

II

(Preparatory Acts)

COMMISSION

Proposal for a Council Decision concerning the conclusion, on behalf of the Community, of the convention on environmental impact assessment in a transboundary context

(92/C 104/05)

*COM(92) 93 final**(Submitted by the Commission on 25 March 1992)*

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 130s thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas the Commission, on behalf of the Community, participated in the negotiations⁽¹⁾ conducted within an *ad hoc* working party convened under the auspices of the United Nations Economic Commission for Europe (ECE) with a view to preparing a convention on environmental impact assessment in a transboundary context;

Whereas, at the conclusion of the negotiations on 25 February 1991, the Espoo (Finland) Convention on environmental impact assessment in a transboundary context was adopted and signed by the Community on the basis of an authorization from the Council⁽²⁾;

Whereas the purpose of this Convention is to ensure that preventive measures are taken to reduce and control any significant adverse transboundary environmental impact;

Whereas, by adopting Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment⁽³⁾, the Council defined common rules for environmental impact assessment in a transboundary context; whereas these rules are amply reaffirmed in the principles, objectives and main provisions of the Convention;

Whereas the Convention, pursuant to Article 17, is open for ratification, acceptance or approval by the Member States and by regional economic integration organizations;

Whereas it is essential for the Community to approve this Convention;

Whereas the foregoing considerations relate to the Community's obligations, under which the Council should conclude this Convention;

Whereas certain provisions of the Convention fall within the field of competence of the Member States; whereas it is necessary for all the Member States to become Contracting Parties so that all the obligations arising from the Convention can be properly fulfilled;

Whereas it is hence necessary for the Member States to ratify the Convention in accordance with their spheres of competence;

Whereas it is essential for all the Member States to complete as soon as possible the procedures for their accession to the Convention in order to enable the Community and the Member States to deposit, simultaneously if possible, their instruments of ratification, acceptance or approval,

⁽¹⁾ Council Decision of 24 September 1990, not published in the *Official Journal of the European Communities*.

⁽²⁾ Council Decision of 24 February 1991, not published in the *Official Journal of the European Communities*.

⁽³⁾ OJ No L 175, 5. 7. 1985.

HAS ADOPTED THIS DECISION:

Article 1

The Convention on environmental impact assessment in a transboundary context, adopted at Espoo, Finland, on 25 February 1991, is approved by the European Economic Community.

The text of the abovementioned Convention is appended to this Decision.

Article 2

1. On behalf of the European Economic Community, the President of the Council of the European Communities shall deposit the instrument of approval with the Secretary-General of the United Nations in accordance with the provisions of Article 17 of the Convention.

2. At the same time, the President shall deposit the declaration of the spheres of competence set out in the

Annex to this Decision in accordance with the provisions of Article 17 (5) of the Convention.

Article 3

Member State shall take the necessary steps to ensure that the Community and the Member States deposit their instruments of ratification, acceptance or approval at the same time if possible and no later than ...

Member States shall inform the Commission no later than ... of their decision to accede to the Convention or to ratify it or, according to the circumstances, of the probable date of completion of these procedures. In cooperation with the Member States, the Commission shall choose a date, at all events preceding ... for depositing these instruments simultaneously.

Article 4

This Decision is addressed to the Member States.

ANNEX

Declaration by the European Economic Community in relation to the extent of its competence in accordance with Article 17 (5) of the Espoo (Finland) Convention on environmental impact assessment in a transboundary context

As provided for in the EEC Treaty and in the light of existing Community legislation in the field covered by the Espoo Convention, more particularly Council Directive 85/337/EEC of 27 June 1985, the Community possesses competence at international level in this field. It shares it with its Member States as regards the matters which are covered by the Espoo Convention, but are not yet the subject of Community legislation.

From this it follows that the Community, within the limits indicated above, is competent to enter into binding commitments on its own behalf with non-member countries which are Contracting Parties to the Espoo Convention.
