

COMMISSION OF THE EUROPEAN COMMUNITIES

COM (72) 335 final
Brussels, 22 March 1972

Draft Council recommendation to the Member States signatories
of the Berne Convention establishing the International
Commission for the protection of the Rhine against pollution

Reproduced from Bulletin of the European Communities, Supplement 5/72, pages 68-69.

Draft Council recommendation to the Member States signatories of the Berne Convention establishing the International Commission for the protection of the Rhine against pollution

COM(72) 335, 22 March 1972

I. Preamble

1. To ensure cohesion between the general or specific action on water pollution set out in its communication to the Council of March 1972 on a European Communities' programme concerning the environment (doc. SEC(72)666), the Commission, in accordance with the opinion of the European Parliament, contacted the International Commission for the Protection of the Rhine against Pollution to explore the possibility of participating, as an observer, in the meetings of the Executive Committee of this Commission. The Commission informed the Council of its action.

The Commission welcomes the fact that, following the suggestion it made in the First Communication, a conference at ministerial level of the signatory states of the Berne Convention establishing the International Commission for the Protection of the Rhine against Pollution has been called by the International Commission. The Commission hopes to be represented at that conference.

2. As it also stated in its communication to the Council on a European Communities' programme concerning the environment (doc. SEC(72)666, page 29), the Commission considers it necessary to set up a European Agency for the Rhine Basin, an establishment under public law responsible for implementing a pollution control programme for the Rhine waters to be prepared by the International Commission and more generally for facilitating the various activities of common interest in the Rhine Basin, and entitled to levy dues from local authorities and undertakings using the waters of the Rhine and its tributaries or contributing to their pollution.

The Commission draws the attention of Member States to the advantage to be gained from the status of Joint Undertaking, a status which it proposed to the Council (COM(71)812 final of 14 September 1971) should be extended to sectors other than nuclear, in its proposal of 22 September 1971.

This European public establishment would be set up by the Council. Having legal status, it could benefit from privileges as a public power and from financial advantages. Its operating expenses and the costs of carrying out studies and research could be financed partially by the signatory states of the Berne Convention¹ and, where appropriate, by the Community and by dues levied from users of the waters of the Rhine and its tributaries.

¹ The status of Joint Undertaking allows for participation of third states.

The status of Joint Undertaking, while establishing an organic link with the Community, would allow only those states which so wished to participate and a specific distribution key to be adopted for the costs. However, pollution control of the waters of the Rhine is of interest to the United Kingdom because of its effects on the North Sea. Italy might also be interested in benefiting from the experience gained in the Agency for the Rhine Basin. Consequently the participation of non-riparian states on suitable terms should not be ruled out.

The Commission will submit a proposal on the status of Joint Undertaking for this Agency. This status could be adopted as soon as the Council decides to extend this status to sectors other than nuclear.

*

The Commission proposes that the Council should now adopt the following draft recommendation.

II. Draft Council recommendation

The Council of the European Communities recommends to Member States signatories of the Berne Convention and members of the executive bodies of that Convention that the International Commission should be instructed to prepare as soon as possible, on the basis of the results of the studies carried out by that Commission since 1950, a crash programme for pollution control of the waters of the Rhine comprising in particular:

- (a) the definition of quality objectives for the waters in the various parts of the river system making up the Rhine basin,
- (b) the procedure to be established and the organization to be set up for precise definition of the measures to be taken to ensure that these objectives are attained within three to five years (in particular the definition of limits for the quantity and composition of domestic and industrial waste to be observed by local authorities and private bodies for that purpose),
- (c) an estimate of the funds required to attain these objectives.