

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(85) 686 final

Brussels, 4 December 1985

Change in the status of Saint Pierre and Miquelon

(Communication from the Commission to the Council)

COM(85) 686 final

Change in the status of Saint Pierre and Miquelon

(Communication from the Commission to the Council)

By letter of 16 July 1985 the Permanent Representation of France informed the Commission of a French Law of 11 June 1985 changing Saint Pierre and Miquelon, for the purposes of the French constitution, from an overseas department, to a 'Collectivité territoriale de la République Française'. The letter requests the Commission to propose to the Council that it include Saint Pierre and Miquelon on the list annexed to the new decision on the association of the overseas countries and territories with the EEC, the draft of which is at present before the Council. (1)

The Commission is able to agree to this request. It considers that it should make the following comments.

1. Saint Pierre and Miquelon appears on the list of overseas countries and territories in Annex IV to the EEC Treaty, and this led to the special arrangements for association provided for in Part IV of the Treaty Article 227(3) EEC being applied to it.
2. The French law of 19 July 1976 changed the status of the archipelago from an overseas territory into an overseas department, thus making it, in principle at least, an integral part of France. As regards the Community, the Council and Commission deduced that the territory should then come under the rules provided for in Article 227 (2) EEC. Consequently, when the new rules for OCTs (linked with Lomé II) were adopted, Saint Pierre and Miquelon was deleted from the list annexed to the decision laying down these rules (Decision 80/1186/EEC). No amendment, however, was made to Annex IV to the EEC Treaty.

(1) Document COM(85) 193 final

3. Its examination of the new French law leads the Commission to consider that the substantive conditions for returning the territory to OCT status, which it enjoyed until 1976, are fulfilled. It does not consider that there is any specific Community interest arguing against this.

Since no amendment to the EEC Treaty is necessary - the territory still being listed in Annex IV hereto - it will be enough for the Council and the Commission to signify their agreement to the territory being changed back from an overseas department to an OCT. This decision may be adopted informally, by a statement in the Council minutes when the new OCT decision is adopted.

Consequently, the Commission proposes to the Council:

- add Saint Pierre and Miquelon to the list annexed to the new OCT decision (Document COM(85) 193 final),

- at the same time, write the attached statement into its minutes.

DRAFT STATEMENT IN COUNCIL MINUTES

The Council and the Commission note that the French Law of 19 July 1976 changing Saint Pierre and Miquelon from an overseas territory to an overseas department was not followed by any corresponding amendment to the EEC Treaty, although in practice some consequences were drawn by the Community institutions from this change, and Saint Pierre and Miquelon is still included on the list of overseas countries and territories in Annex IV to the EEC Treaty.

The Council and the Commission note that French Law No. 85.595 of 11 June 1985 granting Saint Pierre and Miquelon the status of 'Collectivité territoriale de la République Française' now means that it has, for the purposes of Community law, been given back the status of overseas territory which it enjoyed before the law of 19 July 1976. This being so, it will be possible for Saint Pierre and Miquelon to be included once more on the list annexed to the Decision on the association of the overseas countries and territories with the EEC.