

APROBAT

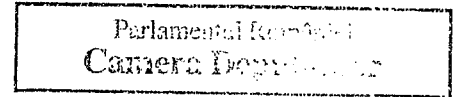
În ședința Biroului permanent al
Camerei Deputaților

din data de... 17.11.2010

Nr.

1114

INFORMARE privind participarea la



B.P. Nr. 1114 din 24.09.2010

reuniunea Comisiei pentru mediu agricultură, probleme locale și regionale a Adunării Parlamentare a Consiliului Europei (A.P.C.E.) (Paris, 17 septembrie 2010)

La 17 septembrie 2010, la Paris, s-a desfășurat reuniunea Comisiei pentru mediu, agricultură, probleme locale și regionale a Adunării Parlamentare a Consiliului Europei (A.P.C.E.), la care, din partea Delegației Parlamentului României la A.P.C.E. (Camera Deputaților), au participat domnii deputați Iosif Blaga și Relu Fenechiu, membri ai Comisiei A.P.C.E., precum și doamna Nadia Ionescu, director, secretara Delegației Parlamentului României la A.P.C.E.

I. Comisia A.P.C.E. a organizat, cu această ocazie, o audiere în două părți cu privire la „Potențialele pericole ale câmpurilor electromagnetice și efectul lor asupra mediului”, în contextul elaborării raportului parlamentarului luxemburghez Jean Huss, și cu privire la **„Necesitatea unor evaluări credibile și independente în domeniul protecției mediului”**, în contextul elaborării raportului parlamentarului român Cezar Preda.

Audierea pe marginea raportului parlamentarului luxemburghez Jean Huss, „Potențialele pericole ale câmpurilor electromagnetice și efectul lor asupra mediului”, a adus în atenție importanța prevenirii formării câmpurilor electromagnetice în zonele populate și familiarizării cetățenilor cu privire la potențialele pericole și efecte ale câmpurilor electromagnetice, îndemnând, totodată, la respectarea principiului precauției.

La audierea pe marginea raportului parlamentarului român Cezar Preda, **„Necesitatea unor evaluări credibile și independente în domeniul protecției mediului”**, au participat doamna Valerie Mason Delmotte, coordonator al Laboratoarelor privind Științele Climatului și Mediul din Franța, și domnul Dominique Meier, expert internațional. Proiectul de raport a fost prezentat, în absența raportorului, de parlamentarul român Iosif Blaga, membru supleant al Delegației Parlamentului României la A.P.C.E. Experții audiați au formulat mai multe recomandări atât cu privire la oportunitățile pe care le pot facilita Executivile statelor membre în acest domeniu, cât și cu privire la profilul general al experților regionali.

La încheierea audierii membrii Comisiei au apreciat raportul drept unul dintre cele mai importante pentru anul în curs și au decis ca la viitoare dezbateri să existe o participare mai largă din partea experților internaționali și reprezentanți ai mediului academic.

II. De asemenea, membrii Comisiei A.P.C.E. au dezbătut mai multe proiecte de rapoarte și rezoluții dintre care menționăm:

- **„Prezervarea mediului în spațiul mediteranean”**, raport elaborat de parlamentarul maltez Joseph Falzon. La dezbateri au participat și parlamentari din Maroc, precum și Secretarul general al Centrului Internațional pentru studii avansate de agronomie în spațiul mediteranean. Raportul maltez, prin textul rezoluției pe marginea raportului, a exprimat regretul față de faptul că, „în ciuda numeroaselor inițiative la nivel internațional, Marea Mediterană încă se confruntă cu grave probleme de mediu”, care sunt în primul rând rezultatul unor factori precum: pescuitul în exces, urbanizarea galopantă a zonelor de coastă și lipsa controlului asupra evacuării deșeurilor și a apelor uzate. **Parlamentarii din Grecia, Malta și Spania și-au exprimat insatisfacția față de lipsa de programe și politici ale Uniunii Europene în spațiul mediteranean, față de inactivitatea Adunării Parlamentare Euro-Mediterraneene și neclaritățile în ceea ce privește modificările aduse la normele statutare ale acestei organizații. La intervenția parlamentarului spaniol Lluís Maria de PUIG față de criticile formulate de raportor în textul art. 11 din proiectul de rezoluție, au fost eliminate referințele negative concrete la adresa Uniunii Europene.**

- **Activitățile OCDE în 2009-2010.** Purtătorul de cuvânt din partea Comisiei, parlamentarul german Axel Fischer, a prezentat un proiect de contribuție a Comisiei A.P.C.E. cu privire la activitatea OCDE, proiect ce urmează să fie înaintat plenului Adunării, cu ocazia dezbaterii raportului la sesiunea din octombrie 2010.

- **Reforma Politicii comune de pescuit și Politicile agricole comune.** Raportorul finlandez Juha Korkeaoja a prezentat proiectul preliminar de raport și a avut un schimb de opinii cu membrii Comisiei.

Dintre proiectele de rapoarte prevăzute spre dezbateri și amânate din cauza absenței raportorilor menționăm „Necesitatea evaluării progreselor înregistrate în implementarea Convenției de la Berna” și „Apa-sursă a nenumărate conflicte”. În cazul ultimului proiect de raport, membrii Comisiei A.P.C.E. au propus și organizarea unei viitoare audieri pe marginea temei raportului.

În continuare, membrii Comisiei A.P.C.E. au avut schimburi de vederi cu privire la activitățile Acordului Consiliului Europei EUR-OPA Riscuri Majore, Forumului Mondial al Apei, Conferinței privind Energia Nucleară, etc. și au fost informați cu privire la controversele legate de protestele unor ONG-uri ucrainiene privind acordarea Premiului Europei orașului ucrainian Harcov.

În legătură cu cel de al 6-lea Forum Mondial al Apei, ce va avea loc la Marsilia, în 2012, atât membrii Comisiei A.P.C.E. cât și experții invitați au constatat că, din păcate, parlamentarii nu iau în serios politicile privind apa și au sugerat parlamentarilor să organizeze dezbateri cu privire la Obiectivele Mileniului și cu privire la rezultatele celui de al 5-lea Forum Mondial al Apei, de la Istanbul, din 2009.

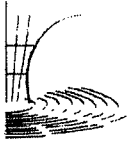
De asemenea, membrii Comisiei A.P.C.E. au trecut în revistă răspunsurile Comitetului de Miniștri față de recomandările formulate de Comisia A.P.C.E. prin Recomandarea 1883 (2009) - „Provocările aduse de schimbările climatice”, Recomandarea 1885(2009) - „Elaborarea unui protocol adițional la Convenția Europeană privind Drepturile Omului referitor la dreptul la un mediu înconjurător sănătos”, Recomandarea 1888 (2009) „Către o nouă guvernare a oceanelor” și au stabilit programul de activități viitoare ale Comisiei A.P.C.E., din care menționăm propunerea de elaborare a unui raport privind „Continuarea dialogului Consiliului Europei în bazinul Mării Mediterane și cel al Mării Negre”.

Propunem transmiterea prezentei informări Comisiei pentru afaceri europene a Parlamentului României și Ministerului Afacerilor Externe.


Iosif Blaga, deputat,
membru al Delegației Parlamentului României la APCE


Relu Fenechiu, deputat,
membru al Delegației Parlamentului României la APCE

Red. Nadia Ionescu, director, secretara Delegației Parlamentului României la A.P.C.E.



AS/ENA (2010) OJ 07 rev.
3 September 2010
AENAOJ_10_07rev

Committee on the Environment, Agriculture and Local and Regional Affairs

REVISED DRAFT AGENDA

for the meeting to be held in PARIS

Council of Europe Office
(55 avenue Kléber, Paris 16^{ème} – *métro station Boissière*)
(tel: +33 (0) 1 44 05 33 60, fax: +33 (0) 1 47 27 36 47)

Friday 17 September 2010 (from 9.30 am to approx 5 pm)

1. **Agenda**
[AS/ENA (2010) OJ 07 rev.]

Opening of the meeting and adoption of the draft agenda
2. **Minutes**
[AS/ENA (2010) PV 06]

Approval of the draft minutes of the meeting held in Strasbourg on 24 June 2010
3. **Statement by the Chair**
[Bureau synopsis, Session agenda, Press releases Summer University + Europe Prize, information trees Kharkiv]

This draft agenda, addressed to members of the Committee and their alternates, is the convocation to the meeting

Copy to Secretaries of national delegations

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<http://assembly.coe.int/extranet>

4. Preserving the environment in the Mediterranean

Rapporteur: Mr Falzon, Malta, EPP/CD

[AS/ENA (2010) 25 rev, AS/ENA (2010) 11 rev.]

Exchange of views with the participation of **Mr Francisco Mombiela**, Secretary General of the International Centre for Advanced Mediterranean Agronomic Studies (CIHEAM) and a parliamentary delegation from **Morocco** (*to be confirmed*)

Presentation by the Rapporteur and adoption of a draft resolution

5. The activities of OECD in 2009-2010

Committee spokesperson: Mr Fischer, Germany, EPP/CD

[AS/ENA (2010) 35, Doc. 12340 prov]

Presentation of a draft contribution by the Committee to the enlarged debate in the Assembly (morning of Wednesday 6 October 2010)

Exchange of views and possible approval of the draft contribution

6. Activities of the EUR-OPA Council of Europe Major Hazards Agreement

Exchange of views with the participation of **Mr Eladio Fernández-Galiano**, Executive Secretary

7. 6th World Water Forum (Marseilles, 2012)

Exchange of views on preparation of the Forum and the Water Help Desk with the participation of **Mr Victor Ruffy**, President of Solidarity Water Europe

8. Water – a source of countless conflicts

Rapporteur: Mr Marquet, Monaco, ALDE

[AS/ENA (2010) 31 rev.]

Presentation of a preliminary draft report by the Rapporteur

Exchange of views

9. Reforms of the Common Fisheries and the Common Agricultural Policies

Rapporteur: Mr Korkeaoja, Finland, ALDE

[AS/ENA (2010) 34, AS/ENA (2010) 13 rev.]

Presentation of a preliminary draft report by the Rapporteur

Exchange of views

10. Need to assess progress in implementation of the Bern Convention

Rapporteur: Mr Lotman, Estonia, UEL

[AS/ENA (2010) 26 rev.]

Presentation of a revised preliminary draft report by the Rapporteur

Exchange of views with the participation of **Mr Eladio Fernández-Galiano**, Head of the Biological Diversity Unit

11. Conference on nuclear energy (Strasbourg, 25-26 November 2010)

[AS/ENA (2010) 15 rev 3, part form members]

Consideration of the revised draft programme of the conference

12. Climate Change Summit (COP-16) Mexico, December 2010

[Letter Mexico]

Exchange of views on the preparation of a contribution

13. Replies by the Committee of Ministers to recommendations emanating from the Committee

[Doc. 12298 + Recommendations 1883 +1885 and Doc. 12343 + Recommendation 1888]

A. The challenges posed by climate change (Recommendation 1883 (2009))

B. Drafting an additional protocol to the European Convention on Human Rights concerning the right to a healthy environment (Recommendation 1885 (2009))

C. Towards a new ocean governance (Recommendation 1888 (2009))

14. Committee's work programme

[AS/ENA (2010) 02 rev 6]

A. Consultation for follow-up to be given on two motions for a resolution

- Dangers of nuclear energy towards the environment [Doc. 12273]

- Continuation of the Council of Europe dialogue in the Mediterranean and the Black Sea [Doc. 12290]

B. Follow-up to be given to Written Declaration n° 452 on a new energy model
[Doc. 12322]

C. Appointment of Rapporteurs
[Doc. 12177]

Over-indebtedness of States: a danger for democracy and human rights (*for opinion on the report by the Economic Affairs Committee*)

D. Reports on past events

E. Forthcoming activities

15. Other business

At 2.30 pm:

16. Joint Hearing on:

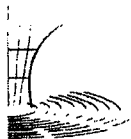
A. The potential dangers of electromagnetic fields and their effect on the environment

Rapporteur: Mr Huss, Luxembourg, SOC
[AS/ENA (2010) 32]

Presentations by:

Mr Ralf Baden, Ministry of Health, Luxembourg

Mr Ulrich Warnke, Professor, University of Saarbrücken, Germany



AS/ENA (2010) 33 rév.

9 septembre 2010

FENA10_33rev

La nécessité d'expertises indépendantes et crédibles dans le domaine de l'environnement

Avant-projet de rapport

Rapporteur : M. Cezar Florin PREDA, Roumanie, Groupe du Parti populaire européen

1. Introduction

Les événements récents nous montrent qu'il est indispensable d'avoir des expertises fiables, encore faut-il définir ces termes dans leurs contextes. Il est clair que nous vivons une époque où tout le monde doute de tout et de tous et ce, même dans des domaines où les personnes font preuve de compétence.

2. Qu'est-ce qu'une expertise scientifique ?

2.1. Généralités

Il s'agit d'une **investigation** qu'un tiers, généralement une institution publique, confie à une personne ou à un groupe de personnes détentrices d'un savoir et éventuellement d'un savoir faire dans le domaine concerné.

Il y a nécessité d'expertise lorsqu'une prise de décision implique la connaissance d'un champ qui n'est pas du domaine de la connaissance commune, ou pas suffisamment. Lorsque le domaine concerné présente un caractère scientifique avéré, il est d'usage de faire appel à un ou plusieurs acteurs du secteur concerné et éventuellement des secteurs connexes. L'expert va donc s'installer comme un trait d'union entre la connaissance et la décision politique.

Il s'agit principalement d'un travail d'analyse et surtout d'interface avec le groupe demandeur.

Il est d'usage également qu'une expertise soit demandée en cas de catastrophes naturelles ou non, ayant des répercussions graves sur l'environnement et la santé des individus.

2.2. Le problème du cadrage

La première question qui se pose est celle de savoir qui est à l'origine de l'expertise et qui va financer. En effet, l'on constate très souvent que les résultats varient selon les suites qu'on veut y donner, notamment lorsque les commanditaires ont des intérêts directs dans le domaine soumis à expertise. Ceci vaut aussi et surtout en matière d'expertise scientifique. L'approche est, par contre, très différente lorsqu'il s'agit d'entreprendre des expertises post-événementiels et particulièrement post-catastrophes. En effet, dans ce dernier cas, il y a surtout des enjeux économiques et financiers.

2.3. La particularité scientifique

L'approche scientifique présente des particularités. Elle fonctionne selon une structure qui lui est propre avec un langage et des codes spécifiques.

Appréhender une situation de façon scientifique consiste à construire un modèle théorique, c'est-à-dire un ensemble de processus abstraits qui rendent compte du comportement d'une situation réelle. Un modèle s'appuie forcément sur la prise en compte d'un nombre limité de paramètres, ce choix, souvent occulté, est crucial et contestable. Le modèle est toujours parfaitement juste, mais compte tenu des hypothèses sur lequel il s'appuie et surtout compte tenu des paramètres pris en compte dans son élaboration.

Les résultats donnés par ce modèle sont ensuite confrontés aux résultats expérimentaux connus. Il sera ensuite présenté (et/ou publié) devant une assemblée de scientifiques. Le modèle proposé fait alors l'objet d'une investigation collective, son auteur est amené à répondre aux questions de ses pairs. Il arrive que plusieurs modèles soient développés pour une même situation.

Ils servent d'outils de prédiction et de simulation pour des situations futures éventuelles.

La question de leur adaptation à cette situation est rarement soulevée. Un modèle, si perfectionné soit-il, est toujours limité à une situation particulière et souvent idéale. Le modèle de la chute libre, par exemple, fait abstraction des frottements. Les modèles devant rendre compte des frottements sont actuellement plus ou moins performants. Rendre compte, de façon précise, de la chute d'un objet est quelque chose de très difficile, du fait du nombre important de paramètres à prendre en compte. Pour un modèle climatique, le nombre de paramètres est encore plus important et son élaboration sera d'autant plus délicate.

Les modèles ainsi élaborés vont permettre de prédire l'évolution d'une situation. Cette prédiction se fait sur la base des données expérimentales exploitées par le modèle. La justesse de ces données va fortement influencer les résultats fournis par le modèle. Citons comme exemple, les modèles de prévision climatique. Dans son rapport sur les changements climatiques de 2007, l'IPCC (le GIEC) s'appuie sur l'évolution des températures relevées de 1850 à nos jours. Les températures sont relevées de façon précise depuis 50 à 70 ans, les valeurs antérieures ne présentent donc pas la même précision, les résultats fournis par les différents modèles seront donc peu précis. Il convient alors d'estimer la fiabilité des résultats obtenus, « il est probable que la Terre soit en phase de réchauffement », cette probabilité doit être chiffrée. A ce sujet, on pourra être surpris de constater que les températures annoncées par le GIEC pour les années 1850 sont précises au dixième de degré près !

Les scientifiques ont l'habitude de manipuler des modèles. Ils en connaissent leurs limites et de ce fait, savent que la crédibilité du résultat donné par le modèle est limitée. Cette crédibilité fait d'ailleurs souvent l'objet d'un chiffrage. La localisation par GPS se fait à quelques mètres près...

Cet aspect est souvent méconnu du public non scientifique et celui-ci attend souvent un résultat parfaitement exact et incontestable.

Les situations physiques réelles sont extrêmement complexes à modéliser, donc à appréhender scientifiquement. Le cycle de l'eau présente encore des zones d'ombre, dire exactement pourquoi telle ou telle forêt présente des signes de faiblesse est scientifiquement impossible. Dire ce que va devenir chaque molécule de cet engrais versé aujourd'hui dans ce champ l'est tout autant. Par contre, les centres d'étude climatique disposent d'un nombre important de données, comme par exemple des concentrations en soufre, en CO₂ dans l'atmosphère, ces données permettent d'avancer des hypothèses, de tirer des sonnettes d'alarme, mais rien de plus d'un point de vue scientifique. Le processus d'appréhension scientifique est forcément limité par la multiplicité des facteurs qui interviennent dans les processus naturels.

Notons enfin que le travail de recherche scientifique est piloté par le groupe scientifique lui-même et non par l'extérieur. L'orientation des nouveaux travaux se fait souvent en fonction des résultats des travaux précédents. Le cheminement suivi pour établir une nouvelle loi ou un nouveau modèle est rarement linéaire.

3. Position et rôle particulier de l'expert scientifique

L'expertise est souvent demandée par une instance décisionnelle à un scientifique ou à un groupe de scientifiques, qui font habituellement partie d'un organisme public de recherche (CNRS, INRA...) externe à l'instance décisionnelle (ce qui n'a pas toujours été le cas). Le scientifique se situe alors à l'interface entre la connaissance et la décision politique. Il doit intégrer la connaissance scientifique au processus de décision.

Le scientifique est alors confronté à une situation inhabituelle pour lui, qui consiste à répondre à une question, dans un délai fixé, dont la réponse doit obligatoirement permettre de prendre, ou au moins d'aider, à prendre une décision. Dans un contexte scientifique, répondre « je ne sais pas » convient parfaitement. Dans le cadre d'une expertise, cette réponse est plus délicate à formuler et souvent inacceptable pour l'instance décisionnelle.

Celle-ci a besoin au moins d'un pseudo-engagement ou au minimum d'un diagnostic.

Bien souvent le scientifique, devenu expert, sera alors amené à aller au-delà des réponses données par les analyses scientifiques, il va donner son propre avis, celui qui normalement n'engage que lui et ses convictions propres.

Citons, pour illustrer, les réponses apportées par le GIEC en 1990 concernant l'avenir du climat : « Les calculs nous donnent la conviction que... », « nous estimons que... ». Dans ce cas particulier, les modèles et leurs résultats sont entachés d'importantes incertitudes et d'un point de vue scientifique, la seule réponse correcte est « nous ne sommes pas en mesure aujourd'hui d'apporter une réponse scientifique à la question posée ». Mais le groupe va plus loin et donne son avis, il dépasse ou plutôt transgresse son rôle scientifique pour satisfaire à celui d'expert.

4. Crédibilité de l'expertise

Se pose alors naturellement la question de la crédibilité d'une expertise scientifique. Le scientifique ou son groupe, pour répondre à la question posée, sera obligatoirement amené à aller au-delà des résultats purement techniques. Ceci n'est pas reprochable en soi mais doit être clairement identifié, il ne s'agit plus du résultat d'une analyse technique incontestable mais de la conviction du groupe qui, elle aussi, a son importance. Il faut que la différenciation entre résultats scientifiques et conviction soit clairement faite. Le « je ne sais pas » scientifique doit être réhabilité et non pas dénigré.

Faut-il, pour obtenir une expertise crédible, la confier à un seul expert ou constituer un collège d'experts ? Le choix des experts est crucial et c'est tout le nœud du problème. Dans ce contexte, il apparaît primordial d'éviter une hyper-qualification comme garantie de qualité, qui est souvent synonyme de spécialisation importante, alors qu'une expertise, au contraire, nécessite des connaissances pluri et transdisciplinaires.

L'expertise apparaît manifestement comme une discipline qui a ses propres exigences or, elle n'est pas actuellement reconnue comme telle. Il apparaît important de définir les compétences propres à l'expertise. Une partie des scientifiques travaillant dans les laboratoires pourraient alors collaborer de façon quasi-permanente au travail d'expertise. Des thèmes comme « l'eau », « le pétrole » pourraient faire l'objet de travaux permanents, avec publications, débats disciplinaires, débats publics et pourquoi pas la création d'un Nobel de l'expertise !

Un autre écueil à éviter est celui du conflit d'intérêts. La plupart des chercheurs ont besoin, pour leurs travaux, de trouver des financements autres que les financements publics (souvent insuffisants). Ceux-ci les amènent à travailler pour des groupes d'intérêts privés. Ces derniers font appel aux meilleurs spécialistes dans le domaine qu'ils développent. Dans le cadre d'une expertise, il serait alors dommage de se priver de ces compétences uniquement parce qu'elles profitent aussi à un groupe privé impliqué dans la nature de l'expertise.

Une des questions est celle de savoir s'il faut ou non des experts dits indépendants, des experts gouvernementaux ou des experts dépendant spécialisés. Ces trois catégories présentent des avantages et des inconvénients. Mais le choix de la catégorie dépend avant tout de la nature de l'expertise à effectuer et des personnes ou des organisations directement impliquées.

Il est également important de définir de manière précise le terme « indépendance ».

Cette réflexion entraîne celle de savoir si dans certains cas un collège d'experts dits indépendants ou non ne présenterait pas un avantage plus grand d'une expertise neutre et objective ?

Reste à étudier la méthodologie suivie pour construire l'expertise. Généralement, le groupe est composé d'experts dont les points de vue sont voisins. Il apparaît nécessaire de constituer des groupes dont les scientifiques ont, *a priori*, des avis divergents. Le groupe doit être au moins constitué de deux sous-groupes, l'un qui défend la cause, l'autre qui l'accuse. La controverse scientifique est indispensable à la bonne marche de l'analyse.

Dans ce cadre et compte tenu de la nature des questions posées dans le cadre d'une expertise, il paraît intéressant de créer « un espace public de l'expertise ». Le caractère public constitue une sorte de miroir critique.

Notons que cette démarche est différente de celle souvent pratiquée, à savoir une expertise suivie d'une contre-expertise. Cette méthode exclut la mutualité des réflexions.

5. Expertise et notion de risque

L'expertise scientifique ne supprime pas le risque, elle doit informer quant à sa présence et à sa nature. C'est là où se situe le nœud du problème. Il apparaît nécessaire de se poser la question de l'évaluation stratégique ou environnementale.

L'expertise post-catastrophe requiert quant à elle non seulement l'établissement des causes mais devrait pouvoir établir et proposer, pour l'avenir, des règles de sécurité et de prévention.

Il est également apparu nécessaire de se pencher sur la question des répercussions des expertises dont le résultat a une incidence transfrontalière. Par exemple, une expertise en cas de construction d'un gazoduc, d'une centrale nucléaire...

6. L'usage de l'expertise

Que fait-on d'une expertise ? Pour répondre à cette question, rappelons-nous qu'elle est généralement demandée par une instance décisionnelle, souvent de nature politique. Il s'agit donc d'assister, d'aider le politique à prendre une décision. C'est la fonction première de l'expertise.

Mais, en termes de responsabilité, celle-ci est alors partagée entre le décideur et le scientifique. On peut, d'ailleurs se demander si dans quelques cas particuliers, l'expertise n'est pas commandée alors que la décision est déjà prise !

Elle peut aussi, hélas, servir les intérêts de groupes d'influence et de groupes privés à des fins financières.

7. Commentaires autour de quelques cas particuliers

A ce stade de la réflexion il apparaît judicieux d'examiner certains cas particuliers, non exhaustifs.

A titre d'exemple :

7.1. L'amiante

Les programmes successifs d'action de l'Union Européenne dans le domaine de l'environnement ont mis l'accent sur l'importance de la prévention et de la réduction de la pollution de l'environnement puisque, suite aux études entreprises, l'amiante a été inclus parmi les polluants de la première catégorie, lesquels doivent être analysés du point de vue de leur toxicité et des graves effets potentiels sur la santé humaine et l'environnement.

La Directive du Conseil européen no 87/217/CEE concernant la prévention et la réduction de la pollution de l'environnement par l'amiante vise à prévenir la pollution de l'environnement par l'amiante. En outre, cette substance a été incluse dans l'Annexe XVII du Règlement (CE) no 1907/2006 concernant l'enregistrement, l'évaluation et l'autorisation des substances chimiques, ainsi que les restrictions applicables à ces substances (REACH).

Ces dispositions législatives ont pour but de protéger la santé de la population et de l'environnement, de prévenir, réduire et contrôler la pollution de l'environnement par l'amiante, de limiter la commercialisation et l'utilisation de l'amiante et des produits contenant de l'amiante, ainsi que de faire étiqueter les produits contenant de l'amiante.

Si les risques de l'utilisation des substances dangereuses ne sont pas gérés correctement, la santé de l'homme et de l'environnement peut être affectée irréremédiablement. La santé des travailleurs peut être affectée dans des modalités variées, les effets allant des légères irritations des yeux et de la peau à l'asthme, aux problèmes liés à la reproduction et aux malformations congénitales, voire au cancer. Ceci peut être le résultat d'une courte exposition ou d'expositions multiples et d'une accumulation à long terme des substances dans l'organisme.

Pour prévenir ou réduire les effets négatifs des substances sur l'environnement, surtout la pollution des eaux de surface et souterraines, du sol, de l'air, y compris l'effet de serre, ainsi que de tout risque pour la santé de la population, il faut procéder à une évaluation des risques du point de vue de l'environnement et de la santé de l'homme.

Etant donné que l'évaluation des risques est réalisée au niveau de plusieurs entités (industrie, autorités, ONG) des différences peuvent surgir quant à l'interprétation des résultats et il est important que l'évaluation des risques soit fondée sur un code d'éthique lequel pourrait constituer le point de départ pour résoudre ces dysfonctions.

7.2. Les pesticides

L'évaluation des risques pour l'environnement se retrouve aussi dans le cadre de l'évaluation des produits biocides, des produits pour la protection des plantes et de toute autre substances chimique laquelle, en vertu de la quantité placée sur le marché, entre dans le champ d'application du Règlement (CE) no 1907/2006 concernant l'enregistrement, l'évaluation et l'autorisation des substances chimiques, ainsi que les restrictions applicables à ces substances (REACH), à savoir :

- la procédure d'enregistrement,
- la procédure d'évaluation,
- la procédure de restriction.

Dans le cadre de ces procédures on interprète toute l'information existante, relative à certaines utilisations des substances qui forment l'objet de l'élaboration de certaines options de gestion des risques.

Par exemple, dans le domaine des pesticides/produits pour la protection des plantes, conformément à la législation nationale et communautaire, le solliciteur de l'homologation de divers produits/substances chimiques lesquels seront utilisés, commercialisés, placés sur le marché, est obligé d'obtenir l'avis d'environnement du Ministère de l'Environnement et des Forêts. Pour obtenir des avis, le solliciteur doit déposer un dossier comprenant des données sur des aspects d'ordre éco-toxicologique et sur le comportement du produit dans l'environnement.

Pour prévenir ou réduire les effets négatifs des pesticides/produits pour la protection des plantes sur l'environnement, surtout la pollution des eaux de surface, souterraines, du sol, de l'air, ainsi que de tout risque pour la santé de la population et de l'environnement, il est nécessaire de réaliser une évaluation des risques du point de vue de l'environnement et de la santé de l'homme. Suite aux évaluations de l'environnement on établit :

- les restrictions vis-à-vis de l'environnement (organismes aquatiques, oiseaux, abeilles etc.),
- la distance à laquelle on peut utiliser les pesticides sans risquer de polluer les eaux de surface et souterraines,
- les phrases de risque moyen, lesquelles doivent obligatoirement se trouver sur l'étiquette des produits en question.

Le processus d'interprétation des résultats des évaluations des risques donne lieu à de nombreuses discussions entre les experts des Etats membres engagés dans ces procédures, discussions engendrées par diverses interprétations de la législation communautaire.

L'uniformité des actions des experts, basée sur un code d'éthique, pourrait être le point de départ pour résoudre ces dysfonctions.

7.3. La grippe A

Le 10 Aout 2010, la pandémie due au virus grippal A (H1N1) est terminée selon le Docteur Margaret Chan, Directrice Générale de l'OMS. En mai 2009, l'OMS a présenté une grippe particulière (la grippe A virus H1N1) comme une menace mondiale. A ce jour, la pandémie a fait 18500 victimes. Notons qu'une grippe classique saisonnière en fait entre 250000 et 500000. Mme Chan a estimé que l'OMS n'a pas sur-réagi et qu'elle a su trouver le bon équilibre.

Dans le même temps, le British Medical Journal devait rendre public les activités du Professeur Arnold Monto, consultant pour les laboratoires fabricants les vaccins et les antiviraux.

Le Rapporteur de la Commission de la santé du Conseil de l'Europe, Wolfgang Wodarg, accuse l'OMS et les firmes pharmaceutiques d'avoir organisé une forme de panique pour vendre de façon importante ses produits. M. Wodarg dénonce une mise sous pression des scientifiques membres de l'OMS. En effet, certains chercheurs travaillent habituellement pour des groupes pharmaceutiques, ils ne participent aux travaux de l'OMS que pendant une courte durée. Se pose alors pour eux la question de leur avenir !

Se pose dans ce dossier, le problème de la constitution du groupe d'experts, qui semble ici travailler, en général, pour des groupes d'intérêts privés. La transparence est assez faible, ces informations sont dues à des investigations de journalistes où au travail d'un Président de commission internationale indépendante. Il n'y a pas de groupe d'opposition. Les débats ne sont pas public.

7.4. Explosions –

A compléter.

7.5. Catastrophes naturelles

L'évaluation crédible des dégâts pendant et après les catastrophes naturelles (inondations, glissements de terrain, phénomènes météorologiques dangereux, tels la sécheresse ou les incendies des forêts) a constitué un point important dans l'élaboration de la législation nationale et communautaire dans ce domaine. D'ailleurs, cet aspect a été abordé tant dans la Directive 2007/60/CE relative à l'évaluation et à la gestion des risques d'inondation que dans la Stratégie nationale de gestion des risques d'inondation à moyen et long terme.

Les inondations produites en Roumanie ces dernières années ont démontré que, pour évaluer les dégâts d'une manière correcte et rapide, on a besoin d'images satellitaires de haute résolution, afin de compléter les données fournies par les commissions d'évaluation des dégâts constituées au niveau de chaque unité administrative-territoriale affectée.

A part les mesures d'intervention en cas d'inondation, il faut prendre en considération les événements associés, tels les pollutions accidentelles produites dans les zones résidentielles ou dans les parcs industriels durant les inondations. Pour gérer ces risques il faut prévoir dans les budgets des détenteurs de travaux à rôle défensif et de ceux qui administrent les cours d'eau des sommes pour la dotation en matériaux et moyens d'intervention en cas de pollution.

Pendant les périodes de sécheresse il faut accorder une attention particulière aux incendies des forêts qui, à côté des inondations, produisent des dégâts considérables du fonds forestier, leur inventaire correct restant à la base de la réhabilitation des zones affectées.

8. Recommandations

Obligation de situer et de chiffrer l'incertitude

Obligation d'identification du caractère hypothétique d'un scénario

Création d'une échelle quantifiée d'un indice de confiance

Création d'un comité d'experts scientifiques assurant l'interface avec les centres de recherche, les chercheurs et l'instance décisionnelle.

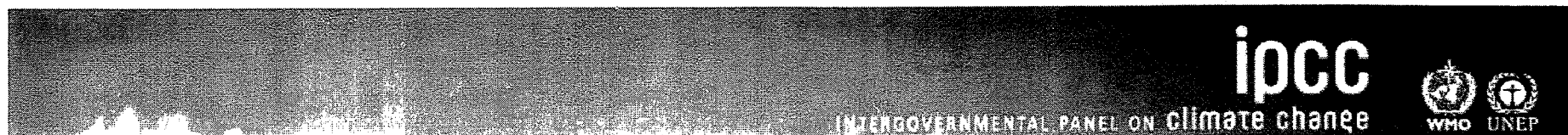
L'expertise scientifique doit devenir une spécialité à part entière.

Établissement de règles-modèles et/ou d'un code d'éthique

Création d'un fond public destiné à financer les expertises dites sensibles.

Harmonisation des mesures au niveau européen lorsqu'il s'agit d'une expertise à caractère transfrontière.

Adopter des procédures spéciales pour assurer la transparence et l'information du public en temps utile sur le contenu du rapport d'expertise, les noms des auteurs et leur expérience professionnelle.



The need for independent and credible
environmental assessments :

Intergovernmental Panel on Climate Change (IPCC)

Valérie Masson-Delmotte

Laboratoire des Sciences du Climat et de l'Environnement (IPSL-CEA-CNRS-UVSQ), France

Lead author of IPCC Fourth Assessment Report (AR4), 2007

Coordinating Lead Author of IPCC Fifth Assessment Report (AR5), due in Sept. 2013

Author nomination

- Nominations of governments and participating organizations, self nomination of qualified experts
Focal Point, Minist. Foreign Affairs, Observ. Org.
- Composition of author teams : wide range of views, expertise, geographical representation
- Selection of (Coordinating) Lead Authors, Review Editors by the Working Group bureaux
- Governments informed.

AR5

- 831 authors selected in May 2010 out of 3000 candidates (50% more candidates than for AR4)
- 30% of authors from developing countries or transition countries
- 25% female experts
- 60% new experts
- All information available on www.ipcc.ch

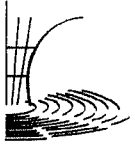
Overview of inquiries into climate science and IPCC in 2010

- House of Commons (UK) Review (21 March 2010)
- Oxburgh Review (UK) (14 April 2010)
- Penn State Review of Michael Mann (USA) (1 July 2010)
- Dutch PBL Review (NL) (5 July 2010)
- Muir Russell Review (UK) (7 July 2010)
- EPA Review (USA) (29 July 2010)
- InterAcademy Concil (30 August 2010)

All reports available online

Key recommendations of IAC

- Modernizing the management structure
- Strengthening the review process
- Characterizing and communicating uncertainties
- Developing an effective communication strategy
- Increasing transparency (e.g. scoping and selection criteria)
- Clarifying the use of unpublished and non peer reviewed sources
- Engaging the best regional experts
- Expediting approval of the summary for policy makers
- Reducing the growing burden on the scientific community
- Maintaining flexibility
- Develop and adopt a rigorous conflict of interest policy for all individuals involved (leadership, authors, technical staff...)



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27 July 2010

AENA10_25 rev.

Preserving the environment in the Mediterranean

Preliminary draft resolution

Rapporteur: Mr Joseph FALZON, Malta, Group of the European People's Party

1. The Parliamentary Assembly regrets the fact that, despite various initiatives at international level, the Mediterranean still faces very serious environmental problems, which are the result both of climate change and of factors such as overfishing, rampant coastal development, inadequate controls over waste and wastewater disposal and increased shipping.
2. Furthermore, while the region's rapid growth in recent decades has had positive effects on the local standard of living, this has, regrettably, largely been at the cost of its environmental balance.
3. According to some scientific studies, biodiversity is under increasing threat, and some vulnerable species are already on the verge of extinction.
4. Climate change has affected water resources owing to increased evaporation and decreased rainfall. Water therefore is set to be a major political and economic issue, over which there are likely to be highly frequent conflicts in the Mediterranean.
5. In this connection, the Assembly refers to Resolution 1197 (1999) on peace, democratic stability and sustainable development in the Mediterranean and Black Sea basins: the role of interparliamentary co-operation, Recommendation 1630 (2003) on erosion of the Mediterranean coastline: implications for tourism and Resolution 1693 (2009) on water: a strategic challenge for the Mediterranean Basin.
6. The Assembly would also refer to the Bern Convention (the Convention on the Conservation of European Wildlife and Natural Habitats), whose aim is to preserve wild plant and animal species and their natural habitats and promote European co-operation in this field, the Barcelona Convention of 1976 on the protection of the Mediterranean Sea, which aims to reduce pollution in the Mediterranean region and protect and enhance the marine habitat in this area in order to contribute to its sustainable development, and the European and Mediterranean Major Hazards Agreement (EUR-OPA), which is a forum for co-operation between European and southern Mediterranean countries in the field of major natural and technological hazards.
7. The Assembly would also highlight the existing international treaties in this field, particularly the Mediterranean Action Plan (MAP), brokered by the United Nations Environment Programme (UNEP), and the Mediterranean Environmental Technical Assistance Programme (METAP).
8. In this context, the Assembly welcomes the measures taken by some states to set up national action plans for the environment and encourages countries which have not yet done so to follow this example.

9. The Assembly welcomes the action taken in the sustainable development field by some southern Mediterranean countries, particularly Morocco, with a view to preserving fish stocks and the marine environment and developing renewable energy sources, and encourages all southern Mediterranean countries to take this kind of measure.

10. The Assembly welcomes the constructive co-operation with the Parliamentary Assembly of the Mediterranean (PAM) on subjects of common interest such as environmental protection, disaster management and the role of local and regional authorities and highlights the major role played by the Council of Europe in this connection in the Mediterranean region.

11. The Assembly notes and regrets that since its establishment in 2008 and owing to a lack of commitment on the part of the European Union, the Union for the Mediterranean (UfM), which brings together all the European Union member states and Mediterranean countries, has not yielded any practical results despite the various projects that were decided on.

12. The Assembly is disappointed at the lack of solidarity between the northern and southern countries. This is especially regrettable in view of the fact that the northern countries have contributed to a large degree to the environmental deterioration in the southern countries, caused in particular by the intensification of tourism in the Mediterranean and intensive farming of the land around the Mediterranean for northern markets.

13. The Assembly would also point out that there is a great deal of shipping activity in the Mediterranean and that most ships carry cargoes which can cause major environmental damage if they are lost.

14. In the light of the foregoing, the Assembly asks the member states and non-member states of the Council of Europe, particularly the countries of the Mediterranean basin:

14.1. to implement strict policies designed to prevent and reduce environmental degradation in the Mediterranean;

14.2. to enhance national and international environmental legislation and ensure that it is implemented;

14.3. to take measures to promote the sustainable management of water resources;

14.4. to commit appropriate financial resources, build institutional capacity and promote technology and skills transfer in order to address the environmental problems of the Mediterranean basin;

14.5. to take joint action at parliamentary level with the Parliamentary Assembly of the Mediterranean (PAM) and the Euro-Mediterranean Parliamentary Assembly (EMPA) to preserve the Mediterranean environment more effectively;

14.6. to work in close co-operation with the Union for the Mediterranean to improve its performance in the environmental protection field and compensate for some countries' lack of political commitment;

14.7. to encourage and, as far as possible, to assist financially the Mediterranean towns and coastal areas in modernising their harbour installations and sewage systems;

14.8. to step up inspections of the fishing industry and help rebuild depleted fishing stocks;

14.9. to promote sustainable, healthy tourism respecting the natural heritage and, in this connection, promote the establishment of a system of taxes for the benefit of tourist countries;

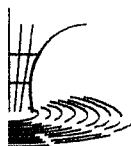
14.10. to encourage increased use of renewable energy sources around the Mediterranean and support the efforts already being made by some countries to improve their energy efficiency;

14.11. to intensify co-operation and integration in the field of maritime surveillance so as to improve oil pollution control and apply the "polluter pays" principle;

14.12. to adopt an integrated ecosystem-based approach for protection of the Mediterranean environment and combat pollution linked with urban development, agriculture and industry;

14.13. to take measures to improve the quality of biannual reports, particularly as regards comparisons between the parties to the Barcelona Convention;

14.14. to sign and ratify, if they have not already done so, the international legal instruments relating to co-operation in the area of sustainable development in the Mediterranean, some of which are referred to above.



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Preserving the environment in the Mediterranean

Draft memorandum

Rapporteur: Mr Joseph FALZON, Malta, Group of the European People's Party

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1. Introduction

1. The Mediterranean, cradle of cultures and civilisations and the birthplace of the three monotheistic religions, was in the past and remains today a crossroads for cultural, human and economic exchanges and a bridge between civilisations and three continents. However, political stability in the Mediterranean as well as the social and economic livelihood of its rapidly growing population are highly dependent on its scarce natural resources and the viability of its extremely rich and diverse, but also extremely vulnerable, natural environment.

2. The aim of this report is to enrich the debate with concrete proposals to enhance political cooperation in the field of sustainable development. It takes account of previous work by the Parliamentary Assembly relating to the Mediterranean and resulting in the adoption of texts such as the following: Resolution 1197 (1999) on *peace, democratic stability and sustainable development in the Mediterranean and Black Sea basins: the role of interparliamentary co-operation*; Recommendation 1558 (2002) on *fisheries in Europe's semi-landlocked seas*; Recommendation 1630 (2003) on *erosion of the Mediterranean coastline and implications for tourism*; Resolution 1556 (2007) on *Euro-Mediterranean agricultural and rural policy*; and Resolution 1731 (2010) and Recommendation 1919 (2010) on the *Euro-Mediterranean region: call for a Council of Europe strategy*.

3. Moreover, the report is complemented by the ongoing work in the Committee on the Environment, Agriculture and Local and Regional Affairs on climate change, biodiversity, progress in the implementation of the Bern Convention, water management, the energy sector, fisheries, agricultural reform, forestry, the prevention of natural disasters and the credibility of environmental assessments.

4. In global terms, 2010 is the International Year of Biodiversity and an important year to set the basis for a low carbon future by reaching consensus amongst the Parties to the UN Framework Convention on Climate Change (UNFCCC). In the aftermath of a rather meagre outcome from the high level negotiations in Copenhagen (COP15) in December 2009, it will be crucial to achieve firm political and economic commitments in order to contain climate change within the projected 2°C increase and to remedy the effects of environmental degradation across our planet. The growing threats to fragile eco-systems such as those in the Mediterranean region are stark examples that ought to fuel political action.

2. Vulnerability of the Mediterranean environment

2.1. Characteristics of the Mediterranean basin

5. The Mediterranean, which is the largest semi-enclosed European Sea, is characterised by a narrow continental shelf, a narrow coastal area and a small drainage basin, especially in the northern part. The Sicilian Channel separates two distinct basins, the western and the eastern, and acts as a geographical and hydrological frontier between them.

6. The Mediterranean Sea covers 2,500,000 km² with an average depth of 1 500 metres, the deepest point being over 5 000 metres in the part known as the Ionian Sea, between Greece and the "boot" of Italy. It is linked to the Atlantic Ocean (at the Strait of Gibraltar), the Red Sea and the Indian Ocean (by the Suez Canal) and the Black Sea (at the Dardanelles and the Sea of Marmara). The main subdivisions are the Adriatic, Aegean, Ionian, and Tyrrhenian seas.

7. The Mediterranean Sea is characterised by high temperatures (annual minimum of 12°C, reaching up to 25°C during the summer), which induces high metabolic rates. It is the most saline of Europe's seas. As evaporation exceeds precipitation and river run-off, the sea has a freshwater deficit of about 2500 km³/year. The Mediterranean Sea has a microtidal regime with a tidal range of less than 50cm, which reduces potential for dilution and dispersion of dissolved and particulate waste.

8. In terms of oligotrophy, it is poor in nutrients and has low primary production and low plankton biomass. Primary production in the open sea is considered to be limited in phosphorus, whereas it is limited in nitrogen in most of the world's oceans. Low primary production and low phytoplankton biomass mean that the water is particularly transparent and light can penetrate deep into the water column, allowing photosynthesis at a greater depth.

9. One of the features of the Mediterranean Sea is its rich biodiversity. The fauna and flora are among the richest in the world, particularly in the coastal areas. They are also highly diverse and there is a high proportion of endemic species (28%). The Mediterranean Sea is home to a vast range of marine life, including lush sea grass meadows, seamounts, and trenches that reach depths of 5000 metres. It accounts

for less than one per cent of the world's oceans but is home to nearly nine per cent of all marine life, with more than ten thousand species identified so far. The diversity of mammals is particularly high along the coast of Africa and between France and Italy, in areas where cool water rises and brings vital nutrients to the surface.

2.2. Effects and forecasts of climate change in the Mediterranean

10. The Mediterranean region is known for its particularly mild climate, with uniform and moderate temperatures. Rainfall patterns are, however, more unpredictable with a high of 1 200mm per year in Genoa (Italy) and a low of 100mm per year in Djerba (Tunisia).

11. The available statistics show that temperatures have risen by nearly 2°C since 1970 in South-West Europe (Spain and the south of France). In North Africa temperatures have also risen but there is a lack of comprehensive data to quantify the change. Rainfall has dropped by 20% in several southern European regions.

12. Scientists forecast an air temperature rise of between 2.2 and 5.1°C in southern Europe between the end of the 20th century and the end of the 21st century, in addition to a sharp decline in rainfall (up to 27%) and changes in precipitation patterns. Those changes would imply increased periods of drought and, potentially, a 35cm rise in sea levels¹.

13. Climate change in the Mediterranean will affect water resources due to increased evaporation and decreased rainfall. Water is set to become a major economic and political issue in the Mediterranean region. Climate change will also have an impact on biodiversity as a result of the upward shift of certain species, the extinction of climate-sensitive species and the appearance of new species. Warming of deep sea waters, increased flooding of low-lying coastal lands and accelerated cliff and beach erosion will inevitably alter natural habitats. It will also have an impact on soil owing to accelerated desertification. Deforestation is also speeding up as a result of an increase in forest fires and a growing number of parasites.

14. Climate change will also have an impact on agriculture, fishing, tourism, public health, and coastal areas and infrastructure, with major repercussions in economic and political affairs.

3. Population growth, human activity and the environment

15. The Mediterranean coastline extends 46 000 km, running through 22 countries. The region is home to more than 400 million people, spread across these 22 countries, 143 million of whom live on the coast. About another 175 million visit the region each year. It is estimated that the population of the Mediterranean countries will reach 520-570 million by 2030 so preserving the environment of the Mediterranean is essential for the well being of all these people.

16. The Mediterranean's geopolitical, cultural, religious, social and economic diversity is also a source of latent or outright political instability, tension and conflict, which often undermine co-operation, having a major harmful effect on the environment.

17. The Mediterranean is a region of major economic imbalances. According to development indicators, the average income per inhabitant (GDP per capita) in the south and east Mediterranean countries is about 4.5 times lower than the average income in the seven EU countries². The EU Mediterranean countries account for more than 74% of the Mediterranean's GDP. Growth rates of GDP in the south and east Mediterranean countries are much higher than those recorded for the EU Mediterranean countries, but they are considered to be low in relation to the population as demographic growth remains very high.

18. Rapid population growth on the south and east Mediterranean shores undermines sustainable economic development in those countries and paves the way for migratory pressures exerted by people seeking jobs and a better life elsewhere. In 1950 two-thirds of the population of the Mediterranean basin lived on the northern shores, from Spain to Greece, and the remaining third on the eastern and southern shores, from Turkey to Morocco. As a result of diverging demographic trends between the northern and southern shores, these two areas have reached equal levels. By the year 2025 the ratio is predicted to have been inverted – one third of the population will live in the European part of the Mediterranean and two thirds in the African and Asian parts, with a high percentage of young people, exacerbating further the unemployment problems and exerting migratory pressures. By 2025, trends indicate that 45% of the

¹ "State of the environment and development in the Mediterranean", 2009, UNEP/MAP

² Data from the World Bank, World Development Indicators (WDI)

population will be under fifteen years of age in the South and East compared with only 24% in the North. The region's rapid population growth is also undermining its environmental balance, which is so essential for human well being, and is therefore likely to further increase social and economic disparity.

19. Increasing population pressure is further exacerbated by tourism. 175 million tourists visit the Mediterranean each year and this number is expected to rise to 230-300 million per year in the next 20 years. Population growth, extensive urbanisation and industrialisation and growth in tourism, fishing and intensive agricultural practices are creating increasing pressures on natural resources (water, soil, marine and terrestrial ecosystems and their biodiversity). All kinds of human activities threaten the viability of the Mediterranean as an ecosystem and degrade the environment.

3.1. Agriculture

20. Traditional agricultural practices in the Mediterranean (such as dry farming) depend to a high degree on rainfall and are therefore highly reliant on natural resources. Cereals, vegetables and citrus fruits account for 85% of Mediterranean agricultural production. Conversely, productivity gains are highest in irrigated areas. These areas have grown twofold over 40 years to exceed 26 million ha in 2005, in other words 20% of cultivated land. While total production has made spectacular progress over the past forty years, social, environmental and climate factors are compromising the sustainability of export-oriented intensive production models.

21. Trends in Mediterranean agricultural practices are evolving towards specialisation (monocultures) and intensive production based on the use of fertilisers and pesticides to maximise yields.

22. Most Mediterranean countries have been losing arable land for more than 20 years. In the case of Egypt for example, the positive balance (land gain) is the result of land reclaimed from the desert, which "masks" the loss of ancient arable land as a result of fast progressing urbanisation, desertification and salination.

3.2. Fishing

23. The abundance and distribution of fish and other living marine resources (shellfish, molluscs, sea-urchins, and corals) vary widely depending on depth, but most biological production is concentrated on the continental shelf, which extends from the coast to a depth of 250m and is the preferred habitat of species with an economic and commercial value. The shelf, which is relatively narrow, limits the potential for fishing.

24. Fish stocks have declined to alarming levels and according to the FAO, a large number of fisheries are under threat. This is mainly the result of reckless, virtually uncontrolled fishing, which is reflected in the ensuing 25% drop in landings due to a fall in regeneration and reproduction of certain species.

25. Aquaculture has also grown since the 1990s, particularly seawater fish farming for sea bass, sea bream, and "fattening up" of tuna, none of which was preceded by environmental impact studies.

3.3. Urban growth

26. The concentration of people on the coastline results in constructions of various types which alter the waterfront. As the coastline provides employment opportunities linked to industry, tourism and commerce, rural-urban and inter-urban migration creates substantial housing needs and results in the rapid growth of coastal cities and towns. In the countries on the shore of the Mediterranean, two out of three inhabitants now live in urban areas. In the southern and eastern Mediterranean countries, demographic growth is causing rapid urban growth, accounting today for over 150 million city dwellers. Moreover, urbanisation is often driven by a buoyant "informal" housing sector with poor access to water, sanitation and other basic urban services.

27. Sewage from coastal cities is one of the major pollution problems of the Mediterranean coast. Its influence on the marine coastal environment directly or indirectly affects human health, the stability of the marine ecosystem and the economy of coastal areas through its impact on tourism and fisheries. The sewage system is often only connected to parts of the urban population, with the result that untreated wastewater is discharged directly into the sea.

28. In many Mediterranean countries solid waste is disposed of at dumping sites with little or no sanitary treatment. These uncontrolled dumping sites are often located within the town limits or right on the waterfront. In many instances, no measures have been taken to control and treat leakages from the dumping

sites which have been polluting groundwater and the coastal marine environment with organic pollutants and heavy metals.

29. Marine litter, which is found in the sea and on the coastline, comes mostly from coastal urban centres. This waste is generated by direct disposal of domestic waste, waste from tourist facilities, flows from landfill sites and rivers and waste from maritime traffic.

30. The uncontrolled growth of the Mediterranean's cities, combined with excessive land consumption, pressures on water resources, the pollution of aquifers, inefficient waste management and the degradation of cultural heritage sites, has a cumulative effect on the environment and public health. Strategic urban planning and investment in infrastructure will be a major challenge for the future.

3.4. Tourism

31. Tourism is a vital economic activity in all the Mediterranean countries. The region attracts 30% of the world's international tourists. Tourism creates employment and generates foreign currency and contributes largely to national economic development. However, the future development of this sector will depend on increased sustainability, more equitable distribution of the wealth it generates, and strategic investment to minimise its environmental impact.

32. The seasonal and spatial concentration of tourist activities strongly enhances their impact on the environment, generating pressure on water resources and natural environments (through coastal construction), and increasing waste production. Tourism-related transport also has a major environmental impact, particularly as a result of the rapid increase in air travel (up to 40%) and road travel (52%). Rail and boat arrivals remain on an extremely modest scale. However, the development of maritime tourism is contributing to the pressure to construct ports and marinas, both of which take up large areas and pose threats to natural habitats, particularly in special nature conservation areas.

33. Sustainable tourism practices would include diversifying the types of tourism on offer through the year by developing ecotourism and cultural, urban and rural tourism to optimise the Mediterranean's tourist potential outside the summer season and minimise its impact on the environment.

34. It would be a good idea for a system of tourist taxes to be applied in all the Mediterranean countries as the income would be beneficial to all countries with tourist industries.

3.5. Shipping

35. The world's busiest shipping lanes are located in the Mediterranean. It is estimated that some 220 000 merchant ships of over 10 tonnes cross the Mediterranean per year, accounting for about one-third of the world's commercial shipping. These ships often carry dangerous cargos, which can cause major environmental damage if they are lost.

36. Most accidents leave an indelible mark on the environment. In addition, every year, some 370 million tonnes of oil are transported through the Mediterranean (about 20% of the world total) and accidental oil leaks are frequent, meaning that there is a permanent threat of a major oil spill in the Mediterranean. Although international conventions, particularly the International Convention for the Prevention of Pollution from Ships (MARPOL) include a ban on certain types of discharges at sea, the lack of port infrastructure to receive waste produced at sea is still a source of concern.

37. There is currently a need to step up co-operation and integration in the field of maritime surveillance to reduce the risks of oil pollution to a minimum.

38. For this purpose, the scope of criminal liability for offences that damage the environment has to be clearly established and heavy penalties should be imposed on polluters.

3.6. Manufacturing and international trade

39. Quantitative environmental improvements in manufacturing processes are being cancelled out by steep growth in production demands as a result of increasing levels of consumption and international trade. These trends accelerate flows of raw materials, energy and products and, in the Mediterranean area, this has led to increased trade movements. Such trends are expected to increase further with the progressive establishment of the Euro-Mediterranean Free Trade Area. One of the inevitable side-effects of the corresponding growth in transport and trade flows will be increased consumption and depletion of resources.

3.7. *Energy consumption*

40. With 400 million people living in the Mediterranean basin, the region accounts for 10.2% of the world's electricity consumption and 8.2% of its primary energy consumption. This primary energy consumption is overwhelmingly dominated by fossil fuels (80% and only 6% for renewable energies) and accounted for 8% of global GHG emissions in 2006.

41. The Mediterranean region contains 5% of the world's oil and gas reserves. 98% of these are held by four countries on the Mediterranean's southern shore: Libya possesses the largest oil reserves with 5400Mt, while Algeria has 1 545Mt and Egypt and Syria have a little less, with 524Mt and 400Mt respectively. At current production levels, the oil reserves are expected to last around thirty years and the gas around fifty years. These four countries have an infrastructure suited to the production of oil and gas and the export of these products, mainly to Europe.

42. Coal reserves, concentrated in Greece and Turkey, amount to around 9 billion tons for the region as a whole.

43. As to renewable energies, the Mediterranean has significant potential, particularly for solar and wind energy, which is under-exploited. The share of renewable energy in the overall mix is still low, accounting for only 6% of the primary energy supply.

4. **Initiatives at international level**

44. Over the years, awareness of the environmental deterioration of the Mediterranean has grown steadily among the public, prompting them to call on politicians to take measures to secure the social and economic stability and sustainability of the region.

4.1. *Political co-operation*

45. The European Union began actively to devise a structured joint policy towards the Mediterranean region in the 1990s by launching the Euro-Mediterranean partnership, also known as the "Barcelona Process" (later on abbreviated as MAP or Euro-Med). Its aim was to foster peace and stability in the region by establishing political dialogue based on respect for shared values such as democracy and the rule of law. The partnership focused on three areas of activity: political and security-related dialogue; economic and financial partnership and the gradual establishment of a free-trade area; and a social, cultural and human partnership to foster mutual understanding and contacts between civil society organisations. In 2003, on the eve of its enlargement, the European Union developed a European Neighbourhood policy including East European and Mediterranean countries.

46. Unfortunately, the results of the Barcelona Process and the Neighbourhood Policy have failed to live up to expectations. In 2008 during the French EU Presidency, Mr Sarkozy launched the initiative to set up a *Union for the Mediterranean* consisting of 27 EU member states and 16 partner countries from the southern and eastern Mediterranean, aiming to give fresh impetus to the Euro-Mediterranean partnership. The Union for the Mediterranean aims to preserve the achievements of the Barcelona Process while offering more balanced governance and public accountability, together with a commitment to carry out tangible regional and transnational projects. Six priority projects have been identified, including the depollution of the Mediterranean Sea, the creation of maritime and land highways, civil protection initiatives to combat natural and man-made disasters, the development of alternative energies through the adoption of a Mediterranean solar energy plan, funding support for SMEs and the establishment of a Euro-Mediterranean University.

47. However, despite the ambitious nature of these projects and owing to a lack of commitment from the European Union, the Union for the Mediterranean project has still not produced any tangible results.

48. Much store is set by parliamentary diplomacy in the Mediterranean countries. The Parliamentary Assembly has worked with the Parliamentary Assembly of the Mediterranean (PAM) since its establishment in 2006 on a whole series of Mediterranean projects of interest to both assemblies such as environmental protection, disaster management and the role of local and regional authorities. Fifteen of the Council of Europe member states are also members of the PAM.

49. Another parliamentary body which places emphasis on co-operation in the Mediterranean is the Euro-Mediterranean Parliamentary Assembly (EMPA), which includes representatives of the 27 EU member

states. However, within the EMPA, the 16 eastern and southern states have only a third of the votes, whereas in the PAM, which is made up solely of the states on the southern and northern shores of the Mediterranean, there is an equal balance between north and south.

50. Attention also needs to be drawn to the importance of international co-operation at local level, which can focus on specific details and has much more potential to yield practical results with rapid benefits for the environment. One example of this is the agreement between France, Italy and Monaco on the protection of the marine and coastal environment of a part of the Mediterranean signed in 1976 in Monaco.

4.2. *The Barcelona Convention and its protocols*

51. The Barcelona Convention for the Protection of the Mediterranean was signed in Barcelona in February 1976 and came into force in 1978. It has since given rise to a series of protocols. In 1995, the Barcelona Convention was substantially revised to bring it in line with the principles of the Rio Declaration and the UN Convention on the Law of the Sea (UNCLOS). At the same time, most of the protocols underwent major changes. The Barcelona legal system now includes the following instruments:

- o the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (in force since July 2004);
- o the Dumping Protocol for the Prevention and Elimination of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft or Incineration at Sea, amended in 1995 (amendments not yet in force);
- o the Emergency Protocol concerning cooperation in preventing pollution from ships and, in cases of emergency, combating pollution of the Mediterranean Sea (entered into force in 2004);
- o the LBS Protocol, concerning the protection of the Mediterranean Sea from land-based sources of pollution (entered into force in 1983 and amended in 1996; amendments not yet in force);
- o the SPA and Biodiversity Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean (in force since 1999);
- o the Offshore Protocol concerning Pollution resulting from Exploration and Exploitation of the Continental Shelf, the Seabed and its Subsoil, signed in 1994 (not yet in force);
- o the Hazardous Waste Protocol on the Prevention of Pollution of the Mediterranean Sea by Transboundary Movements of Hazardous Wastes and their Disposal (not yet in force);

52. Most countries have ratified the Barcelona Convention, which is evidence of their willingness to move forward. Unfortunately, no practical action has been taken as yet and it is considered that the Convention has not achieved its goals.

4.3. *Ongoing work of the Council of Europe*

53. The Council of Europe is the only international organisation which brings together all the stakeholders in the Mediterranean region. It has several existing mechanisms in the field of sustainable development which could be conducive to cooperation with south and east Mediterranean countries, namely:

- *the Bern Convention* (Convention on the Conservation of European Wildlife and Natural Habitats, 1979), ratified by Morocco and Tunisia. Its aim is to support the conservation of wild flora and fauna and promote European co-operation in this area;

- *the Pan-European Biological and Landscape Diversity Strategy (PEBLDS)*, which was set up in 1995 following the Rio Earth Summit and the adoption of the United Nations "Convention on Biological Diversity". It has been approved by 54 countries in western and eastern Europe and central Asia and complements the work carried out in connection with the Bern Convention. Its main aim is to frame a coherent response to the decline of biological and landscape diversity in Europe and to incorporate the conservation and sustainability of biodiversity into the activities of other sectors such as agriculture, forestry, fishing, industry, transport and tourism. Its activities could be broader still if they encompassed co-operation with Mediterranean countries;

- *the European and Mediterranean Major Hazards Agreement (EUR-OPA)*, created in 1987, as a platform for co-operation between European and Southern Mediterranean countries in the field of major natural and technological disasters. Its field of activities includes the knowledge of hazards, risk prevention, risk management, post-crisis analysis and rehabilitation. The Agreement is "partial" because not all Council of Europe member states have acceded to it but it is "open" to non-member countries, with the result that Algeria, Lebanon and Morocco are full members;

- the Council of Europe *Conference of Ministers responsible for Spatial/Regional Planning* (CEMAT).

54. At the level of the Parliamentary Assembly, the Committee on the Environment, Agriculture and Local and Regional Affairs plans to hold a conference as part of the follow-up to the 5th World Water Forum held in Istanbul in March 2009 to review practical action taken by states to secure and protect the right to access to water and to prepare the themes for the 6th World Water Forum, which will be held in Marseilles in 2012.

55. The Congress of Local and Regional Authorities has also been long committed to working with partners in the non-member states of the Mediterranean Region to improve local democracy and good governance. It has helped the local authorities of several countries in the Maghreb and the Middle East to acquire more modern and more democratic structures, the first being Morocco, where it helped to set up a national association of local authorities. It recently set up a new working group of cities and provinces of the Euro-Mediterranean to strengthen local democracy in these countries and define Congress strategy in this region. In 2010 it began assisting the Moroccan authorities with the King of Morocco's regionalisation initiative.

4.4. *The Mediterranean Action Plan (MAP)*

56. The Mediterranean Action Plan (MAP) was signed in February 1975 to complement the Barcelona Convention. The main objectives of the MAP were to assist the Mediterranean countries to assess and control marine pollution, to formulate their national environmental policies, to improve the ability of governments to identify better options for alternative patterns of development, and to optimise the choices for allocation of resources.

57. Although the initial focus of the MAP was on marine pollution control, experience has shown that socio-economic trends, combined with inadequate development planning and management are the root of most environmental problems. Consequently, the focus of MAP has gradually shifted to include integrated coastal zone planning and management, as the key tool through which solutions are being sought.

58. Phase II of the MAP has been approved and is now known as the Action Plan for the protection of the Marine Environment. The following key priorities have been identified for the coming decade: to reduce pollution from land-based sources; to protect marine and coastal habitats and threatened species; to make maritime activities safer and more aware of the Mediterranean marine environment; to intensify integrated planning of coastal areas; to monitor the spread of invasive species; to limit and react rapidly to oil pollution; and to promote sustainable development in the Mediterranean region.

4.5. *Mediterranean Environmental Technical Assistance Program (METAP)*

59. The Mediterranean Environmental Technical Assistance Program (METAP) was created in 1990 as a partnership between Mediterranean countries and multilateral donors. To date it has attracted investments amounting to USD 1 billion, covering over 35 projects. The objectives of METAP are to strengthen the institutional and legal structure of environmental management, to formulate environmental policies and to initiate environmental projects. Since 1990, the donor partnership within METAP has expanded to include both the Global Environmental Facility (GEF) and several European Union programmes (ENPI - EU Neighbourhood Policy Instrument; SMAP I, II & III – Environmental Short and Medium Term Priority Action Plan; LIFE third countries; and the European Investment Bank EIB Facility for Euro-Mediterranean Investments & Partnership).

4.6. *National Environmental Action Plans (NEAPs)*

60. National Environmental Action Plans (NEAPs) have been conducted in all north Mediterranean countries, and in Egypt, Tunisia, and Jordan. They take account of each country's environmental and socio-economic concerns, policies and legislative frameworks, management and institutional capacity, and technical infrastructure. In the short term, funds from the annual national budget are earmarked for the activities carried out as part of these plans. Longer-term financial mechanisms are also identified, earmarked or developed by NEAPs, to ensure continuity. Efforts are made to involve the private sector at an early stage as a key partner in the development of the proposed activities.

4.7. *State of the Environment Reporting*

61. Under the coordination of the UNEP/MAP Regional Activity Centre, the MAP prepares bi-annual reports on the environmental situation in the Mediterranean, outlining major trends in sustainable and/or unsustainable development. The aim of these reports is to provide a sound analytical basis for the regular

meetings of the Parties to the Barcelona Convention. However, past reporting has highlighted a serious lack of comparable data throughout the different Mediterranean countries which are Parties to the Convention.

5. Pressures on resources and the natural environment

5.1. Water shortages

62. In the Mediterranean 180 million inhabitants have access to less than 1000 m³ per year (per capita) and 80 million people are facing water shortages, having to cope with less than 500 m³ per year (per capita). Water demand has doubled over the past 50 years (280K m³ per year in 2007), mainly due to agriculture (64%). However, losses, leaks and water waste are thought to account for 40% of total water consumption, particularly in the farming sector.

63. Although countries are beginning to deploy efforts to limit and reduce these losses, pressure on water resources remains high, particularly in Egypt, Malta, Syria, Libya and Israel. To satisfy growing domestic demand, countries are increasingly overusing part of their non-renewable resources (16 km³ per year).

64. Water shortages are now resulting in greater efforts in the water management sphere to reduce water losses and the use of non-conventional supply methods such as re-use of waste water, desalination, and other technical innovations to increase water resources' potential for use.

5.2. Marine ecosystems

65. The Mediterranean is a biodiversity hot-spot, which is home to 9% of known marine species. 19% of them are threatened both locally and worldwide. The emblematic Mediterranean monk seal is classified as a species facing serious risk of extinction. This is also the case with some cartilaginous fish and shark species. 63% of the fish and 60% of the mammals listed in the Protocol concerning Specially Protected Areas and Biological Diversity have endangered status as a result of factors such as increasing pressure from human activity (particularly construction work), the disappearance of lagoons and grassbeds, coastal erosion, over-exploitation of marine resources through fishing and the introduction of invasive species.

5.3. Natural terrestrial ecosystems

66. The Mediterranean's natural terrestrial ecosystems are made up of forests and pastoral areas. The traditional use of wood and grazing lands – which is a historical feature of the local and regional economies – is gradually disappearing in the north Mediterranean, but is still crucial in the south. These areas are now more widely recognised as public assets, since they protect soil and water resources, help to combat erosion and desertification, act as carbon sinks by absorbing greenhouse gases and help to preserve the biodiversity of fauna and flora.

67. However, forests and pastures are exposed to increasing risks of devastating fires. The frequency of fires is increasing in the north Mediterranean (600 000 ha in 2007). In the south and east Mediterranean, it remains limited but flare-ups are becoming more common (61 000 ha in the south and 80 000 ha in the east Mediterranean in 2007). Fire hazards are compounded by the decline in grazing, overgrown vegetation, and an increase in the length and severity of dry periods induced by climate change.

5.4. Coastal areas

68. The coastal areas are the Mediterranean's most appealing asset and the showcase of a long-standing natural, cultural and economic heritage. The Mediterranean coastline is approximately 46 000 km long, with nearly 19 000 km of island coastline. 54% is rocky and 46% sedimentary, and its features include important and fragile ecosystems such as beaches, dunes, reefs, lagoons, swamps, estuaries and deltas.

69. These areas are under increasing pressure from land-based pollution, urban development, fishing, aquaculture, tourism, extraction of raw materials, sea pollution and marine biological invasions. More than 40% of the coastal land in the Mediterranean has been built on as a result of rapid population growth and linear urban and infrastructure sprawl along the coast. Any further construction and changes to coastal ecosystems would be detrimental to future coastal resilience.

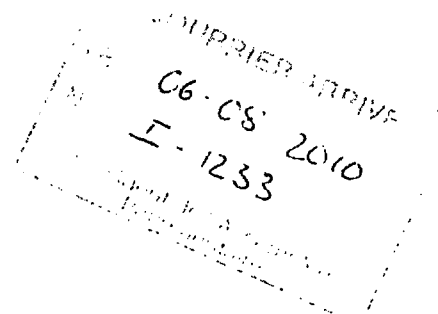
Ref. № 112

Date 26.07.2010

To: **Mr. Mevlüt ÇAVUŞOĞLU**
President of the Parliamentary Assembly
of the Council of Europe

Mr. Aleksei LOTMAN
Chairperson of the
Committee on the Environment,
Agriculture and Local and Regional Affairs

Mr. Axel E. FISCHER
Chairperson of the Sub-Committee
on the Europe Prize



Concerning Europe Prize 2010

Dear Sirs:

We would like to thank you for your interest to the city of Kharkiv. It has a great history and plays a significant role in Ukraine as one of the most developed cities, both in terms of its economic and industrial capacity and in terms of its cultural and educational achievements. However, we have to attract your attention to events that happened in Kharkiv after April 29 – the date of awarding the Europe Prize 2010 to the city. These events caused a major resentment of Kharkiv residents, residents of other Ukrainian cities and the global community.

It has happened at the background of preparations to Euro-2012 soccer championship. Under the pretext of an event of some European importance, local authorities launched illegal construction of a road, accompanied by numerous procedural violations and lack of any open dialogue between the city residents and Kharkiv authorities on a rather contradictory development project. It is worth to note that the road construction would actually allow utilising valuable land areas for construction of commercial, entertainment and private residential facilities. We have to emphasise that (accounting for May holidays from May 1 to May 10) the decision to launch the construction works was made immediately after the award. Such arrangements suggest that the city authorities deliberately intended to strengthen their position and used the PACE award to divert attention from their illegitimate acts. Notwithstanding numerous protests of the city residents, Kharkiv city authorities cut large numbers of trees in Gorkiy Park - a green recreation area of the city. In addition, they use inhuman brutal force against Kharkiv residents who sought to protect their right for safe and healthy environment. It is worth to add, that actual numbers of destroyed trees were much higher than the technical project documentation stipulated, and they immediately cleaned traces of their crimes (stumps were rooted out). The city residents were indignant with such anti-democratic actions of the city authorities and initiated public hearings on the road construction. The hearings on June 19 were falsified and were accompanied by severe procedural infringements (85% of seats in a hall where the hearings were conducted, were filled by representatives of budgetary facilities who were forced to participate by threats of dismissal. These participants did not underwent a general registration - they were issued mandates indirectly - i.e. illegally. Promises to account for opinion of several thousand people who stayed outside the hall and listened to loudspeakers were futile). As a result, the city authorities actually imitated the public

6. Victoria Gumeniuk, International Centre for Policy Studies.
7. Kateryna Zarembo, International Centre for Policy Studies.
8. Ivanna Klympush-Tsintsadze, Open Ukraine Foundation.
9. Kyryl Savin, Heinrich-Boell-Stiftung.
10. Andriy Strannikov, Institute of Political Education.
11. Larysa Zalyvna, Luhansk regional human rights protection Women's organization "Seagull".
12. Olena Kravchenko, International public interest environmental law organization Environment-People-Law (EPL).
13. Volodymyr Shcherbachenko, Eastern-Ukrainian Center for Civic Initiatives.
14. Sergii Shaparenko, Environmental Group "Pechenegy".
15. Oleg Peregon, Environmental Group "Pechenegy".
16. Iryna Bekeshkina, Democratic Initiatives Foundation.
17. Svitlana Zalishchuk, Centre UA.
18. Oksana Oleksiv - Centre UA.
19. Oleksandr Sushko, Institute for Euro-Atlantic Cooperation.
20. Liubomyr Chornii, Civic expertise Center.
21. Volodymyr Yavorskyy, Ukrainian Helsinki Human Rights Union.
22. Kateryna Sidash, Agency for Legislative Initiatives.
23. Inna Achkasova, NGO "Ethnos".
24. Evgeniya Levinshteyn, NGO "Ethnos".
25. Igor Sirenko, National Ecological Centre of Ukraine.
26. Yevgeny Gayev, Institute of Hydromechanics, Ukrainian National Academy of Sciences.
27. Volodymyr Horbach, NGO "Institute for Euro-Atlantic Cooperation".
28. Oleg Suprunenko, NGO "Clear Bereg".
29. Olexiy Klasztorny, All-Ukrainian Trade Union "People's Solidarity".
30. Andrey Artov, Crimean Republican Association "Ekologiya i Mir".
31. Igor Kislyak, National Science Center Kharkov Institute of Physics and Technology.
32. Evgenii Ivahno, Kharkov Forest protection Group.
33. Svitlana Ivahno, Kharkov Forest protection Group.
34. Valerii Korovin, Kharkov Forest protection Group.
35. Viktoriya Korovina, Kharkov Forest protection Group.
36. Dmytro Korovin, Kharkov Forest protection Group.
37. Sergiy Tkachenko, Donetsk regional organization "Committee of voters of Ukraine".
38. Iryna Solonenko, citizen of Ukraine.
39. Galyna Usatenko, citizen of Ukraine.
40. Oleg Zaslavskii, citizen of Ukraine.
41. Ann Gerashchenko, citizen of Ukraine.
42. Ievgenii Korpan, citizen of Ukraine.
43. Oleksandr Kryvulya, citizen of Ukraine.
44. Nina Busova, citizen of Ukraine.
45. Tetyana Kalyujna, citizen of Ukraine.
46. Dmytro Sinchenko, public activist.
47. Inna Pidluska, citizen of Ukraine.
48. Dmytro Shulga, citizen of Ukraine.
49. Anna Tsvietkova, citizen of Ukraine.
50. Tetyana Efremova, public activist.
51. Oleksandr Efremov, public activist.
52. Valentyna Shcherbakova, public activist.
53. Volodymyr Chernyshenko, public activist.
54. Larysa Chernyshenko, public activist.



Council of Europe

Parliamentary Assembly

The President

26.07.2010

Dear Mrs Semko,

Thank you for your letter of 23 July and for sharing your concerns regarding the alleged illegal construction works in your city and the tensions resulting from this situation.

The decision of awarding the European Prize to Kharkiv was taken in April 2010 by the Assembly's Committee on the Environment, Agriculture and Local and Regional Affairs in conformity with the established formal procedure and on the basis of a duly documented application.

At the current stage of development, you will understand that, as President of the Assembly, I have to respect the work and the decision of the Committee.

However, since the alleged facts deserve the highest attention on my part, I will raise this question during my meetings with the Kharkiv authorities.

Yours sincerely

Mevlüt Çavuşoğlu

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№ 42/08-10 від 24. 08. 10

на № _____ від _____

On violation of national ecologic legislation norms and provisions of Aarhus convention, by Kharkiv city council during the road construction through Gorky Park

Kharkiv city council approach to green spaces of the city is their reduction for more than 300 ha, assertedly because of superabundance of them.

1. Implementation of this project will increase the air pollution level. The new road through Gorky Park starts from Dynamivs'ka and Novgorods'ka streets and forms a threefold crossroad, and runs to Sumska str., with which it forms T-form crossroad (see Attachment 3: Extract from "Kharkiv city. Correction of schema of red lines of highways."). Such location of the road does not unload city traffics, moreover, it certainly creates traffic jams on both of its ends. As the most intensive pollution is made on idle run, it increases level of the air pollution in the city.

2. In the process of this project preparation, public opinion was ignored, which contradicts with Aarhus convention. There was no public discussion of the project at all.

The statements of our local authorities that this project was discussed on the public hearings, concerned with development of the General Plan of the Kharkiv city are not true, because these hearings took part 27.06.2003 (see Attachment 1: extract from the Record of Public Hearings "Development of the General Plan of Kharkiv city to 2026. Conclusions on the present state of economics of the city. Proposals of the general directions of development of Kharkiv city to 2026."). At that moment it was planned to build a road on a board of Gorky Park – from Novgorods'ka Str. to Vesnina Str. (см. Attachment 2: extract from "The main provisions of the General plan" - marked red). This variant did not create public disturbance.

The idea to cut a piece of park from Novgorods'ka to Sums'ka Strs. appeared only in 2007 – in "Schema of red lines of the highways of Kharkiv city" (see Attachment 3: extract from "Kharkiv city. Correction of the schema of red lines of the highways."). So,

this project just could not be discussed on the hearings 27.06.2003, and there were no other hearings concerning this topic.

3. The road through Gorky Park was not concealed with ecological service – the National Department of Environment protection in Kharkiv region). Firstly, this service gave a positive conclusion (see Attachment 4: Copy of Conclusion of the The National Department of Environment protection in Kharkiv region from 26.02. 2008 № 4-23-1010).

The conclusion was given subject to the number of requirements, particularly upon condition of harmonization of project-cost documentation, holding of public hearings, mass media public informing about the absence of negative influence on the environment, holding of the ecological appraisal of the project etc.

In preparation of the road project these requirements were not held, that in why, and also because of the compellation of the publicity, the National Department recalled its conclusion (see Attachment 5: Copy of the letter by the vice-chief of the National Department of Environment protection in Kharkiv region V.Zadniprovs'ky to the chief of the department of building, repairing and reconstruction of the Kharkiv city council department of building and road facilities Rybakov V.A. from 04.06.08 № 4-04-1827).

4. Near 10ha by the side of the road the authorities of Kharkiv are going to built on - by apartments, entertainment complexes, hotel complex etc. (see e.g., Attachment 6: Copy of the Land surveying project concerning assigning of a land plot... for building and further exploitation of the hotel complex and apartments and for creating of the auto road from Sums'ka Str. to Novgorods'ka Str. These projects have been not discussed with the city community.

5. Real number of cut down trees far exceeded the number permitted. According to decision of Kharcov city council executive committee from 19.10.2005. № 156, in was necessary to cut 503 trees in order to build the road (см. Attachment 7: Decision of Kharkiv city council executive committee "About the weeding of green planting on the site of road construction from Sums'ka Str. to Novgorods'ka Str. (at the district of Biloji Akaciji Str.) in Kharkiv city").

According to public calculation, even on 24.05.2010 576 trees were cut (see Attachment 8: Copy of Examination act of green planting slash area in Gorky Park on the corner of Novgorods'ka Str. (at the district of Biloji Akaciji Str.) and Dynamivs'ka Str., 24.05.2010).

Trees had been cut to the middle of August. The stubs of the trees were quickly rooted up and because of the lack of people and of time it was impossible to count all the trees. According to rough estimation, about 1500 trees were cut on this building site.

Many trees were damaged by transport or covered with the remnants of paving. (see Attachment 13: copy of the open proclamation "On violation of legislation norms in the process of road building in Kharkiv city from Sums'ka Str. to Novgorods'ka Str.)

6. Ecological appraisal of this project was a mere formality.

Ecological appraisal of the project was given 2.07.2010, when the road construction started 20.05.2010. The expertise considered only environmental effects of the road con-

struction process and does not take into account at all its main exploitation effects (see Attachment 9 – copy of the Conclusion № 20.09.06.2010-97 from 02.07.10 p. State ecologic expertise on the project “The road construction from Sums’ka Str. to Novgorods’ka Str (near Biloji Akaciji) in Kharkiv city. Some recommendations, e.g. irrigation of the area for dust contamination abatement in the construction process, were absolutely ignored.

There was no public discussion of this expertise. The statement of the State Department, that the discussion took part 19.06.2010 on the public hearings “Green planting and forest-park protection in Kharkiv city”, is inconsistent. Although this question arose on the hearings more than once, no decision on it was rendered. Moreover, the city council, violating norms of the national legislation and Aarhus Convention demands, arranged the hearings in such a way that made impossible taking into account public opinion.

The place of hearings could hold only one sixth of the general number of registered participants (2341 person); voting records were estimated by “visual majority”, in means that votes for the alternative variants were not counted at all! (see the official resolution of the hearings: <http://www.city.kharkov.ua/ru/document/view/id/41102>, also see Attachment 10: Copy of the letter of initiative group for holding of the public hearings “Green planting and the forest-park protection in Kharkiv city”). So, it is impossible to consider these hearings legit.

7. The authorities of Kharkiv implementing this project was very incorrect in respect of legislative execution.

Thus, Kharkov city council revoked on session 10.09.2008 its own decision from 27.02.2008 № 26/08 about assignment of sites from Sums’ka Str. to Novgorods’ka Str. for building of the noted road, hotel complex and appartaments. But the decision of the Kharkv city council executive committee № 156 from 19.05.2010 “About the weeding of green planting on the site of road construction from Sums’ka Str. to Novgorods’ka Str. (near Biloji Akaciji Str.) in Kharkiv city” bases exactly on the decision from 27.02.2008 № 26/08 as on the legal basis for the road construction!

Architectonic and building inspection in Kharkiv region gave its authorization for preliminary works for the road building 26.05.2010, but these works, particularly tree falling, started 20.05.2010.

The National Department of Environmental Protection agreed with tree falling on the construction plot upon condition of planting of trees on area from Sums’ka Str. to Novgorods’ka Str. (see Attachment 11: Copy of “Accomodation from 18.05.2010. of act of exploration of green planting, intended for weeding from 27.04.2010 by address Kharkiv city, from Sums’ka Str. to Novgorods’ka Str. near Biloji Akaciji Str.). This condition is not implemented by this moment.

The Verhovna Rada Committee for ecological politics, natural recourses management and rectification of the consequences of Chornobyl’ catastrophe 30.06.2010 adopted a decision № 74/1 “On environmental legislation compliance with building of the road and other constructions in Gorky Park in Kharkov city”. This decision obliged Kharkov city council to spot building the roan until all the environmental protection requirements would be completed. The city council ignored this resolution and continued the building process. And these are only some of a great number of examples.

8. Water reservoir pollution. Almost every day on the construction plant human relicts were found. The workers poured them with earth in a coomb, where a stream flows. The stream falls to Sarzhyn Yar coomb, where a spring of mineral water is located. According to competent information, this landfill operation in the coomb endangers the very existence of the spring of mineral water (see Attachment 13 and Attachment 12: A road in Gorky Park endangers Shatilovsky spring).

Also it is necessary to notice, that in process of the road building, unknown persons widely used physical violence to the citizens, who expressed their protest against this project. The law enforcement agencies in moments of violation were at a standstill, and later they stonewalled the inquiry of these facts of breaking the human rights.

President of the Council "Pechenigy"EG
S. Shaparenko



Attachments:

Attachment 1: Extract from the Record of Public Hearings "Development of the General Plan of Kharkiv city to 2026. Conclusions on the present state of economics of the city. Proposals of the general directions of development of Kharkiv city to 2026."

Attachment 2: Extract from "The main provisions of the General plan".

Attachment 3: Extract from "Kharkiv city. Correction of the schema of red lines of the highways."

Attachment 4: Copy of The Conclusion of the the National Department of Environment protection in Kharkiv region from 26.02. 2008 p. № 4-23-1010.

Attachment 5: copy of the letter by the vice-chief of the National Department of Environment protection in Kharkiv region V.Zadniprovs'ky to the chief of the department of building, repairing and reconstruction of the Kharkiv city council department of building and road facilities Rybakov V.A. from 04.06.08 № 4-04-1827.

Attachment 7: Decision of Kharkiv city council executive committee "About the weeding of green planting on the site of road construction from Sums'ka Str. to Novgorods'ka Str. (near Biloji Akaciji Str.) in Kharkiv city").

Attachment 8: copy of Examination act of green planting slash area in Gorky Park on the corner of Novgorods'ka Str. (near Biloji Akaciji Str.) and Dynamivs'ka Str., 24.05.2010.

Attachment 9: copy of the Conclusion № 20.09.06.2010-97 from 02.07.10 p. State ecologic expertise on the poject "The road construction from Sums'ka Str. to Novgorods'ka Str. (near Biloji Akaciji) in Kharkiv city."

Attachment 10: copy of the letter of initiative group for holding of the public hearings "Green planting and the forest-park protection in Kharkiv city".

Attachment 11: Copy of "Accomodation from 18.05.2010. of act of exploration of green planting, intended for weeding from 27.04.2010 by address Kharkiv city, from Sums;ka Str. to Novgorods'ka Str. at the district of Biloji Akaciji Str.

Attachment 12: A road in Gorky Park endangers Shatilovsky spring.

Attachment 13: copy of the open proclamation "On violation of legislation norms in the process of road building in Kharkiv city from Sums'ka Str. to Novgorods'ka Str.)