

Protocol on Long Range Transboundary Air Pollution *

European Parliament legislative resolution on the proposal for a Council decision concerning the conclusion, on behalf of the European Community, of the 1998 Protocol to the 1979 Convention on Long Range Transboundary Air Pollution on Persistent Organic Pollutants (COM(2003) 332 – C5-0318/2003 – 2003/0117(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the proposal for a Council decision (COM(2003) 332)¹,
 - having regard to the conclusion, on behalf of the European Community, of the 1998 Protocol to the 1979 Convention on Long Range Transboundary Air Pollution on Persistent Organic Pollutants,
 - having regard to Articles 95(1), 175(1) and 300(2), first subparagraph, of the EC Treaty,
 - having regard to Article 300(3), first subparagraph, of the EC Treaty, pursuant to which the Council consulted Parliament (C5-0318/2003),
 - having regard to the opinion of the Committee on Legal Affairs and the Internal Market on the proposed legal basis,
 - having regard to Rules 63, 67 and 97(7) of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Consumer Policy (A5-0372/2003),
1. Approves the proposal for a Council decision as amended and approves conclusion of the Protocol;
 2. Instructs its President to forward its position to the Council and Commission, and the governments and parliaments of the Member States and the Secretary General of the United Nations.

Text proposed by the Commission

Amendments by Parliament

Amendment 1
Citation 1

¹ Not yet published in OJ.

Having regard to the Treaty establishing the European Community, and in particular **Article 95(1) and** Article 175(1), in conjunction with Article 300(2), first sentence of the first subparagraph and Article 300(3), first subparagraph thereof,

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Amendment 2
Recital 6

(6) **While** the provisions of the Protocol concern environmental protection, ***certain provisions on the control of intentional production and use of chemicals, are also relevant to the functioning of the internal market.*** Consequently, it is appropriate to choose **Articles 175(1) and 95(1)** as the legal basis, in conjunction with Article 300.

(6) ***As most of*** the provisions of the Protocol concern environmental protection ***and the protection of human health,*** it is appropriate to choose **Article 175(1)** as the legal basis, in conjunction with Article 300.

Amendment 3
Recital 8

(8) ***The Protocol foresees that Parties submit proposals to the Secretariat of the Protocol for listing additional substances in Annexes I, II or III. As these proposals may affect relevant Community legislation and as it is necessary to ensure that proposals are justified and have sufficient support in the Community, only joint proposals by the Community and the Member States should be submitted to the Secretariat. When preparing draft proposals, due account of the Decision 1998/2 of the Executive Body for the Convention on Long-Range Transboundary Air Pollution should be taken.***

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Amendment 4
Article 3

Article 3

Proposals to amend Annexes I, II and III to the Protocol shall only be made, on behalf of the European Community and the Member States, by the Commission

Deleted

*following a Council Decision adopted by
qualified majority on a proposal from the
Commission.*