

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(82) 55 final

Brussels, 17th February 1982

## RECOMMENDATION FOR A COUNCIL DECISION

authorizing the Commission of the European Communities to take part in negotiations concerning the Protocol (to the 1976 Barcelona Convention) on specially protected areas of the Mediterranean Sea

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(presented by the Commission to the Council)

COM(82) 55 final

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EXPLANATORY MEMORANDUM

1. The Community has been involved in the Action Plan for the Mediterranean since the plan was first adopted on 16 February 1976. Accordingly, since 16 March 1978 it has been a Contracting Party to the framework Convention on the Protection of the Mediterranean Sea against Pollution (Barcelona Convention) and to the first Protocol thereto, which covers dumping from ships and aircraft.

Then on 19 May 1981 the Community ratified the second Protocol, which concerns cooperation in combating pollution of the Mediterranean Sea by oil and other harmful substances in cases of emergency.

Finally, on 14.12.1981 a proposal for a Decision was laid before the Council on the conclusion by the Community of the third Protocol - on pollution from land-based sources - which was signed by the Community on 17 May 1980.

2. The Community sent representatives to the first meeting of the Contracting Parties to the Barcelona Convention, which was held in Geneva from 5 to 10 February 1979. The delegates adopted a recommendation on activities to promote the protection of the Mediterranean Sea and coastline and called for an intergovernmental meeting to draft legislation on the protected areas in that region. That meeting was held in Athens from 13 to 17 October 1980 and produced a draft Protocol concerning specially protected areas of the Mediterranean. This is to be adopted as the fourth Protocol to the Barcelona Convention with a view to further extension of the system, which is intended to protect the entire Mediterranean environment.

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3. The Protocol drafted in Athens provides for the establishment of specially protected areas of the Mediterranean Sea and coastline with a view to conserving both the area's common natural resources (including fish, shellfish and other marine life, amphibians, reptiles, birds, mammals and flora) and the diversity of the endemic species, and to protect certain natural habitats.
4. Some of the measures provided for by the draft Protocol could have an immediate impact on Community legislation and on the operation of the Community once they come into force.

Firstly the protective measures proposed concern trade in, and imports and exports of, the fauna and flora concerned; they could therefore affect trade between the Mediterranean Member States once these have signed the Protocol.

The Protocol could likewise affect the following Community Legislation :

- Directive 76/464/EEC of 4 May 1976 on the pollution caused by certain dangerous substances discharged into the aquatic environment of the Community;
- Directive 79/409/EEC of 2 April 1979 concerning the conservation of wild birds;
- Directive 79/923/EEC of 30 October 1979 on the quality of shellfish waters;
- Regulation (EEC) N° 348/81 of 20 January 1981 on common rules for imports of cetacean products.

5. The Community is already engaged in similar actions, since on 3 December 1981 the Council ratified the Berne Convention of 1979, which sets out to conserve certain species of European flora and fauna and their natural habitats. The fourth Protocol would extend the protection afforded by the Convention to all marine life, including fish, and would also embrace the countries on the southern coast of the Mediterranean.

6. The Community could make a valuable contribution towards harmonizing the methods and rules applied by the Member States when delimiting, safeguarding and monitoring the protected areas. The cooperation clause in the Protocol will enable the Community to help any other country which calls for its assistance to set up its own protected areas as part of the Community's overall Mediterranean policy.

The Community's experience and know-how, combined with its current research, are bound to prove extremely valuable when implementing the Protocol.

7. A special meeting of the Contracting Parties is to be held in March 1982 to adopt and sign the definitive version of the Protocol.
8. Consequently, the Commission considers that the Community should enter into negotiations on its participation in the Protocol.

It therefore recommends that the Council should adopt the annexed draft Decision.

RECOMMENDATION FOR A COUCIL DECISION AUTHORIZING THE COMMISSION OF THE EUROPEAN COMMUNITIES TO TAKE PART IN NEGOTIATIONS CONCERNING THE PROTOCOL (TO THE 1976 BARCELONA CONVENTION) ON SPECIALLY PROTECTED AREAS OF THE MEDITERRANEAN SEA

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the recommendation from the Commission,

Whereas the first two action programmes of the European Communities on the environment (1) stress the need to protect and to purify the sea, in order that it might continue to play its part in the preservation and development of species, and to maintain the vital ecological balance;

Whereas the second action programme of the European Communities on the environment underlines the urgent need for international solutions to the problem of the development and ecological management of coastal regions;

Whereas cooperation with the developing countries, and in particular with the Community's Mediterranean partners, on environmental matters is one of the prime objectives of the second action programme of the European Communities on the environment;

Whereas article 4 of the Barcelona Convention empowers the Contracting Parties to adopt additional Protocols prescribing measures, procedures and standards for the implementation of the said Convention;

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(1) O.J. N° C 112, 20.12.1973; O.J. N° C 139, 13.6.1977

Whereas the Community has already ratified the Barcelona Convention, the Protocol for the prevention of pollution of the Mediterranean Sea by dumping from ships and aircraft and the Protocol concerning cooperation in combating pollution of the Mediterranean Sea by oil and other harmful substances in cases of emergency;

Whereas, most of the signatories to the Barcelona Convention and to the annexed Protocols enjoy, within the framework of the Community's overall approach to the Mediterranean, a special relationship with the Community, particularly as regards cooperation; whereas the Protocol concerning specially protected areas of the Mediterranean lays down detailed rules for such cooperation in the sectors which it covers;

Whereas the draft protocol concerning specially protected areas of the Mediterranean sets out to safeguard the common natural resources of that region, to preserve the diversity of the endemic species and to protect certain natural habitats by setting up a number of specially protected areas;

Whereas the said draft protocol provides for the adoption of measures concerning trade, imports and <sup>exports</sup> of the fauna and flora protected by it and could, therefore, affect trade between Member States;

Whereas some provisions of the said draft protocol could affect Council Directive 76/464/EEC of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community, Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds, Directive 29/923/EEC of 30 October 1979 on the quality required of shellfish waters and Council Regulation (EEC) N° 348/81 of 20 January 1981 on common rules for imports of cetacean products;

Whereas the Community should therefore participate in the Protocol;

HAS DECIDED AS FOLLOWS :

Sole Article

The Commission is hereby authorized to take part in the negotiations concerning the Protocol (to the 1976 Barcelona Convention) concerning specially protected areas of the Mediterranean Sea with a view to conclusion of that Protocol by the Community.

It shall conduct those negotiations in accordance with the annexed directives and with any others which may be issued subsequently.

Done at Brussels,

For the Council,  
The President,

Directives concerning the negotiations

The Protocol (to the 1976 Barcelona Convention) concerning specially protected areas of the Mediterranean Sea must be adopted to allow the Community to become a Contracting Party thereto, due consideration being given to the common rules which have already been adopted in the fields concerned.