

# Procedure file

Basic information	
CNS - Consultation procedure Decision	2003/0117(CNS) Procedure completed
Convention on Long Range Transboundary Air Pollution (1979) on Persistent Organic Pollutants: Arhus Protocol (1998)  See also <a href="#">2003/0118(CNS)</a> See also <a href="#">2014/0358(NLE)</a> See also <a href="#">2014/0359(NLE)</a>  Subject 3.70.02 Atmospheric pollution, motor vehicle pollution 3.70.09 Transfrontier pollution	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>ENVI</b> Environment, Public Health, Consumer Policy	GUE/NGL <a href="#">FRAHM Pernille</a>	09/09/2003
	Committee for opinion	Rapporteur for opinion	Appointed
	<b>JURI</b> Legal Affairs and Internal Market	PSE <a href="#">ZIMERAY François</a>	20/10/2003
Council of the European Union	<b>ITRE</b> Industry, External Trade, Research, Energy		
	Council configuration	Meeting	Date
	<a href="#">Justice and Home Affairs (JHA)</a>	<a href="#">2561</a>	19/02/2004
European Commission	Commission DG	Commissioner	
	<a href="#">Environment</a>		

Key events			
12/06/2003	Legislative proposal published	<a href="#">COM(2003)0332</a>	Summary
01/09/2003	Committee referral announced in Parliament		
04/11/2003	Vote in committee		Summary
04/11/2003	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A5-0372/2003</a>	
20/11/2003	Decision by Parliament	<a href="#">T5-0516/2003</a>	Summary
19/02/2004	Act adopted by Council after consultation of Parliament		
19/02/2004	End of procedure in Parliament		
19/03/2004	Final act published in Official Journal		

Technical information	
Procedure reference	2003/0117(CNS)
Procedure type	CNS - Consultation procedure

Procedure subtype	International agreement
Legislative instrument	Decision
	See also <a href="#">2003/0118(CNS)</a> See also <a href="#">2014/0358(NLE)</a> See also <a href="#">2014/0359(NLE)</a>
Legal basis	EC Treaty (after Amsterdam) EC 300-p2/3-a1; EC Treaty (after Amsterdam) EC 095-p1; EC Treaty (after Amsterdam) EC 175-p1
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/5/19675

### Documentation gateway

Legislative proposal		<a href="#">COM(2003)0332</a>	12/06/2003	EC	Summary
Committee draft report		PE337.040	22/10/2003	EP	
Economic and Social Committee: opinion, report		<a href="#">CES1391/2003</a> <a href="#">OJ C 032 05.02.2004, p. 0045-0048</a>	29/10/2003	ESC	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A5-0372/2003</a>	04/11/2003	EP	
Committee opinion	JURI	PE332.621/DEF	04/11/2003	EP	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T5-0516/2003</a> OJ C 087 07.04.2004, p. 0409-0497 E	20/11/2003	EP	Summary

### Additional information

European Commission	<a href="#">EUR-Lex</a>
---------------------	-------------------------

### Final act

[Decision 2004/259](#)  
[OJ L 081 19.03.2004, p. 0035-0036](#) Summary

## Convention on Long Range Transboundary Air Pollution (1979) on Persistent Organic Pollutants: Aarhus Protocol (1998)

**PURPOSE** : to approve, on behalf of the Community, the 1998 Protocol to the 1979 Convention on Long Range Transboundary Air Pollution on Persistent Organic Pollutants. **CONTENT** : the Community has been a Party to the Convention on Long Range Transboundary Air Pollution (LRTAP) since 1982. This Convention was negotiated and adopted under the auspices of the United Nations Economic Commission for Europe. The Executive Body of the LRTAP Convention decided in 1996 to open negotiations on a Protocol on persistent organic pollutants. The negotiations were concluded in February 1998. The Commission participated on behalf of the Community and in accordance with the negotiating directives given by the Council on 7 October 1997. The Protocol on Persistent Organic Pollutants was adopted and opened for signature at a special session of the Executive Body which was held in conjunction with the Ministerial Conference "Environment for Europe" in Aarhus, Denmark on 23-25 June 1998. The Community and all the Member States signed the Protocol on 24 June 1998. The aim of the Protocol is to control, reduce or eliminate discharges, emissions and losses of persistent organic pollutants that cause significant adverse effects on human health or the environment as a result of their long-range transboundary atmospheric transport. The Protocol stipulates the elimination or reduction of production and use of thirteen substances regarded as persistent organic pollutants. In addition, Parties have to take effective measures to reduce or stabilise total annual emissions of certain substances. In order to ensure that proposals for listing additional substances in the Protocol are justified and have sufficient support in the Community, only joint proposals by the Community and the Member States may be submitted to the Secretariat. Therefore, appropriate provisions on submitting new proposals are included in the Decision. While the main purpose and the content of the Protocol concerns environmental protection, the provisions concerning prohibitions and restrictions of intentional production and use of chemicals are relevant to the functioning of the internal market. Therefore, the Decision on ratification is based on Articles 175(1) and 95(1), in conjunction with Article 300. In parallel to this proposed Decision, the Commission has put forward a proposal for a Council Decision concerning the conclusion of the Stockholm Convention on Persistent Organic Pollutants (see

CNS030118) and a Regulation to implement certain provisions of the Protocol and the Stockholm Convention, which are not yet implemented by the Community legislation.?

## Convention on Long Range Transboundary Air Pollution (1979) on Persistent Organic Pollutants: Arhus Protocol (1998)

---

The committee adopted the report by Pernille FRAHM (EUL/NGL, DK) broadly approving the proposal under the consultation procedure, subject to a few technical amendments. It said that the proposal should have a single legal basis rather than the double legal basis - Articles 175(1) and 95(1) TEC - proposed by the Commission. Given that the main purpose of the Protocol was the protection of human health and the environment, and not the functioning of the internal market, Article 175(1) of the EC Treaty was the appropriate legal basis. The committee also deleted the provisions relating to a centralised procedure for how proposals to amend the international agreements on POPs should be agreed. It pointed out that a procedure was already provided for in the agreements themselves. Moreover, the EC Treaty guaranteed individual Member States the right to negotiate in international bodies and conclude international agreements.?

## Convention on Long Range Transboundary Air Pollution (1979) on Persistent Organic Pollutants: Arhus Protocol (1998)

---

The European Parliament adopted a resolution drafted by Pernille FRAHM (EUL/NGL, DK) and made a few amendments to the proposal. (Please see the document dated 04/11/03.)?

## Convention on Long Range Transboundary Air Pollution (1979) on Persistent Organic Pollutants: Arhus Protocol (1998)

---

PURPOSE : to approve, on behalf of the Community, the 1998 Protocol to the 1979 Convention on Long Range Transboundary Air Pollution on Persistent Organic Pollutants (POP). LEGISLATIVE ACT : Council Decision 2004/259/EC concerning the conclusion, on behalf of the European Community, of the Protocol to the 1979 Convention on Long Range Transboundary Air Pollution on Persistent Organic Pollutants. CONTENT : the Council adopted a Decision on the conclusion, on behalf of the European Community, of the Protocol to the 1979 Convention on Long Range Transboundary Air Pollution on Persistent Organic Pollutants. The instrument of approval on behalf of the Community will be deposited with the Secretary-General of the United Nations, in accordance with Article 16 of the Protocol. The Protocol aims at limiting discharges, emissions and losses of thirteen persistent organic pollutants that cause significant adverse effects on human health or the environment as a result of their long-range transboundary atmospheric transport. In addition, Parties have to take effective measures to reduce or stabilise total annual emissions of certain substances.?