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**COM (77)429**

**Vol. 1977/0138**

Historical Archives of the European Commission

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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(77) 429 final.

Brussels, 16 September 1977.

## RECOMMENDATION FOR A COUNCIL DECISION

authorizing the Commission to take part in negotiations concerning  
a protocol to the 1976 Barcelona Convention on the protection of  
the Mediterranean Sea against pollution from land-based sources

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(submitted to the Council by the Commission)

COM(77) 429 final.

RECOMMENDATION FROM THE COMMISSION TO THE COUNCIL

concerning the opening of negotiations for the conclusion by the  
European Economic Community on a protocol to the 1976 Barcelona Convention  
on the protection of the Mediterranean Sea against pollution  
from land-based sources

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I.

1. Two intergovernmental meetings took place in Barcelona in February 1975 and 1976 to conclude a Convention on the protection of the Mediterranean against pollution and protocols on the main sources of marine pollution.

The final text of the Convention and two protocols were signed on 16 February 1976 by 15 States bordering on the Mediterranean.

On 13 September 1976 in Madrid the Community also signed the Convention and the protocol for the prevention of pollution by dumping.

On 3 June 1976 the Commission proposed to the Council that the Convention for the protection of the Mediterranean Sea against pollution and the Protocol for the prevention of the pollution of the Mediterranean Sea by dumping from ships and aircraft should be concluded, approved and confirmed in the name of the European Economic Community<sup>1</sup>.

The Council approved this Commission proposal in principle on 8 December 1976.

2. In accordance with Articles 4 and 15 of the 1976 Barcelona Convention the first Intergovernmental Consultation was organized in Athens from 7 to 11 February 1977 and a second Consultation is planned for Venice from 17 to 21 October 1977.

The aim of these negotiations is to enable the Contracting Parties of this Convention to draw up a protocol on the protection of the Mediterranean Sea against pollution from land-based sources.

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<sup>1</sup> OJ No C 122.

At the end of this second Governmental Consultation the Contracting Parties will be able to meet the obligations and commitments which they entered into under Article 8 of the 1976 Barcelona Convention which deals with the protection of the Mediterranean Sea against pollution from land-based sources.

The draft protocol which will be drawn up at Venice at the end of October 1977 will be submitted for the approval of the Parties to the 1976 Barcelona Convention at an intergovernmental meeting planned for Monaco in early December 1977.

3. The main aim of the Commission's participation at the Venice meeting will be to ensure that the measures proposed in this protocol take account of Community interests; the Commission will ensure that these measures do not conflict with the measures already taken by the Community. The main concern is to maintain some consistency between, on the one hand, the commitments undertaken under the various Conventions which are concerned with the prevention of pollution from land-based sources and to which the Community and some of its Member States are Contracting Parties (Paris, Barcelona, Bonn Conventions, etc.) and, on the other hand, between this protocol and the commitments undertaken by the Member States at Community level by means of directives, in particular the Directive of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community; this latter provides for the laying down by the Community of emission standards and quality objectives for a number of dangerous substances, the list of which, contained in the Annex to this Directive, closely resembles that contained in Annex I to the protocol drawn up in Athens.

In view of the fact that the European Economic Community is a Party to the 1976 Barcelona Convention and that the protocol proposed for the protection of the Mediterranean Sea against pollution from land-based sources deals with questions related to the Community's powers, the protocol which should be drawn up at the Venice meeting must contain provisions allowing the European Economic Community to become a Party to this protocol as well.

x

x x

In conclusion, the Commission recommends that the Council should adopt the draft decision below, which authorizes the Commission to take part in negotiations concerning a protocol to the 1976 Barcelona Convention on the protection of the Mediterranean Sea against pollution from land-based sources with a view to the signature of this protocol by the Community.

II.

RECOMMENDATION FOR A COUNCIL DECISION

authorizing the Commission to take part in negotiations concerning a protocol to the 1976 Barcelona Convention on the protection of the Mediterranean Sea against pollution from land-based sources

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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 Declaration of the Council of the European Communities and of the Representatives of the Governments of the Member States of 22 November 1973 on the Action programme of the European Communities on the environment<sup>1</sup> stresses the importance to the Community of the fight against water pollution and provides for measures to this end;

Whereas the Council passed a Resolution of 17 May 1977 on the continuation and implementation of a European Community policy and action programme on the environment;

Whereas, to achieve the programme put forward, the Community has already adopted or is preparing to adopt directives to protect the aquatic environment of the Community; whereas in particular the Council Directive of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community<sup>(2)</sup> provides that both the Community and the Member States shall take measures to reduce water pollution, particularly as regards inland surface water and sea water;

Whereas the European Economic Community has, in its Decision of ....., approved the Convention on the protection of the Mediterranean Sea against pollution and the protocol on the prevention of the pollution of the Mediterranean Sea by dumping from ships and aircraft;

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<sup>1</sup>OJ No C 112, 20.12.1973, p. 1.

<sup>2</sup>OJ No L 129, 18.5.1976, p. 23.

Whereas Article 8 of the Barcelona Convention for the protection of the Mediterranean Sea provides for measures to prevent, abate and combat pollution from land-based sources;

Whereas, because of its responsibilities in this sector, the European Economic Community should take part in the negotiations on the adoption of a protocol on the protection of the Mediterranean Sea against pollution from land-based sources alongside those of its Member States involved,

HAS DECIDED AS FOLLOWS:

Sole Article

The Commission is hereby authorized to take part in the negotiations on a draft protocol to the 1976 Barcelona Convention on the protection of the Mediterranean Sea against pollution from land-based sources with a view to the signature of this protocol by the Community.

It shall conduct these negotiations in accordance with the directives attached hereto and with any directives which may be given to it in the future.

For the Council  
The President

Council Directive to the Commission

The draft protocol to the 1976 Barcelona Convention on the protection of the Mediterranean Sea against pollution from land-based sources shall be based on the provisions of the 1974 Paris Convention and be consistent with the measures already taken by the Community, in particular the Directive of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community, while seeking to take account of the special problems which may arise for the developing countries attending the negotiations.

This draft protocol shall contain provisions allowing the European Economic Community to become a Contracting Party thereto.