

Opinion 67 (1974)¹

Draft European Convention for the Protection of International Watercourses against Pollution

Parliamentary Assembly

The Assembly,

1. Confirming its great interest in the protection of the environment and the prevention of water pollution ;
2. Recalling its [Recommendation 555 \(1969\)](#) on a draft European Convention on the Protection of Fresh Water against Pollution ;
3. Believing that concerted action in the Council of Europe on water pollution is highly desirable indeed ;
4. Welcoming the draft European Convention for the Protection of International Watercourses against Pollution, elaborated by an ad hoc committee of experts under the responsibility of the Committee of Ministers ;
5. Regretting the excessively long time taken to draw up this international instrument, which is all the more unjustifiable as the Assembly's preparatory work on this question provided a basis ;
6. Welcoming the decision of the Committee of Ministers to submit this extremely important draft convention to it for an opinion ;
7. Desirous to do whatever is within its possibility to speed up the finalisation of the draft convention ;
8. Regretting that the problem of liability for pollution has only been touched upon in Article 21 of the draft convention, and finding that the present wording of Appendix II to the draft convention, laying down the conditions governing the prohibition or restriction of the discharge of dangerous or harmful substances into the waters of international hydrographic basins, contains concepts the interpretation of which by the Contracting Parties might lead to divergencies in the implementation of the convention ;
9. Regretting that groundwater has been excluded from the scope of the draft European convention,
10. Recommends therefore that the Committee of Ministers urgently include in the Intergovernmental Work Programme :
 - a. the study of the problems of liability arising from water pollution, of compensation for damage caused by such pollution, particularly when sustained by individuals, and of access to appropriate judicial procedures in case of such damage, especially when it originates in a foreign state ; the Assembly reserves itself the possibility of contributing to this study through care of its delegation to the CCJ ;
 - b. the study of the possibility of harmonising the interpretation of the various concepts appearing in the text of Appendix II to the draft convention and governing the conditions under which the discharge of dangerous or harmful substances into the waters of international hydrographic basins shall be prohibited or restricted ;
 - c. a study of international arrangements to protect water-tables by means of a suitable legal instrument ;

1. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 3 July 1974. See [Doc. 3443](#), report of the Legal Affairs Committee, and [Doc. 3448](#), opinion of the Committee on Regional Planning and Local Authorities.



11. Expresses a favourable opinion on the draft European Convention for the Protection of International Watercourses against Pollution, and recommends that this convention soon be opened for signature ;
12. Expresses nevertheless the hope that the Committee of Ministers, when considering the draft convention, pay special attention to the following questions :
 - a. the completion of Appendices I and II ;
 - b. the review of the low standards of Appendix I ;
 - c. the completion of Appendix IV, it being understood that any derogation from this appendix should be as limited as possible and in no case cover the whole range of parameters listed in Appendix I ;
 - d. the concept of pactum de contrahendo (Article 12), which should not preclude action by the Committee of Ministers itself by using the information recorded under Articles 7 and 30 of the convention ;
 - e. the introduction into Article 12 of a provision according to which the cooperation agreements should, unless the interested Contracting Parties otherwise agree, include purely national tributaries of the international watercourses in so far as they contribute considerably to the pollution of that watercourse - in this connection the Assembly recalls the useful conclusions of the UN Conference on the Human Environment held in Stockholm in 1972.