

II

(Preparatory Acts)

COMMISSION

Proposal for a Council Decision concluding the Protocol concerning specially protected areas of the Mediterranean Sea*(Submitted by the Commission to the Council on 16 September 1983)*

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas the action programmes of the European Communities on the environment ⁽¹⁾ stress the need to protect and to purify the sea, in order that it might continue to play its part in the preservation and development of species, and to maintain the vital ecological balance;

Whereas the second action programme of the European Communities on the environment underlines the urgent need for international solutions to the problem of the development and ecological management of coastal regions;

Whereas the third action programme of the European Communities on the environment ⁽²⁾, of which the Council and the representatives of the Governments of the Member States approved the main principles on 7 February 1983, makes particular reference to the need for a rational policy for the protection and management of natural resources;

Whereas cooperation with the developing countries, and in particular with the Community's Mediterranean partners, for the purposes of protecting the environment is one of the prime objectives of the second action programme of the European Communities on the environment;

Whereas Article 4 of the Convention on the protection of the Mediterranean Sea against pollution, concluded by the Community by Council Decision 77/585/EEC ⁽³⁾, empowers the Contracting Parties to adopt additional Protocols prescribing measures, procedures and standards for the implementation of the said Convention; whereas, pursuant to this Article, the Mediterranean States represented at a conference of plenipotentiaries held in Geneva on 2 and 3 April 1982 signed the Protocol to the said Convention on specially protected areas of the Mediterranean Sea;

Whereas the Community has also concluded, by Decision 77/585/EEC, the Protocol for the prevention of pollution of the Mediterranean Sea by dumping from ships and aircraft, and, by Council Decision 81/420/EEC ⁽⁴⁾, the Protocol concerning cooperation in combating pollution of the Mediterranean Sea by oil and other harmful substances in cases of emergency and, by Council Decision 83/101/EEC ⁽⁵⁾, the Protocol concerning the protection of the Mediterranean Sea from land-based sources of pollution;

Whereas the Protocol concerning specially protected areas of the Mediterranean Sea provides for the adoption of measures concerning trade, imports and exports of the fauna and flora protected by it and could, therefore, affect the common policy and the free movement of goods between Member States;

Whereas some provisions of the said draft Protocol could affect Council Directives 76/464/EEC of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community ⁽⁶⁾, 79/409/EEC of 2 April 1979 on

⁽¹⁾ OJ No C 112, 20. 12. 1973, p. 1; OJ No C 139, 13. 6. 1977, p. 1.

⁽²⁾ OJ No C 46, 17. 2. 1983, p. 1.

⁽³⁾ OJ No L 240, 19. 9. 1977, p. 1.

⁽⁴⁾ OJ No L 162, 19. 6. 1981, p. 4.

⁽⁵⁾ OJ No L 67, 12. 3. 1983, p. 1.

⁽⁶⁾ OJ No L 129, 18. 5. 1976, p. 23.

the conservation of wild birds ⁽¹⁾, and 79/923/EEC of 30 October 1979 on the quality required of shellfish waters ⁽²⁾, and Council Regulation (EEC) No 348/81 of 20 January 1981 on common rules for imports of cetacean products ⁽³⁾;

Whereas the said Protocol concerning specially protected areas of the Mediterranean sets out to safeguard the common natural resources of that region, to preserve the diversity of the indigenous species and to protect certain natural habitats by setting up a number of specially protected areas;

Whereas most of the signatories to the Convention on the protection of the Mediterranean Sea against pollution and to the annexed Protocols enjoy, within the framework of the Community's overall approach to the Mediterranean, a special relationship with the Community, particularly as regards cooperation; whereas the Protocol concerning specially protected areas of the Mediterranean lays down detailed rules for such cooperation in the sectors which it covers;

Whereas the Community signed the Protocol relating to specially protected areas of the Mediterranean Sea of 30 March 1983;

Whereas the Community should conclude the Protocol concerning specially protected areas of the Mediterranean Sea in order to attain, in the course of the operation of the common market, one of the objectives of the Community in the field of the protection of the environment and of the quality of life;

Whereas no provision is made in the Treaty for the powers necessary to this end,

HAS DECIDED AS FOLLOWS:

Article 1

The Protocol concerning specially protected areas of the Mediterranean Sea is hereby approved on behalf of the European Economic Community.

The text of the Protocol is annexed to this Decision.

Article 2

The President of the Council shall deposit the acts as provided for in Article 18 of the Protocol referred to in Article 1.

⁽¹⁾ OJ No L 103, 25. 4. 1979, p. 1.

⁽²⁾ OJ No L 281, 10. 11. 1979, p. 47.

⁽³⁾ OJ No L 39, 12. 2. 1981, p. 1.