



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 11.06.1997
COM(97) 237 final

97/ 0147 (CNS)

Proposal for a

COUNCIL DECISION

concerning the conclusion of the Protocol of Accession

of the Principality of Monaco to the

Convention on the Protection of the Alps

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. Following the Council Decision of 26 February 1996,¹ the Community is a Contracting Party to the Convention on the Protection of the Alps (Alpine Convention).

The Alpine Convention is a framework convention, the purpose of which is to safeguard and protect the Alpine ecosystem with a view to guaranteeing the sustainable development of the Alpine regions.

As such, the Alpine Convention is supplemented by protocols dealing with specific subjects. The Community has already signed three such Protocols, regarding Conservation of Nature and the Countryside, Regional Planning and Sustainable Development, and Mountain Agriculture and the Rural Landscape.

In addition to the Community, Austria, France, Germany, Liechtenstein and Slovenia are Contracting Parties to the Convention, while Italy and Switzerland are signatory States.

2. The Principality of Monaco may also become a Contracting Party to the Alpine Convention. A protocol for the accession of Monaco to the Convention on the Protection of the Alps was adopted and signed on 20 December 1994 by the States which were already Contracting Parties to the Alpine Convention and by the signatories to the Convention, including the European Community.²

3. The Protocol aims to extend the geographical area to which the Convention applies, making more effective protection of the Alpine ecosystem possible.

4. The Protocol for the Accession of Monaco makes consent to be bound by the Convention dependent on consent to be bound by the Protocol itself. The Protocol is not yet in force, however, and can only become so when all the Contracting Parties to the Convention have ratified it. Since the Community is a Contracting Party to the Alpine Convention and has also signed the Monaco Protocol, it should conclude the Protocol as quickly as possible.

As this proposal is based on Article 130s(1) in conjunction with Article 228(2) and the first subparagraph of Article 228(3) of the Treaty establishing the European Community, consultation with the European Parliament is mandatory.

¹ OJ L 61, 12.3.1996, p. 31.

² Council Decision of 16.12.1996, not published.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 130s(1) thereof, in conjunction with Article 228(2) and the first subparagraph of Article 228(3) thereof,

Having regard to the proposal from the Commission,¹

Having regard to the opinion of the European Parliament,²

Whereas the European Community is a Contracting Party to the Convention on the Protection of the Alps;³

Whereas the protection of the Alps is of great importance to all Member States owing to the cross-frontier nature of the environmental, economic and social problems of the Alpine country;

Whereas the Community took part in negotiations concerning the Protocol of Accession of the Principality of Monaco to the Convention on the Protection of the Alps and signed it on 20 December 1994;⁴

Whereas consent to be bound by the Alpine Convention also presupposes consent to be bound by the Protocol, which extends the geographical area to which the Convention applies;

Whereas the extension of the Alpine Convention to the Principality of Monaco makes more effective protection of the Alps throughout the entire Alpine area possible;

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3 OJ L 61, 12.3.1996, p. 31.

4 Council Decision of 16.12.1996, not published.

Whereas the Community should therefore approve the Protocol,

HAS DECIDED AS FOLLOWS:

Article 1

The Protocol of Accession of the Principality of Monaco to the Convention on the Protection of the Alps is hereby approved on behalf of the European Community.

The text of the Protocol is attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the person(s) empowered to deposit, on behalf of the Community, the instrument of approval with the Republic of Austria in accordance with Article 11(2) of the Alpine Convention.

Done at Brussels,

For the Council

The President

**PROTOCOL OF ACCESSION
OF THE
PRINCIPALITY OF MONACO
TO THE CONVENTION ON THE PROTECTION OF THE ALPS**

The Republic of Austria,

The French Republic,

The Federal Republic of Germany,

The Italian Republic,

The Principality of Liechtenstein,

The Republic of Slovenia,

The Swiss Confederation,

The European Community,

SIGNATORIES to the Convention on the Protection of the Alps (Alpine Convention) on the one hand,

and

THE PRINCIPALITY OF MONACO, on the other,

Whereas the Principality of Monaco has requested to become a Contracting Party to the Alpine Convention,

In their desire to ensure the protection of the Alps throughout the entire Alpine area,

HAVE AGREED AS FOLLOWS:

ARTICLE 1

The Principality of Monaco hereby becomes a Contracting Party to the Convention on the Protection of the Alps as amended by this Protocol of Accession.

ARTICLE 2

The words "Principality of Monaco" are added to the preamble.

ARTICLE 3

The Annex describing and depicting the Alpine region to which the Alpine Convention applies is amended as follows:

- (a) the following is added to the list of administrative units of the Alpine area:
- the Principality of Monaco;
- (b) the map in the Annex to the Alpine Convention is replaced by the map attached to this Protocol of Accession.

ARTICLE 4

- (1) Consent to be bound by this Protocol of Accession may be expressed by:
- signature not subject to ratification, acceptance or approval. The State making use of this possibility shall notify the depositary at the time of its signature that its signature is equivalent to consenting to be bound by this Protocol of Accession;
 - signature subject to ratification, acceptance or approval. The instruments of ratification, acceptance or approval shall be deposited with the depositary.
- (2) This Protocol of Accession shall enter into force three months after the date on which the following three conditions have been satisfied:
- the Alpine Convention has entered into force;
 - the Contracting Parties to the Alpine Convention have expressed their consent to be bound by the present Accession Protocol;
 - the Principality of Monaco has expressed its consent to be bound by this Protocol of Accession.
- (3) For signatory States which are not yet Contracting Parties to the Alpine Convention, consent to be bound by this Protocol of Accession will take effect only on the date when the Alpine Convention enters into force in their regard.

ARTICLE 5

As from the date on which this Protocol of Accession is signed, no State shall be able to assert its consent to be bound by the Alpine Convention without having previously or simultaneously established its consent to be bound by this Protocol of Accession.

ARTICLE 6

This Protocol of Accession can only be denounced by denouncing the Alpine Convention.

ARTICLE 7

The depositary shall notify each of the Contracting Parties and signatory States of:

- (a) any signature, specifying whether it is subject or not to ratification, acceptance or approval;
- (b) the deposit of any instrument of ratification, acceptance or approval;
- (c) any date of entry into force, in accordance with Article 4;
- (d) any notification of denunciation and the date on which it becomes effective.

In witness thereof, the undersigned, being duly authorized thereto, have signed this Protocol of Accession.

Done at Chambéry, on 20 December 1994, in the French, German, Italian and Slovene languages, each text being equally binding; the original text shall be deposited in the Austrian State archives. The depositary shall send a certified copy to each of the signatory States.

For the Republic of Austria:

For the French Republic:

For the Federal Republic of Germany:

For the Italian Republic:

For the Principality of Liechtenstein:

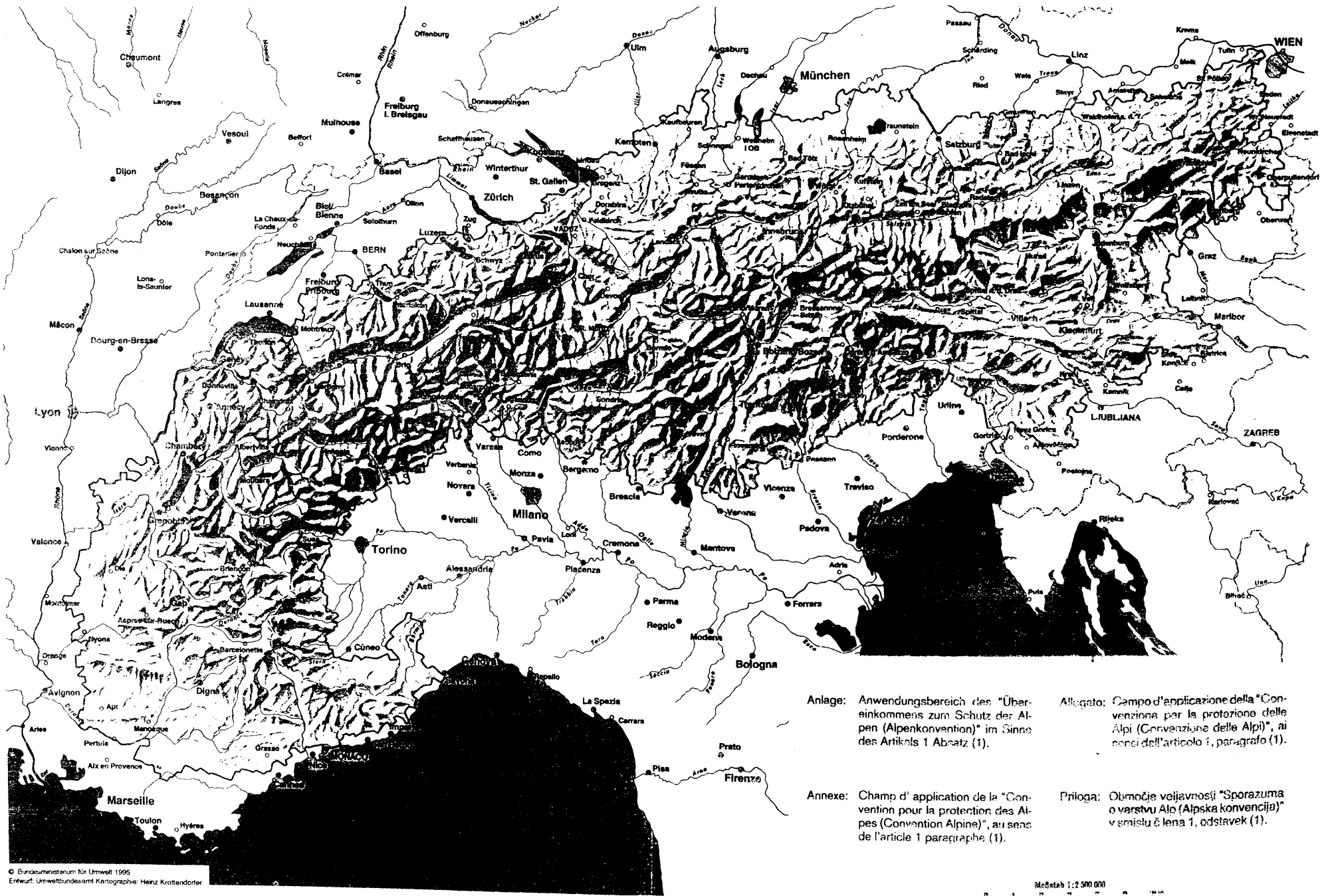
For the Republic of Slovenia:

For the Swiss Confederation:

For the European Community:

For the Principality of Monaco:

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Anlage: Anwendungsbereich des "Übereinkommens zum Schutz der Alpen (Alpenkonvention)" im Sinne des Artikels 1 Absatz (1).

Allagato: Campo d'applicazione della "Convenzione per la protezione delle Alpi (Convenzione delle Alpi)", ai sensi dell'articolo 1, paragrafo (1).

Annexe: Champ d'application de la "Convention pour la protection des Alpes (Convention Alpine)", au sens de l'article 1 paragraphe (1).

Priloga: Območje veljavnosti "Sporazuma o varstvu Alp (Alpska konvencija)" v smislu člena 1, odstavek (1).

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