

**ARCHIVES HISTORIQUES
DE LA COMMISSION**

**COLLECTION RELIEE DES
DOCUMENTS "COM"**

COM (82)79

Vol. 1982/0030

Historical Archives of the European Commission

Disclaimer

Conformément au règlement (CEE, Euratom) n° 354/83 du Conseil du 1er février 1983 concernant l'ouverture au public des archives historiques de la Communauté économique européenne et de la Communauté européenne de l'énergie atomique (JO L 43 du 15.2.1983, p. 1), tel que modifié par le règlement (CE, Euratom) n° 1700/2003 du 22 septembre 2003 (JO L 243 du 27.9.2003, p. 1), ce dossier est ouvert au public. Le cas échéant, les documents classifiés présents dans ce dossier ont été déclassifiés conformément à l'article 5 dudit règlement.

In accordance with Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 43, 15.2.1983, p. 1), as amended by Regulation (EC, Euratom) No 1700/2003 of 22 September 2003 (OJ L 243, 27.9.2003, p. 1), this file is open to the public. Where necessary, classified documents in this file have been declassified in conformity with Article 5 of the aforementioned regulation.

In Übereinstimmung mit der Verordnung (EWG, Euratom) Nr. 354/83 des Rates vom 1. Februar 1983 über die Freigabe der historischen Archive der Europäischen Wirtschaftsgemeinschaft und der Europäischen Atomgemeinschaft (ABl. L 43 vom 15.2.1983, S. 1), geändert durch die Verordnung (EG, Euratom) Nr. 1700/2003 vom 22. September 2003 (ABl. L 243 vom 27.9.2003, S. 1), ist diese Datei der Öffentlichkeit zugänglich. Soweit erforderlich, wurden die Verschlussachen in dieser Datei in Übereinstimmung mit Artikel 5 der genannten Verordnung freigegeben.

COMMISSION OF THE EUROPEAN COMMUNITIES

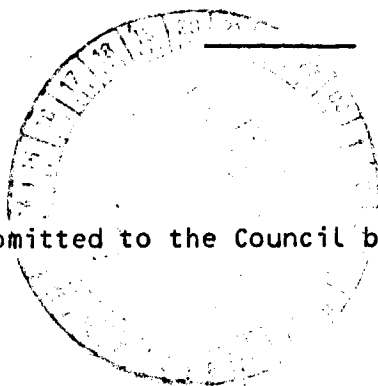
COM(82) 79 final

Brussels, 1 March 1982

Recommendation for a

COUNCIL DECISION

authorizing the Commission to open negotiations on Community participation in the Environmental Action Plan for the Caribbean and the Convention for the protection and development of the marine and coastal environment of the wider Caribbean area



(submitted to the Council by the Commission)

COM(82) 79 final

EXPLANATORY MEMORANDUM

The Community has been invited to take part in the Environmental Action Plan for the Caribbean which was adopted at Montego Bay, Jamaica at an intergovernmental meeting of the riparian States on 6-8 April 1981. The Action Plan, which is part of UNEP's Regional Seas Programme, was drawn up by UNEP in cooperation with the UN Economic Commission for Latin America (ECLA). The resolution adopting the Action Plan makes it possible, as is already the case with the Action Plan for the Mediterranean, for a regional economic group exercising responsibilities in fields relating to the Plan, and at least one member of which belongs to the Caribbean region, to be associated with the Action Plan, provided that rules governing the group's financial participation have been agreed in advance.

This is the case in this instance, the geographical region concerned including the French Overseas departments of Guadeloupe, Guiana and Martinique. As established by the Hansen Line of cases, secondary legislation is applicable in these departments, provided the latter are not expressly excluded from the ambit of the Community act concerned. The following Community legislation is also applicable in those French overseas departments :

- Council Directive 76/464/EEC of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community;
- Council Directive 78/659/EEC of 18 July 1978 on the quality of fresh waters needing protection or improvement in order to support fish life;
- Council Directive 79/923/EEC of 30 October 1979 on the quality required of shellfish waters;
- Council Decision of 3.12.1981 establishing a Community information system for preventing and combating hydrocarbon pollution of the sea.

The Plan has three sections :

- 1) A collection of measures designed to evaluate the environmental situation in the region and to manage its resources with a view to protecting the environment against pollution from various sources and in particular from hydrocarbons. The priority measures pertain to several fields already covered by the abovementioned Community acts. The Community will have to take part, therefore, if such measures are embodied in a binding agreement likely to affect the internal rules of the Community, as was established by the AETR line of cases. The following measures are envisaged :
 - a regional plan for intervention in the event of discharges of hydrocarbons;
 - the management of river basins, and in particular the management of ground and surface freshwater resources, the conservation of natural environments and forests, and the prevention of water pollution by household, industrial or agricultural effluents;
 - the improvement of environmental hygiene services : control of water quality, treatment of waste water, water supply for urban and rural areas;
 - education on environmental matters.
- 2) Provisions relating to the financial and institutional organization of the Plan.
- 3) A Convention for the protection and development of the marine and coastal environment of the wider Caribbean area - currently in preparation - which will be the equivalent of the Barcelona Convention for the Mediterranean Sea, to which the Community will be a party in particular by virtue of its responsibilities deriving from the AETR line of cases.

A meeting of legal experts which took place at the end of 1981 examined the Convention, which should be adopted at the second intergovernmental meeting (scheduled for the beginning of 1983) of the States participating in the Action Plan.

The Community is already engaged in similar measures, as it is a party to various instruments relating to the protection of the marine environment, among which are :

- The Action Plan for the Mediterranean, which is given legal substance by the framework Barcelona Convention together with its three protocols, and which, like the Action Plan for the Caribbean, comes under UNEP's Regional Seas Programme. The Community signed and concluded the Barcelona Convention and the protocol on the pollution caused by dumping from ships and aircraft(1) on 16 March 1978 and signed the protocol on the protection of the Mediterranean Sea against pollution from land-based sources on 17 May 1980, while on 19 May 1981 the Council adopted the Decision concerning the conclusion of the protocol relating to pollution by oil and other harmful substances (2).
- The Convention on the prevention of marine pollution from land-based sources (known as the Paris Convention and affecting the North East Atlantic) which was signed on 23 June 1975 (3).

The Community coordinates the environmental protection measures deriving from the application of the Treaty of Rome and those from the Action Programmes of the Communities on the Environment with the provisions adopted within the framework of these Conventions.

Three Member States will take part in the Environmental Action Plan for the Caribbean, France, by virtue of its overseas departments Guadeloupe, Martinique and Guiana; the United Kingdom by virtue of its overseas countries and territories Anguilla, the Cayman Islands, Montserrat, St. Kitts-Nevis and the British Virgin Islands; and the Netherlands by virtue of the Netherlands Antilles - Aruba, Bonaire, Curaçao, St. Martin, Saba and St. Eustatius.

(1) OJ L 240, 19.9.1977

(2) OJ L 162, 19.6.1981

(3) OJ L 194, 25.7.1975

The British and Dutch overseas countries and territories in question are associated with the Community under the arrangements provided for in Council Decision No 80/1186/EEC of 16 December 1980 (1).

Several members of the Lomé Convention are also taking part in the Action Plan : the Bahamas, Barbados, Dominica, Grenada, Guiana, Jamaica, St. Lucia, Suriname, Trinidad and Tobago.

Finally, it must also be mentioned that, through its experience, the measures it is preparing and the research it has carried out on this subject, the Community will be able to play an active part in the Plan and help the countries and territories in the area to implement it.

In the light of all these considerations, the Commission believes that the Community should open negotiations with a view to agreeing the procedures for its participation in the Action Plan and the Convention which is being drawn up. It therefore recommends that the Council adopt the draft decision set out in the annex hereto.

(1) OJ L 361, 31.12.1980

RECOMMENDATION FOR A COUNCIL DECISION AUTHORIZING
THE COMMISSION TO OPEN NEGOTIATIONS ON COMMUNITY PARTICIPATION IN
THE ENVIRONMENTAL ACTION PLAN FOR THE CARIBBEAN AND THE CONVENTION
FOR THE PROTECTION AND DEVELOPMENT OF THE MARINE AND COASTAL
ENVIRONMENT OF THE WIDER CARIBBEAN AREA

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 two Action Programmes of the European Communities on the Environment (1) emphasize how important it is for the Community to protect the sea and the marine environment, notably from pollution arising from various sources, and state that the protection and improvement of sea-water with a view to meeting economic and social requirements and ensuring the maintenance of the vital ecological balances constitute a priority task;

Whereas the European Council, at its meeting in Copenhagen on 7 and 8 April 1978, considered that the Community should make the prevention and control of marine pollution an important objective of its action, and invited the Council of Ministers, on a proposal from the Commission, to adopt in the competent international bodies common attitudes with particular regard to research and the implementation of effective measures to control pollution;

Whereas cooperation on the protection of the environment with the developing countries, especially with regard to supplying them with information at the Community's disposal, and the Community's contribution to projects and programmes in this field constitute one of the objectives of the second Action Programme of the European Communities on the Environment;

(1) OJ No C 112, 20.12.1973 and OJ No C 139, 13.6.1977

Whereas the intergovernmental meeting at Montego Bay approved an Action Plan for the Environment Programme of the Caribbean, to which certain Member States are to be party; whereas the said Action Plan provides for the participation of regional economic groups with responsibilities in the fields covered by the plan, one at least of the members of which belongs to the Caribbean region;

Whereas a number of participants in the Plan maintain special links with the Community through the Lomé Convention and the association arrangements for overseas countries and territories;

Whereas the Plan envisages that comprehensive measures will be taken to ensure the continued development of the Caribbean area under acceptable ecological conditions and that cooperation with the Governments of the region will be instituted in order to solve environmental problems such as the protection of maritime and coastal zones, in particular against pollution from various sources; whereas, therefore, it is desirable that the Community should take part in order to achieve its objectives in these fields;

Whereas the Plan provides for a Convention for the wider Caribbean area to be drawn up, and the extent of that area includes part of the territory of one Member State to which the following are applicable: Council Directive 75/440/EEC of 16 June 1975 concerning the quality required of surface water intended for the abstraction of drinking water in the Member States¹; Council Directive 76/160/EEC of 8 December 1975 concerning the quality of bathing water²; Council Directive 76/464/EEC of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community³; Council Directive 78/659/EEC of 18 July 1978 on the quality of fresh water needing protection or improvement in order to support fish life⁴; Council Directive 79/923/EEC of 30 October 1979 on the quality required of shellfish waters⁵; Council Directive 80/68/EEC of 17 December 1979 on the protection of ground water against pollution caused by certain dangerous substances⁶; Council Directive 80/778/EEC of 15 July 1980 relating to the quality of water intended for human consumption⁷; and Council Decision 81/971/EEC of 3 December 1981 establishing a Community information system for the control and reduction of pollution caused by hydrocarbons discharged at sea⁸; whereas these instruments establish common rules in the field of water pollution, which are likely to be affected by certain provisions in the said Convention; whereas it is therefore imperative that the Community should be a party to the Convention;

¹ OJ No L 194, 25.7.1975, p. 26

² OJ No L 31, 5.2.1976, p. 1

³ OJ No L 129, 18.5.1976, p. 23

⁴ OJ No L 222, 14.8.1978, p. 1

⁵ OJ No L 281, 11.10.1979, p. 47

⁶ OJ No L 20, 26.1.1980, p. 43

⁷ OJ No L 229, 30.8.1980, p. 11

⁸ OJ No L 355, 10.12.1981, p. 52

HAS DECIDED AS FOLLOWS :

Sole Article

The Commission is authorized to open negotiations with a view to Community participation in the Environmental Action Plan for the Caribbean and in the Convention for the protection and development of the marine and coastal environment of the wider Caribbean area.

The Commission shall conduct the negotiations in accordance with the annexed brief and subject to any directives which the Council may later adopt.

Done at Brussels,
For the Council,
The President

Negotiating brief

The Convention for the wider Caribbean area must be adjusted in such a way that the Community can be party to it, account being taken of the existing common rules in the fields concerned.

Financial record

Community participation in the Environmental Action Plan for the Caribbean

1. Relevant budget heading

Article 298, Item 2986

Community participation in international conventions on the environment.

2. Legal basis

Article 235 of the EEC Treaty.

3. Description of the project

3.1. Objectives

3.1.1. General aim

It is proposed in the Environmental Action Plan for the Caribbean that comprehensive measures should be taken to implement a general development plan for the Caribbean under acceptable ecological conditions, and that the Governments of the area should cooperate to solve environmental problems such as the protection of maritime and coastal zones.

Community participation in the Action Plan should make it possible to implement a number of Community environmental protection objectives in conjunction with development cooperation schemes.

Such objectives are :

- the protection and purification of the sea and the marine environment, notably with regard to pollution from various sources, with a view to meeting economic and social requirements and ensuring that vital ecological balances are maintained (First and Second Action Programmes of the Community on the Environment);
- the prevention and combating of marine pollution and the adoption of common attitudes in the competent international bodies (European Council of 7 and 8 April 1978);
- cooperation on environmental protection with the developing countries (Second Action Programme on the Environment; Article 93(2)(c) of the second Lomé Convention).

3.1.2. Specific aims

a)- Technical :

- To implement the provisions of the Action Plan, including :
- a programme of priority measures for protecting the environment in the region;
 - provisions relating to the financial and institutional framework of the Plan;
 - a Convention for the wider Caribbean area (draft).

b)- Financial :

To contribute about 1 % (i.e. US\$ 30 000, or 28 620 ECU at the rate applying on 31 July 1981) of the average annual budget (US\$ 2 730 000); the total agreed for the 1981-83 period is US\$ 8 200 000.

3.2. Persons concerned (outside the Community institutions) :

- inhabitants of the French departments of Guiana, Martinique and Guadeloupe;
- inhabitants of the States associated with the Community under special arrangements: Dutch and British overseas territories(1), Caribbean States signatory to the Lomé Convention (2);
- industries and port installations in the region.

4. Justification of the project

4.1. Type of project :

Community participation at financial and technical level in the Environmental Action Plan for the Caribbean.

4.2. The need for Community participation :

Community participation in the envisaged Convention is imperative by virtue of the AETR line of cases, certain matters in the plan being covered by Community rules (notably Directive 76/464/EEC of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment into the Community). In view of the measures which it is preparing in environmental fields similar to these covered by the Action Plan, and of its experience and research in these matters, the Community is able to make a major contribution to achieving development and environmental protection objectives in a region which is closely connected with it.

(1) The Netherlands Antilles (Aruba, Bonaire, Curaçao, St. Martin, Saba and St. Eustatius) and the British countries and territories of Anguilla, the Cayman Islands, Montserrat, St. Kitts - Nevis and the British Virgin Islands.

(2) The Bahamas, Barbados, Dominica, Grenada, Guiana, Jamaica, St. Lucia, St. Vincent and the Grenadines, Suriname, Trinidad and Tobago.

5. Financial implications in respect of intervention appropriations

5.1. Appropriations provided for :

For 1983, a Community participation of US\$ 30 000, or 28 620 ECU at the rate of 31 July 1981.

It is not possible to say at the moment the total of appropriations which will be needed in subsequent years, as the budget for the Action Plan has been voted only for the period 1981-83 and must be renewed in 1983 for the following two years. The current estimate is that the outlay would not exceed 50 000 ECU.

5.2. Finance from the Member States :

- France will contribute US\$ 375 000, or 4.5% of the approved budget for 1981-83;
- the Netherlands will contribute US\$ 30 000 through their territories in the region, i.e. 0.4 % of the budget for 1981-83;
- the United Kingdom has not yet decided how much it will contribute on behalf of its territories in the region.

5.3. Five-year timetable :

As stated in 5.1, it is not possible at the moment to predict the total of appropriations which will be needed after 1983.

6. Financial implications in respect of appropriations for staff and current administrative expenditure

6.1. Staff necessary for the implementation of the project alone :

Nil.

7. Financing intervention expenditure

Appropriations to be entered under future budgets.

8. Implications in respect of revenue

Although it does not yield any revenue, this action does contribute to the protection of the environment and of natural resources and applies a group of measures which should have a positive effect on the development of the Caribbean.

9. Type of monitoring to be applied

The Commission will report to the Council and to Parliament every two years on the results obtained.