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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 9.10.2008
COM(2008)625 final

Proposal for a

COUNCIL DECISION

concerning the signature, on behalf of the European Community, of the Additional Protocol to the Cooperation Agreement for the Protection of the Coasts and Waters of the North-East Atlantic against Pollution

EXPLANATORY MEMORANDUM

1. The European Community is a party to regional agreements on accidental marine pollution, such as the Bonn Agreement, the Barcelona Convention and the Helsinki Convention, which facilitate mutual assistance and cooperation between Member States in this field in the North, Mediterranean and Baltic Seas. After tanker ship *Aragon* caused a major oil spill off the coast of Madeira in 1990, Portugal initiated the Cooperation Agreement for the Protection of the Coasts and Waters of the North-East Atlantic against Pollution (Lisbon Agreement), which creates a mechanism to ensure the cooperation between the Contracting Parties in case of pollution accidents, and obliges them to establish and implement their own emergency structures and plans. It applies to the north-east region of the Atlantic Ocean, defined by the external boundary of the Exclusive Economic Zone of each Contracting State, and by the boundaries of other regional agreements such as the Agreement for cooperation in dealing with pollution of the North Sea by oil and other harmful substances (Bonn Agreement) and the Convention for the protection of the Mediterranean Sea against pollution (Barcelona Convention).

2. The Lisbon Agreement was signed on 17 October 1990 by Portugal, Spain, France, Morocco and the European Community. Although ratification followed by Portugal, France and the European Community, a political dispute over the borders in Western Sahara prevented Spain and Morocco from ratifying the Agreement because of Article 3 (c) on the geographical scope of the Agreement, which stipulated: "to the south by the southern limit of the waters covered by the sovereignty or jurisdiction of the Kingdom of Morocco."

3. After agreement was reached on an Additional Protocol amending Article 3 (c) of the Lisbon Agreement, the Protocol was signed by Portugal, Spain, France and Morocco on 20 May 2008 in Lisbon. The Community was invited to sign the Protocol together with other contracting parties.

In view of the above, it is appropriate for the Community to sign, subject to subsequent conclusion, the Additional Protocol to the Cooperation Agreement for the Protection of the Coasts and Waters of the North-East Atlantic against Pollution.

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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 first sentence of the first subparagraph of Article 300 (2), thereof,

Having regard to the proposal from the Commission¹

Whereas:

- (1) The Community is a Party to the Cooperation Agreement for the Protection of the Coasts and Waters of the North-East Atlantic against Pollution (the Lisbon Agreement)²;
- (2) A political dispute over the borders in Western Sahara had prevented Spain and Morocco from ratifying the Lisbon Agreement. This dispute was now resolved by the Additional Protocol to the Cooperation Agreement for the Protection of the Coasts and Waters of the North-East Atlantic against Pollution modifying Article 3 (c) of the Lisbon Agreement;
- (3) It is appropriate that the Additional Protocol to the Cooperation Agreement for the Protection against Pollution of the Coasts and Waters of North-East Atlantic against Pollution be signed, on behalf of the Community, subject to subsequent conclusion;

HAS DECIDED AS FOLLOWS:

Sole Article

The President of the Council is hereby authorised to designate the person or persons empowered to sign on behalf of the Community, subject to subsequent conclusion, the Additional Protocol to the Cooperation Agreement for the Protection of the Coasts and Waters of the North-East Atlantic against Pollution, and to confer upon them the powers necessary for that purpose.

Done at Brussels,

*For the Council
The President*

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² Council Decision 93/550/EEC of 20 October 1993