

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(79) 483 final

Brussels, 6th September 1979

COMMISSION COMMUNICATION TO THE COUNCIL
ON THE RESULTS OF THE DISCUSSIONS AND NEGOTIATIONS RELATING TO
THE HOLDING OF A HIGH-LEVEL MEETING IN THE ECE FRAMEWORK ON THE
PROTECTION OF THE ENVIRONMENT (13-16 NOVEMBER 1979 IN GENEVA)

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Results of the discussions and negotiations relating to the holding of a high level meeting in the ECE framework on the protection of the environment

1. In accordance with the decision of the Council of 8 March 1977, the Commission took part in the discussions and negotiations relating to the holding of a high level meeting in the ECE framework on the protection of the environment.
2. These discussions and negotiations took place during 1978 and 1979, and the Member States were regularly consulted and kept informed of developments.
3. During the 34th Session of the ECE (27 March - 27 April 1979), agreement was reached on the convening of the high-level meeting on the protection of the Environment from 13 to 16 November 1979 in Geneva, and on the submission of the following draft documents to that meeting for formal adoption :
 - Convention and Resolution on long-range transboundary air pollution;
 - Declaration on low and non-waste technology and reutilization and recycling of wastes.

The above draft documents were agreed upon subject to final editing by a meeting of a special expert group of jurists-linguists to be convened by the ECE Executive Secretary. At this expert meeting, which took place on 11-14 June, the final texts of the above three documents were finalised and approved and are annexed to this Communication.

4. The Convention on long-range transboundary air pollution is a binding instrument, whose fundamental principles are, inter alia, that the Parties, "taking due account of the facts and problems involved, are determined to protect man and his environment against air pollution and shall endeavour to limit and, as far as possible, gradually reduce and prevent air pollution including long-range transboundary air pollution".

By means of exchanges of information, consultation, research and monitoring, the Parties "will develop without undue delay policies and strategies which will serve as means of combating the discharge of air pollutants (...)"

The Resolution on long-range transboundary air pollution provides for the provisional implementation of the Convention by the signatories pending its entry into force. It also contains elements - such as the completion of a document relating to the abatement of air pollution caused by sulphur compounds - on which the Parties were not able to agree for inclusion in the binding Convention.

The Declaration on low and non-waste technology and reutilization and recycling of wastes is a declaration of Intent which contains recommendations relating to actions to be taken on the national level as well to international cooperative activities within the ECE framework.

5. Article 14 of the Convention on long-range transboundary air pollution, which enables the European Economic Community to sign and become a contracting party, states that: "1) The Convention shall be open for signature (...) by regional economic integration organisations, constituted by sovereign states members of the ECE, which have competence in respect of the negotiation, conclusion and application of international agreements in matters covered by the present Convention. 2) In matters within their competence such regional economic integration organisations shall, on their own behalf, exercise the rights and fulfill the responsibilities which the present Convention attributes to their Member States. In such cases, the Member States of these organisations shall not be entitled to exercise such rights individually".

The wording of this article was negotiated specifically for the purpose of enabling the Community to become a contracting party to the Convention. It was included in the Convention in the face of stiff opposition from the USSR and other east european delegations, while the nordic and other west european delegations plus that of the U.S. strongly supported its inclusion.

6. In this regard, the declaration made by the French delegation (as President in office of the Council) on behalf of the European Economic Community at the closing of the 34th Annual Session of the ECE on 27 April 1979, stated, inter alia :

" I am happy to indicate that the European Economic Community intends to bring its full contribution in accordance with its own procedures, to the implementation of the Convention on long-range transboundary air-pollution. The provisions of this Convention state that it shall also be open for signature and accession by regional economic integration organisations which have competence in respect of the negotiation, conclusion and application of international agreements in matters covered by this Convention, and that these organisations in matters within their competence, shall on their own behalf exercise the rights and fulfill the responsibilities which the present Convention attributes to their Member States, enabling therefore the European Economic Community to become a Contracting Party as such to this Convention".
7. In accordance with the decision taken at the 34th Annual Session of the ECE, the Convention will be signed during the high level meeting to be held in the ECE framework on 13-16 November 1979 in Geneva. At the same time, the above-mentioned resolution and declaration will be approved.
8. To enable the Community to sign the Convention along with the other Contracting Parties during the high-level meeting, it will be necessary for the Council to authorise, in sufficient time beforehand, the President of the Council to nominate the persons empowered to sign the Convention on behalf of the Community.
9. The Council should ensure that, in addition to the Community, all the Member States be in a position to sign the Convention during the high-level meeting in November, and that, as soon as possible afterwards, conclusion and ratification procedures of the Convention by the Community and Member States be completed.

10. In conclusion, the Commission recommends that the Council should :

a) Firstly, and as soon as possible,

- decide to proceed to the signature of the Convention on long-range transboundary air pollution, and authorize the President of the Council to nominate the persons entitled to sign, on behalf of the European Economic Community, this Convention, subject to its conclusion, during the high-level meeting to be held in the ECE framework in Geneva on 13-16 november 1979;
- decide to approve the Resolution on long-range transboundary air pollution as well as the Declaration on low and non waste technology and reutilization and recycling of wastes.

b) Secondly, complete the procedures required for the conclusion of the Convention on long-range transboundary air pollution by adopting the decision for which a proposal is annexed.