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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 8.10.2009
COM(2009)537 final

Proposal for a

COUNCIL DECISION

establishing the position to be adopted on behalf of the European Community with regard to the proposal for the adoption of Regional action plans in the framework of the implementation of Article 15 of the Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources and Activities.

EXPLANATORY MEMORANDUM

1. The Community and the Member States bordering the Mediterranean Sea are Parties to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (the Barcelona Convention), and its Protocol for the Protection of the Mediterranean Sea Against Pollution from Land-Based Sources and Activities.
2. Environmental protection and in particular the protection of waters against pollution, which is the subject-matter of the Convention and the Protocol, are largely regulated by Community legislation (e.g. Water Framework Directive, Urban Waste Water Treatment Directive or Marine Strategy Framework Directive). Since the Convention and the Protocol create rights and obligations in this field, there is a Community interest to ensure consistency between the objectives of Community policy and legislation and the commitments entered into under these instruments.
3. The Land-based Sources Protocol, entered into force on 11 May 2008, provides for the adoption by the Convention of Regional action plans to eliminate pollution from land-based sources and activities. As laid down in Art 15 of the Protocol, once the Regional actions plans are adopted by the meeting of the Parties, their measures and timetables will become binding.
4. Three draft proposals for Regional action plans (for BOD₅ reduction, for DDT and for seven other substances that possess toxic properties, resist degradation, bio-accumulate and are transported widely) have been considered and approved within MED POL, the relevant technical body in charge of pollution of the Convention. The legal concepts relating to waste build on the leading international agreements in the field, and in particular the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and the Stockholm Convention on Persistent Organic Pollutants.
5. Provisions contained in the proposed plans stem mainly from International Agreements to which the Community and its Member States are Parties and their implementation should not entail changes for the concerned policies and instruments within the EU, given the combined application of all relevant EU legislation, including the Urban Waste Water Treatment Directive, in conjunction with the requirements of the Bathing Water Directive and the Water Framework Directive.
6. In view of the above, at the 16th Ordinary Meeting of the Contracting Parties of the Barcelona Convention, to be held in Marrakech in 3-5 November 2009, the Community should support the adoption of the above mentioned Regional action plans in the framework of the implementation of the Land-Based Sources Protocol.
7. Since the decisions to be adopted by the Meeting of the Parties will have legal effects, the Community should adopt a position in accord with TEC Art 300.2.2. It is therefore needed that the Council adopts a decision, based on a proposal from the Commission. The European Parliament shall be immediately and fully informed of the establishment of the Community position, as requested by TEC Art 300.3.3.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175 (1), in conjunction with the second subparagraph of Article 300 (2), thereof,

Having regard to the proposal from the Commission¹,

Whereas:

- (1) The Community and the Member States bordering the Mediterranean Sea are Parties to the Convention for the Protection of the Marine Environment² and the Coastal Region of the Mediterranean, and its Protocol for the Protection of the Mediterranean Sea Against Pollution from Land-Based Sources and Activities;³
- (2) Environmental protection is in very large measure regulated by Community legislation, including with regard to the protection of water against pollution. Since the Convention and the Protocol create rights and obligations in this field, there is a Community interest to ensure consistency between the objectives of Community policy and legislation and the commitments entered into under these instruments;
- (3) The Land-based Sources Protocol, entered into force on 11 May 2008, provides for the adoption by the meeting of the Parties of Regional action plans and programmes, including measures and timetables, to eliminate pollution deriving from land-based sources and activities. When plans are adopted by the Meeting of the Parties of the Convention, their measures and timetables will become binding on the one hundred and eightieth day following the day of notification for the Parties;
- (4) Three draft Regional action plans (on BOD5 reduction, on phasing out DDT and on seven other substances that possess toxic properties, resist degradation, bio-accumulate and are transported widely) have been formulated by the body designated by the Parties as responsible to prepare the Meeting of the Parties, and have been considered and approved by the relevant technical body of the Convention;

¹ OJ C , , p. .

² OJ L 240, 19.9.1977, p. 1-2 and OJ L 322 , 14.12.1999, p. 32-33

³ OJ L 322, 14.12.1999, p. 18-31

- (5) At the 16th Ordinary Meeting of the Contracting Parties of the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean, the Community and the Member States should cooperate closely to ensure that the Regional action plans finally adopted are compatible with Community law;
- (6) The adoption of the proposed Regional action plans should therefore be supported;

HAS DECIDED AS FOLLOWS:

Sole Article

At the 16th Ordinary Meeting of the Contracting Parties of the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean, the Community should support the adoption of the Regional Plans on the reduction of BOD₅ from urban waste water, the elimination of Aldrin, Chlordane, Dieldrin, Endrin, Heptachlor, Mirex and Toxaphene and the phasing out of DDT, in the framework of the implementation of Article 15 of the Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources and Activities.

Done at Brussels,

For the Council
The President