pollution in the north-east Atlantic;

Whereas the Member States which take part in the Intergovernmental Meeting in Barcelona must ensure the maximum degree of consistency and rationality in regard to the measures taken for the prevention of marine pollution from land-based sources;

RECOMMENDS that these Member States²:

propose that the following item be entered on the agenda for the next session of the above-mentioned Intergovernmental Meeting :

drawing-up of a Protocol for the protection of the Mediterranean against marine pollution from land-based sources, the clauses of which shall be modelled, *mutatis mutandis*, on those of the Paris Convention of 21 February 1974.

¹OJ No C 112 of 20 December 1973

²The French Republic, the Italian Republic and the United Kingdom.