

COMMISSION OF THE EUROPEAN COMMUNITIES

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DRAFT

DECISION OF THE COUNCIL

on the participation by the European Economic Community
in the negotiations for the conclusion of a
Convention on the protection of the Rhine against chemical pollution

(submitted to the Council by the Commission)



I. INTRODUCTION

At the Ministerial Conference on the protection of the Rhine against pollution, which was held in Bonn on 4 and 5 December 1973, the signatory States of the Berne Convention "approved the general principles and in particular the three lists submitted by the International Commission covering substances whose discharge is to be prohibited, restricted or made subject to certain conditions. The Ministers agreed that, having regard to the Council of Europe declaration on the black list, their States would as far as possible prevent the discharge of substances on the black list into the waters of the Rhine catchment area.

The Ministers instructed the International Commission to draft the text of an international agreement on the basis of those principles, if possible before the next Ministerial Conference, and to submit it to the States for approval."

This Conference, which the Commission of the European Communities attended as an observer, also agreed that in taking these measures, account would be taken of the work carried out by the European Communities, in accordance with their programme of action on the protection of the environment.

Several meetings were held by specialized working parties in the International Commission in order to prepare a draft convention on the protection of the Rhine against chemical pollution. This was discussed at a plenary meeting of the International Commission held in Amsterdam on 6 and 7 March 1975.

Although a large measure of agreement was established on a number of articles, marked differences of opinion remain. These concern the scope of the convention, the methods for drawing up an inventory of waste, the time limits to be fixed for the application of the provisions of the agreement, the content of the three lists of pollutants and the method of fixing quality objectives.

Furthermore, the German Delegation pointed out that work was in progress at the European Communities on the protection of water and requested that priority be given to this work.

In order to ensure the necessary liaison between the work being carried out at the European Communities and that carried out by the International Rhine Commission, the latter has given authorization for observers from the Commission to attend the technical and legal working parties preparing the text of the Convention on the protection of the Rhine against chemical pollution.

II. HOW WILL THE COMMUNITY BENEFIT FROM SIGNING THIS CONVENTION?

1. This document restates the main arguments already put forward in other documents transmitted by the Commission to the Council which recommend the Community to conclude international agreements for the protection of the waters of the Community*.

The programme of action of the European Communities on the environment, adopted by the Council on 22 November 1973, provides for several Community projects for the prevention of water pollution. These include, in particular:

- establishment of criteria concerning the principal water pollutants;
- standardization and harmonization of methods and techniques for sampling, analysis and measurement of pollutants;
- fixing in of common quality objectives determining the different requirements to be met by an environment bearing in mind its allotted purpose;
- organization and development of technical exchanges between the pollution monitoring and surveillance networks;
- protection of the environment in frontier zones.

2. Pursuant to the action programme, the Commission has presented several proposals to the Council, some of which have already been adopted.

On 7 November 1974, for instance, the Council agreed to a proposal for a Directive on the quality of surface water intended for the production of drinking water in the Member States, which fixed a number of quantified parameters for this use of surface water.

* CJ No
COM(74)2029

In the same field, the Commission transmitted to the Council on 7 February 1975, a proposal for a Directive on the pollution of sea water and of fresh water intended for bathing (quality objectives).

It is at present preparing proposals for directives on the required quality of waters intended to support the life of freshwater fish and water used for shellfish breeding. Work has also been started with a view to the establishment of quality objectives for water used for agricultural and industrial purposes.

In addition, the reduction of water pollution by paper pulp mills in the Member States was the subject of a proposal for a Directive transmitted to the Council on 20 January 1975.

3. In connection with the Communities' activity at international level, it will be recalled that the Council adopted, on 3 March last, a decision authorizing the Community to sign the Paris Convention on the prevention of marine pollution from land-based sources. Since this pollution is largely caused by pollution of fresh water, the measures taken to control it will very often be the same as or similar to those taken for fresh water. In addition, following the proceedings of the Permanent Representatives Committee and of the Council on 7 November 1974, the Commission on 11 December 1974 transmitted a proposal for a Decision authorizing the Community to sign the European Convention on the protection of international fresh waters from pollution prepared by the Council of Europe.

4. At its meeting on 7 November 1974¹ the Council recommended the Member States concerned to sign the Paris Convention, but at the same time felt it necessary to ensure the consistent implementation of the commitments laid down in this Convention, of those which will arise from the draft Convention prepared by the Council of Europe, should this be adopted, and, in general, of the commitments entered into by the Member States in the programme of action of the Communities on the environment.

¹See R/16/75 (ENV. 6)

The Council noted at its meeting that on 22 October 1974 the Commission had presented a proposal for a Decision on the reduction of pollution caused by certain dangerous substances released into the Community's water environment and will endeavour to act on this proposal before 30 June 1975.

The draft decision makes provision for the Community to fix limit values for pollutants appearing on a black and a grey list. It also provides for an authorization procedure for pollutants on the black list and the establishment of an inventory of discharges of substances appearing on the two lists. This proposal for a decision is at present being discussed in the Environment Working Party of the Council.

5. The draft convention at present being discussed by the International Rhine Commission on the protection of the Rhine against chemical pollution makes provision, for the fixing of limit values for pollutants on a black list and quality objectives for pollutants on a grey and beige list. This draft also provides for the establishment of national inventories of discharges containing the substances appearing on the various lists.

In order to ensure that the limit values and quality objectives are adhered to, the draft Convention stipulates that the signatory States shall make use of a variety of means according to the case in hand, viz., application of better techniques, implementation of laws and establishment of detailed programmes.

6. It is clear, then, that the draft convention currently being discussed by the International Commission for the Rhine makes allowance, in addition to the provisions applicable to the individual Member States concerned, for the implementation of a number of measures already adopted or in the course of being adopted by the European Communities under its environment programme which give the Communities authority in this field.

For the above reasons and also to ensure that action taken to prevent water pollution throughout the whole Community is consistent, the Commission feels that the European Economic Community as such should participate alongside the Member States concerned in the preparation of a Convention for the protection of the Rhine against chemical pollution with a view to the Community's signing the Convention.

III. CONCLUSION

The Commission therefore recommends the Council:

- (a) to adopt the draft decision attached hereto on the participation by the European Economic Community in the negotiations for the conclusion of a Convention on the protection of the Rhine against chemical pollution;
- (b) to invite the Commission to inform Switzerland of the decision referred to under (a).

Draft decision of the Council on the participation by the European Economic Community in the negotiations for the conclusion of a Convention on the protection of the Rhine against chemical pollution

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to the draft 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 Council on 22 November 1973 on a programme of action of the European Communities for the environment¹ stresses the importance which the Community attaches to the prevention of water pollution and provides for action to be taken to this end;

Whereas the Ministerial Conference on the protection of the Rhine against pollution provided for the preparation of a Convention on the protection of the Rhine against chemical pollution;

Whereas a draft for such a Convention is currently being negotiated and whereas, therefore, the Community should take part in such negotiation,

HAS DECIDED AS FOLLOWS:

Sole Article

The Commission is authorized to take part in the negotiations with a view to the conclusion of a Convention on the protection of the Rhine against chemical pollution.

¹OJ No C 112, 20 December 1973.

It shall conduct these negotiations in consultation with the representatives of the Member States, in accordance with the general directives annexed hereto.

For the Council,

The President

Brussels,

Directive from the Council to the Commission

The preliminary draft Convention, annexed hereto and in the course of preparation, should be drawn up in such a way as to enable the Community to sign and adhere to this Convention and to ensure consistent implementation of the commitments laid down in it, of those which will arise from the Convention prepared by the Council of Europe should this be adopted, and, in general, of the commitments entered into by the Member States in the programme of action of the Communities on the environment.