

## Case C-246/07 Commission v Sweden [2010]

**Facts:** All Member States were part of the Stockholm Convention, whose objective was to protect human health and the environment from specific pollutants. The Commission sought authorisation to submit, on behalf of the Community and the Member States, proposals to have certain chemicals included in the relevant Annexes to that Convention. Inclusion of further chemicals was discussed, but postponed due to economic reasons. Sweden submitted to the Stockholm Convention on its own behalf a proposal to list some of these discussed and not included chemicals. The Commission requested the Court to declare that Sweden had failed to fulfil its obligations under Article 10 EC.

**Held:** Within the Stockholm Convention, a regional economic integration organisation shall exercise its right to vote with a number of votes equal to the number of its member States that are Parties to the Convention. Such an organisation shall not exercise its right to vote if any of its member States exercises its right to vote, an vice versa. Sweden's submission could give rise to a situation where either the Union voted against that proposal, thus depriving Sweden of the possibility of defending its own proposal, or where Sweden exercised its right to vote in favour of its own proposal, thus depriving the Union of the possibility of exercising its right to vote with a number of votes equal to the number of its Member States and leaving the other Member States free to vote for or against the proposal. This situation is likely to compromise the principle of unity in the international representation of the Union and its Member States and weaken their negotiation power. Article 10 EU requires Member States to facilitate the achievement of the Community's tasks and to abstain from any measure which could jeopardise the attainment of the objectives of the Treaty. Member States are subject to special duties of action and abstention in a situation in which the Commission has submitted to the Council proposals which, although not adopted, represent the point of departure for Community action. In unilaterally proposing this addition, Sweden dissociated itself from a common strategy within the Council.