

EUROPEAN PARLIAMENT

Working Documents

1982-1983

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DOCUMENT 1-688/82

REPORT

drawn up on behalf of the Committee on the Environment,
Public Health and Consumer Protection

concerning deep seabed mining and the marine environment

Rapporteur: Mrs A. SPAAK

On 6 April 1981 the motion for a resolution tabled by Mr COLLINS (Doc. 1-69/81), pursuant to Rule 47 of the Rules of Procedure, on deep seabed mining and the marine environment, was referred to the Committee on the Environment, Public Health and Consumer Protection as the Committee Responsible and to the Committee on Energy and Research for an opinion.

On 4 February 1982 the committee appointed Mrs SPAAK rapporteur.

It considered the motion for a resolution at its meetings of 17 May 1982 and 30 September 1982 and, at the latter meeting unanimously adopted the motion for a resolution.

The following took part in the vote: Mr Collins, chairman; Mrs Spaak, rapporteur; Mr Berkhouwer, Mr Del Duca, Mr Forth, Mr Ghergo, Mr Geurtsen (deputizing for Mrs Scrivener), Mr van Hemeldonck, Mrs Lentz-Cornette, Mrs Maij-Weggen, Mr Muntingh, Mrs Pruvot (deputizing for Mr Nordmann) Mrs Schleicher, Mrs Seibel-Emmerling and Mrs Squarcialupi.

The opinion of the Committee on Energy and Research is attached.

C O N T E N T S

Page

A. MOTION FOR A RESOLUTION	5
B. EXPLANATORY STATEMENT	8
Opinion of the Committee on Energy and Research	22
ANNEX: Motion for a resolution (Doc. 1-69/81)	26

The Committee on the Environment, Public Health and Consumer Protection hereby submits to the European Parliament the following motion for a resolution, together with explanatory statement;

MOTION FOR A RESOLUTION

concerning deep seabed mining and the marine environment (Doc. 1-69/81)

The European Parliament

- having regard to the motion for a resolution by Mr COLLINS concerning deep seabed mining and the marine environment (Doc. 1-69/81),
- having regard to written questions;
 - No. 1790/80 by Mr Glinne to the Council on the exploitation of deep sea mineral resources¹,
 - No. 222/80 by Mr Moreland to the Commission on the United Nations Conference on the Law of the Sea²,
 - No. 1789/80 by Mr Glinne to the Commission on the exploitation of deep sea mineral resources³,
 - No. 92/81 by Mr Johnson to the Commission on a Community regime on deep sea mining⁴,
- having regard to the oral question by Mr Johnson on deep sea mining⁵,
- having regard to the motion for a resolution by Mr Johnson and others on the United Nations Conference on the Law of the Sea and the report by Mr WALTER on the economic aspects of the exploitation of the seabed⁶,

¹OJ C 210/4 of 19.8.1981

²OJ C 198/37 of 4.8.1980

³OJ C 87/11 of 16.4.1981

⁴OJ C 147/36 of 17.6.1981

⁵OJ Debates 270, EP sitting of 8 April 1981

⁶OJ Debates 270, EP sitting of 9 April 1981

- having regard to the motions for resolutions previously adopted on the Third United Nations Conference on the Law of the Sea⁷,
 - having regard to the report of the Committee on the Environment, Public Health and Consumer Protection and the opinion of the Committee on Energy and Research (Doc. 1-688/82),
- A. noting the results of the 11th session of the Third United Nations Conference on the Law of the Sea and the fact that the convention on the law of the sea will be open for signature by States in December 1982,
 - B. considering the importance of the marine environment to the environment as a whole and the need to maintain its balance in order to safeguard the terrestrial ecosystem,
 - C. considering the relative lack of scientific knowledge at present on the seabed environment and, in particular, the possible damage which it might suffer following deep seabed mining,
 - D. considering the potential of the seabed in terms of mineral resources, the heavy dependence of the European Economic Community on external sources in order to meet its requirements in this field and, consequently, the economic value to the EEC of deep seabed mining,
 1. Emphasizes the importance of preventive measures for the protection and safeguarding of the balance of the marine environment, in particular with regard to deep seabed mining;
 2. Considers that a Community position is essential in order to safeguard the EEC's interests and to defend effectively the need for environmental protection in this field;
 3. Considers it necessary, therefore, that the EEC as such should be a party to the United Nations Convention on the Law of the Sea;
 4. Takes the view that this Convention should be signed by a maximum number of States in order to avoid the risk of excessively accommodating legislation;

⁷ 13.5.1982 OJ C 133 of 6.6.1977 p. 50 and 14.3.1980, OJ C 85 of 8.4.80 p. 86

5. Urges the Council and the Commission to step up, with this aim in view, consultations with the United States and other States which abstained or voted against the draft convention in the vote of April 1982;
6. Reiterates its request to the Commission to submit in any case proposals for Community rules on deep sea mining, including environmental aspects, to be applied by all Member States uniformly, such rules to be compatible with and complementary to those proposed in the draft convention (paragraph 15 of the resolution contained in the WALTER report);
7. Reconfirms the need for the Community to undertake studies and research relating to the mineral resources of the sea bed, which will be one of the main sources of supply in future;
8. Calls for the harmonization of environmental legislation in the Member States of the Community with regard to deep seabed mining while bearing in mind the need for a European energy policy;
9. Calls on the Commission to coordinate the various measures to combat marine pollution from deep seabed mining without losing sight of the need to safeguard the Community's energy supplies;
10. Asks the Council and the Commission to promote research on the deep seabed and the impact on the environment of deep seabed mining;
11. Requests the Council and the Commission to take the necessary steps to ensure recognition at international level of protected zones of particular importance for marine fauna and flora.

EXPLANATORY STATEMENT1. SUBJECT OF THE MOTION FOR A RESOLUTION (Doc. 1-69/81)

1.1 The motion tabled by Mr Collins concerns conservation of the environment during deep seabed mining.

1.2. It suggests:

- that the Council and Commission should initiate scientific research on the character of the marine environment of the deep oceans and its susceptibility to harm from deep seabed mining;
- they should ensure that any agreement would provide for the establishment of stable reference zones (see below);
- that no Member State should become a party to an agreement which did not take due account of the need to protect the marine environment.

2. DEEP SEABED MINING

2.1. The oceans (covering more than two thirds of the globe) contain substantial wealth. Apart from the riches in the ocean itself (its fauna and flora, as well as chlorine, sodium, magnesium, bromide, fluoride, etc.,) undersea deposits (of oil and gas) and the sedimentary deposits on the continental shelf (of sand, gravel, limestone, chalk etc.) the deep seabed also conceals large mineral resources.

2.2. Recent discoveries have produced evidence in the vicinity of volcanic faults of metal sulphides (zinc, copper, iron, lead, silver, etc.). While these are of no economic interest at present, polymetallic nodules certainly are. The nodules were discovered as long ago as the end of the 19th century and take the form of particles, pebbles and even occasionally slabs. Their weight is extremely variable, but most are only a few centimetres in diameter. They are found over a wide area, at depths varying between 3,000 and 6,000 metres. Their composition varies; those in the Pacific, for instance, consist of manganese (25 to 30%), iron (15%), and the rest mainly of nickel, copper and cobalt. There are said to be between 10 and 30 kilos of nodules per square metre. The Pacific Ocean seabed is thought to contain more than 600,000 million tonnes of extractable manganese nodules.

2.3. The commercial extraction of nodules is likely to begin in January 1988 at the earliest.

The United Nations draft convention and national laws stipulate that no authorization for extraction shall be granted before 1 January 1988. The economic crisis has led to a slowing down of investment and research. It is therefore highly probable that January 1988 will be a very optimistic date and that commercial extraction will in fact only begin several years later.

2.4. the United States, the USSR, Japan, France, the FRG, Canada and New Zealand have launched research programmes.

2.5. There are basically two methods of extraction: by suction or lifting, using a shovel or a line of scoops on a large scale.

2.6. Six international consortia have so far been set up, in each of which the interests of at least one Member State are represented:

- (a) the Kennecott Copper Corporation consortium (KCC), established in 1964 and now controlled by British Petroleum, with Consolidated Gold Fields (United Kingdom), Noranda (Canada), Mitsubishi (Japan), British Petroleum Minerals and Rio Tinto (United Kingdom) each holding 10% and the Kennecott Copper Corporation holding 50%;
- (b) the Ocean Mining Associates (OMA) consortium, the main members of which are ESSEX Minerals (a subsidiary of the largest American steel company, US Steel), Union Seas (a subsidiary of l'Union Minière Belge), the Sun Company (United States) and Samin, a subsidiary of the Italian state company ENI;
- (c) the Ocean Mining Company (OMCO) consortium, comprising Lockheed Missiles and Space Company, AMOCO Minerals and the Shell subsidiary Billiton and Bos Kalis (Netherlands);
- (d) Ocean Management Incorporated (OMI), consisting of INCO (International Nickel Company of Canada), a German group consisting of Preussag, Metallgesellschaft and Salzgitter, the American SEDCO group and a number of Japanese firms combined under the acronym DEMES?

- (e) a recently established purely Japanese consortium, and
- (f) the French Association for the Study and Research of Polymetallic nodules (AFERNOD) of which the main participants are CNEXO (National Centre for Ocean Mining), the Commissariat à l'énergie atomique and Le Nickel company.

3. RESEARCH ON THE IMPACT OF DEEP SEABED MINING ON THE ENVIRONMENT

3.1. As is stated in one of the recitals to the motion, there is very little knowledge of the likely impact on the environment of deep seabed mining.

3.2. Current research has been confined to short-term tests; there do not appear to have been any longterm studies. The United States is thought to be the only government currently conducting research in this field. Since 1976 it has been conducting a 'Deep Ocean Mining Environment Study' (DOMES).

3.3. The role of the oceans and the life which they support are an integral part of the ecosystem of our planet. For instance, a large part of the world's oxygen is renewed through the biological action of phytoplankton on the surface of the oceans.

3.4. An article by James N. Barnes (Center for Law and Social Policy in Washington) summarizes a number of theories for unanswered questions raised in connection with the DOMES project:

- (a) with regard to living organisms on the deep seabed: there is very little information on deep sea life and virtually no information on its relationship with less deep ocean levels and on the possible impact of any serious disturbance of benthic communities. It is known, for instance, that living organisms are attached to the surface of the nodules, but many have not yet been identified. Scientists do not yet agree on the formation of the nodules themselves. Deep seabed mining will involve the formation of layers of sediment and living organisms in suspension - for each tonne of nodules extracted the machine will probably stir up 4,000 tonnes of sediment. Depending on the shape of this sediment and the organisms concerned, it could take years for them to resettle on the ocean floor. Another unknown factor is the time needed to rehabilitate the areas disturbed.

(b) with regard to the water itself: the nodules, together with a large amount of sediment and living organisms will be brought to the surface or may be dumped anywhere between the surface and the seabed. The upper level of the ocean is occupied by phytoplankton in which part of the earth's photosynthesis takes place, producing some of its oxygen. This phytoplankton could be reduced by the dumping of sediment on the surface, disturbing photosynthesis and the initial changes in the food chain. Chronic, long-term exposure of the marine habitat to heavy metals could result in the accumulation of high levels of toxic metals in the food chain. The sediments dumped may contain bacteria or other micro-organisms acceptable on the ocean floor but not suitable for the upper level.

There is also the whole problem of waste resulting from the processing of these nodules, whether at sea or on land.

4. IMPORTANCE OF DEEP SEABED MINING TO THE EEC

- 4.1. The EEC depends to a large degree on imports to cover its industries' needs for non-energy mineral raw materials, especially cobalt and manganese.
- 4.2. As Parliament pointed out in its resolution of 9 April 1981, deep seabed mining and more particularly the mining of poly-metallic nodules constitute a potential source of supply for the EEC.

5. IMPORTANCE FOR THE ENVIRONMENT OF AN INTERNATIONAL AGREEMENT ON DEEP SEABED MINING

- 5.1. To be profitable a company would have to process at least a million tonnes of nodules per annum and, since the geographical distribution of nodules is uneven, each extraction unit would have to be able to cover an area of approximately 10,000 square kilometres of seabed over a twenty year period. This is why an international agreement on the granting of concessions is needed not only for economic reasons but also for the environment.
- 5.2. Poorly organized research and extraction will create grave risks for the seabed, which would be exacerbated by permissive legislation; extraction companies would register in Member States with the least stringent environmental requirements (see the conclusions of the conference of 10, 11 and 12 February 1981 on the impact of unilateral legislation on deepsea mining on negotiations on the law of the sea, organized by the EEB, the Center for Law and

Social Policy, The International Institute for Environment and Development, COLINE and the Advisory Committee on Oil Pollution of the Sea).

6. CONVENTIONS AND LEGISLATION ON DEEP SEABED MINING

6.1. Third UN Conference on the Law of the Sea

6.1.1. This was held from 1973 until the completion of its work on 30 April 1982.

6.1.2. The result of the vote - requested by the United States - on the draft convention was as follows:

130 in favour (including 121 of the Group of 77 plus France and Japan);

4 against (United States, Venezuela, Turkey, Israel);

17 abstentions (including the USSR, the socialist bloc countries, FRG, United Kingdom, Belgium, Italy, The Netherlands, Luxembourg, Spain).

6.1.3. This result gives cause for concern as regards the future and effectiveness of this convention. Without the participation of the United States, the operating budget of the Authority will be sharply reduced.

6.1.4. The final act and convention will be open for signature in December 1982.

6.1.5. A preparatory committee will have to be set up to lay down the rules, regulations and procedures necessary for the application and operation of the convention.

6.1.6. The signatories of the final act will have observer status on this preparatory committee. The signatories to the convention will be entitled to vote. The signatures of fifty states are required to enable the preparatory committee to be set up and begin its work. The convention will then have to be ratified by the signatory states. In the case of many states, the decision to ratify is likely to depend on the rules, regulations and procedures adopted by the preparatory committee.

6.1.7. The Community as such may be a party to the convention provided that it has been signed by at least six Member States.

6.1.8. The draft convention submitted for discussion contains a Part XI devoted to the extraction of resources in the 'Area' (i.e., from the seabed and its subsoil beyond the limits of national jurisdiction). This is the main stumbling block at the conference on account of the transfer of technology involved and lack of protection provided to current extracting enterprises.

6.1.9. This part contains the special environmental measures additional to those contained in Part XII on the protection and conservation of the marine environment.

6.1.10. It is proposed that an Authority be established, as an organization through which the contracting States organize and control activities in the Area. The Authority is largely composed of an Assembly, the supreme body consisting of all the Contracting States to the conference and a Council composed of members elected by the Assembly.

6.1.11. Article 145 of the draft convention stipulates that 'Necessary measures shall be taken in accordance with this Convention with respect to activities in the Area to ensure effective protection for the marine environment from harmful effects which may arise from such activities. To this end the Authority shall adopt appropriate rules, regulations and procedures for inter alia:

- (a) the prevention, reduction and control of pollution and other hazards to the marine environment, including the coastline, and of interference with the ecological balance of the marine environment, particular attention being paid to the need for protection from harmful effects of such activities as drilling, dredging, excavation, disposal of waste, construction and operation or maintenance of installations, pipelines and other devices related to such activities;
- (b) the protection and conservation of the natural resources of the Area and the prevention of damage to the flora and fauna of the marine environment.'

The Council recommends to the Assembly the rules, regulations and procedures prepared by its Legal and Technical Commission, which in particular (Article 165) shall:

- '(d) prepare assessments of the environmental implications of activities in the Area;
- (e) make recommendations to the Council on the protection of the marine environment, taking into account the views of recognized experts in that field;
- (h) make recommendations to the Council regarding the establishment of a monitoring programme which shall observe, measure, evaluate and analyse by recognized scientific methods on a regular basis the risks and effects of activities in the Area with respect to pollution of the marine environment, ensure that existing regulations are adequate and complied with and co-ordinate the implementation of the monitoring programme approved by the Council;
- (k) make recommendations to the Council to issue emergency orders, which may include orders for the suspension or adjustment of operations to prevent serious harm to the marine environment arising out of activities in the Area. Such recommendations shall be taken up by the Council on a priority basis;
- (l) make recommendations to the Council to disapprove areas for exploitation by contractors or the Enterprise in cases where substantial evidence indicates the risk of serious harm to the marine environment.'

6.1.12. According to Part XII, the Member States are responsible (Article 209) for adopting 'laws and regulations to prevent, reduce and control pollution of the marine environment from activities in the Area undertaken by vessels, installations, structures and other devices flying their flag or of their registry or operating under their authority, as the case may be.'

6.2. National legislation

6.2.1. In view of the slow pace of negotiations on the law of several States, including three Member States, have adopted provisional legislation on deep seabed mining. Their main

intention is to give their mining companies a measure of legal security.

United States - Deep Seabed Mineral Resources Act, 28 June 1980

6.2.2. The issuing of authorization to explore or develop is preceded by a study on the impact on the environment. Authorization may be refused because it would damage the environment. It may be accompanied by conditions or restrictions seeking to protect the environment (taking account of the use of the best technology). It may be suspended or modified for environmental reasons.

6.2.3. The extension or acceleration of programmes to evaluate the effect of exploration and development of the deep seabed are provided for, as is the encouragement of oceanographic research.

6.2.4. The act also states that negotiations should be conducted with all the nations to establish stable reference zones, i.e., representative zones in which no extraction would take place, enabling them to be used as reference zones.

FRG - Law on the provisional regulation of deep seabed mining, 16 August 1980

6.2.5. Protection of the marine environment is mentioned as one of the laws objectives (Article 1, point 2). Authorization can only be granted if, in particular, there are no grounds for suspecting that extraction would substantially harm the marine environment (Article 5).

6.2.6. It may be accompanied by ancillary measures where this is necessary to safeguard protection of the marine environment in particular. Subsequent changes in the content of authorizations already granted, and the introduction, modification or addition of ancillary measures are permitted where in particular the protection of the environment, having regard to the commercial interests of the authorized undertaking, makes this essential.

France - Law No 81-1135 on the exploitation of mineral resources of the deep seabed, of 23 December 1981

6.2.7. Obligations may be imposed on the holder of the exploration or development permit to safeguard protection of the marine environment (Article 14).

6.2.8. The exploration or development permit may be withdrawn, notably for serious breach of the rules providing for the protection of marine fauna and flora (Article 14).

United Kingdom - Deep Sea Mining (Temporary Provisions) Act 1981

6.2.9. The decision to grant authorization for exploration and development will have regard to the need to protect the marine environment. The authorization will contain the conditions necessary to prevent as far as possible harmful effects on the environment (article 15). It may be amended or withdrawn to protect the environment (article 16).

USSR

6.2.10. The USSR has recently adopted a decree authorizing the prospection and development of the deep seabed by certain Soviet undertakings.

6.3. Quadripartite agreement

6.3.1. The Press has reported on current negotiations between the United States, France, the FRG and the United Kingdom on the establishment of procedures to be adopted to consider applications for exploitation licences for mining on the Pacific seabed between the Hawaii Islands and the West Coast of the United States, a zone which contains appreciable quantities of polymetallic nodules, providing for a fair distribution of concessions between the interested undertakings of the four countries and commercial development from January 1988. This agreement has apparently not yet been signed.

6.4. The Commission's position

6.4.1. On 4 February 1982 the Commission forwarded to the Council a communication on the need for a joint position for the eleventh session of the Third UN Conference on the Law of the Sea, particularly in the field of exploitation of the seabed.

6.4.2. Its position is as follows: while in favour of the adoption of an international treaty, the Commission must obtain improvement in some clauses in Part XI of the convention which are likely to discourage future marine developers (but which do not concern the environment). A Community position is essential to ensure the Commission's view will be heeded.

6.4.3. On 22 February 1982, the Ten approved a decision preparatory to the eleventh conference on problems relating to the seabed, stressing the need to adopt joint positions in the course of the negotiation by appropriate coordination on the spot. However, they were unable to adopt a joint position on the guidelines proposed by the Commission.

7. QUESTIONS

- (a) Given the possible dangers for the environment of any agreement on seabed mining which was limited to certain States only, and the Community interests which are at stake (as emphasized by the European Parliament in its resolution of 1981 - sitting of 9.4.1981), does the Commission have specific information on negotiations (whether for a quadripartite agreement or an agreement between a greater number of parties) involving Member States?

Is consideration being given in these negotiations to the protection of the environment and, in particular, to the creation of stable reference zones?

- (b) In reply to the written questions by Mr GLINNE (OJ No. C 87/11) and Mr MORELAND (OJ No. C 198/37, No. 222/80, No. 1789/80), the Commission considered that there was a need for coordination at Community level of national legislation in this field. In reply to the written question by Mr JOHNSON (OJ No. C 147/36 and No. 92/81), it specified that it did not consider it necessary to go as far as proposing the establishment of autonomous Community rules.

In the plenary debate of 9 April on the resolution by Mr JOHNSON on the United Nations Conference on the Law of the Sea and the WALTER report on economic aspects of the exploitation of the seabed, Mr NARJES said that, as regards

the interim legislation adopted by certain Member States, it was not essential to know whether environmental aspects ought to be taken into account in these laws, as their sole objective was to provide legal protection during the ensuing period of ratification. He also stated that we had seven years (now six) to solve the problem of the environment, as effective mining was not due to start before January 1988.

The six years which remain would seem an extremely short period to fill the gaps in our knowledge of the deep seabed environment.

All the necessary precautions should be taken forthwith, whether it be at the level of national legislation, agreements or conventions, on the understanding that they may be redefined at a later stage.

In addition, the results of the 11th United Nations Conference on the Law of the Sea have changed the nature of the problem. The Member States principally involved in mining are likely not to be parties to this convention. National laws and partial agreements are likely to multiply. Furthermore, there may well be a long delay between the signature and the entry into force of the convention.

Does the Commission intend to review its position in order to take all the necessary measures to avoid anarchic exploitation, which would expose the seabed environment to considerable risks?

Does it not consider that the resolutions voted by the European Parliament in April 1981 remain particularly valid? (In particular, paragraph 2 of the Johnson resolution calling for 'an intensification of consultation between the European Community and the United States, and other countries.....' and paragraph 15 of the resolution in the Walter report calling upon the Commission 'to make proposals for a Community deep-sea mining regime (including environmental aspects), to be applied by all Member States uniformly, such a regime to be compatible with and complementary to that proposed in the draft convention').

- (c) Will the Commission be shortly proposing to the Council that the Community as such should adhere to this Convention on the Law of the Sea?
- (d) Is the Commission aware of any current European research on the nature of the seabed and the impact of deep seabed mining on the environment? Is it aware of the results of research in the United States?
- (e) Should not the Commission propose to the Community that research should be promoted forthwith on:
- the nature of the seabed and the impact of deep seabed mining on the environment? This research could lead to the formulation of an environmental code for such mining;
 - zones which, by virtue of their importance for marine fauna and flora, should not be exploited until wider knowledge of the subject is available, and zones which should be considered as stable reference zones?

Supplementary information

- The Third United Nations Conference on the Law of the Sea met for an informal session on 22-23 and 24 September 1982 to finalize the text adopted on 30 April 1982.

The final act and the convention will be open for signature in December 1982 in Jamaica (not in Caracas as originally planned).

One of the paragraphs of the motion for a resolution calls on the Council and the Commission to exert pressure in the intervening period on the United States and the other states which abstained or voted against, to persuade them to sign the convention and to apply it fully in their legislation.

On 9 July 1982 the United States announced that it would not sign the convention. (Source: Le Soir, 12 July 1982).

At the beginning of September, the United States, Germany, France and the United Kingdom signed an interim agreement on the exploration for polymetallic nodules in the deep seabeds. The purpose of the agreement is to avoid disputes over requests for exploration licenses submitted prior to March 1982 by companies of the countries involved. The agreement does not affect the positions of the signatory states on the United Nations Convention. (Source: Agence Europe, 8 September 1982).

- Once the convention has been signed, a preparatory committee will have to be set up to lay down the rules, regulations and procedures necessary for its application and operation. The committee's work will determine the specific aims and operating conditions of the convention, which is fairly general in its content.

The signatories of the final act will have observer status on the preparatory committee. The signatories to the convention will be entitled to vote. The signatures of fifty states are required to enable the preparatory committee to be set up and begin its work.

The convention will then have to be ratified by the signatory states. In the case of many states, the decision to ratify is likely to depend on the rules, regulations and procedures adopted by the preparatory committee.

The Community as such may be a party to the convention provided that it has been signed by at least six Member States. It is important that this condition should be fulfilled since the Community must be able to defend its interests, including protection of the environment, by taking part in the preparatory committee's work on the rules, regulations and procedures governing the implementation of the convention.

- The delay between the signature and the entry into force of the convention (which will depend on the ratification by the signatory states) will be fairly long.

The motion for a resolution, reiterating the request made in the WALTER report on economic aspects of the exploitation of the seabed, calls for proposals to be submitted in any case for Community rules on deep sea mining, including environmental aspects, complementary to those proposed in the draft United Nations Convention (Johnson amendment - sitting of 9 April 1981).

OPINION OF THE COMMITTEE ON ENERGY AND RESEARCH

Draftsman: Mrs A PHLIX

On 30 April 1982 the Committee on Energy and Research appointed Mrs Alphonsine PHLIX draftsman of an opinion.

At its meeting of 24 June 1982 the committee considered the draft opinion and adopted it by 19 votes with one abstention.

The following took part in the vote :

Mrs WALZ, chairman; Mr NORMANTON, vice-chairman; Mrs PHLIX, draftsman of the opinion; Mr ADAM, Mr FUCHS, Mr LINKOHR, Mr MARKOPOULOS, Mr MEO, Mr MORELAND, Mr PEDINI, Mr PETERSEN, Mr PETRONIO, Mr PINTAT, Mr PROTOPAPADAKIS, Mr ROGERS (deputizing for Mr PATTISON), Mr SASSANO, Mr SELIGMAN, Mrs THEOBALD-PAOLI, Mr VERONESI, Mrs VIEHOFF (deputizing for Mrs LIZIN).

1. The problem addressed in the motion for a resolution (Doc. 1-69/81), the protection of the marine environment from the effects of deep seabed mining, falls within this committee's terms of reference in that it involves the safeguarding of energy supplies and the organization of research.

2. From the point of view of energy policy and safeguarding the Community's supply of oil and oil products, the Community has a considerable interest in the exploitation of existing oil and gas deposits in Member States' territorial waters or exclusive economic zones.

At this time of rising transport costs, when moreover supplies of oil to the Community from third countries are increasingly at risk, energy reserves such as those in the North Sea or the Mediterranean must be regarded as assuming ever greater strategic importance. While having maximum regard for the potentially harmful consequences for the marine environment, safeguarding the energy supplies of the Community must take precedence because of its wider economic and social significance.

3. The committee is of course well aware of the need for appropriate protective measures to keep to a minimum the effects on the marine environment and points out that in connection with pollution of the sea caused by the transportation of oil it has already called for effectively coordinated measures to combat marine pollution (see the opinion submitted by Mr CALVEZ on behalf of the Committee on Energy and Research (PE 74.099/final) of 22.10.1981 on the motion for a resolution (Doc. 1-816/80) on the creation in Brittany of a European Centre for research into and action against pollution). The committee responsible has not yet adopted the report to which this opinion refers, however.

4. With reference to the serious position in which Member States of the Community now find themselves regarding supplies of mineral and vegetable raw materials, it should be noted that the European Parliament has already drawn attention to the Community's considerable dependence on the supply of raw materials from third countries in a resolution of 9.3.1982 on 'supplies of mineral and vegetable raw materials in the European Community - survey and further outlook', based on the report by Mrs Louise MOREAU (Doc. 1-873/81). In this resolution, Parliament proposed, among other measures,

- the promotion of new technologies which will make it possible to exploit hitherto inaccessible deposits or those of insufficient size or yield, including those on the sea bed, and

- the undertaking by the Community of studies and research relating to the mineral resources of the sea bed, which will be one of the main sources of supply in the future.

These proposals had been contained in the opinion submitted by Mr IPPOLITO on behalf of this committee.

5. With regard to research policy, that these proposals could usefully be supplemented by scientific research to establish the character of the marine environment of the deep oceans and its susceptibility to harm from deep seabed mining, as called for in the motion for a resolution. In the light of previous general experience, the committee feels that while the Commission has a role to play in initiating and coordinating such research, actual research activities should be carried out in the individual Member States, in order to keep the technical costs incurred by the administration as low as possible.

6. With reference to the call for the creation of 'stable reference zones' in which no mining operations would be carried out, the committee draws attention to the International Law of the Sea Convention which has just been adopted in New York, with certain Member States of the Community (Belgium, the Federal Republic of Germany, Italy and the United Kingdom) abstaining.

7. In consideration of the above, the Committee on Energy and Research recommends the Committee on the Environment, Public Health and Consumer Protection to add the following clauses to its motion for a resolution:

The European Parliament,

- having regard to its resolution of 9 April 1981 on economic aspects of the exploitation of the seabed (Third UN Conference on the Law of the Sea)¹

¹OJ No C 101/81 pp. 65-68

- having regard to its resolution of 9 March 1982 on supplies of mineral and vegetable raw materials in the European Community - survey and further outlook¹,

- (i) Confirms its view that efforts to improve the Community's degree of self-sufficiency must be continued, particularly
 - by promoting new technologies which will make it possible to exploit hitherto inaccessible or inadequate deposits or those of insufficient size or yield, including those on the sea bed,

- (ii) Reconfirms the need for the Community to undertake studies and research relating to the mineral resources of the sea bed, which will be one of the main sources of supply in future;

- (iii) Calls for the harmonization of legislation in the Member States of the Community with regard to deep seabed mining as a basis for a European energy policy;

- (iv) Calls on the Commission to coordinate the various measures to combat marine pollution from deep seabed mining without losing sight of the need to safeguard the Community's energy supplies.

¹OJ No C 87/82 pp. 46-49

MOTION FOR A RESOLUTION

tabled by Mr COLLINS

pursuant to Rule 25 of the Rules of Procedure
concerning deep seabed mining and marine environment

The European Parliament.

- RECALLING the reply given by Mr. Wilhelm Haferkamp to a question by Mr Morland, on the 4th August 1980, recognising the interests of the European Communities in deep seabed mining,
- NOTING that the tenth session of the Third United Nations Conference on the Law of the Sea opened in New York on 9th March 1981 to finalise the draft convention of the law of the sea which deals inter alia with deep seabed mining,
- NOTING that the so-called 'like minded States' (France, the Netherlands, the Federal Republic of Germany, the United Kingdom, Italy, Belgium, the United States and Japan) have meanwhile, without informed public debate, held meetings with a view to establishing a reciprocating States regime which would purport to legitimate deep seabed mining operations outside the globally negotiated international regime,
- NOTING that the majority of 'like minded States' are members of the European Communities; that the Federal Republic of Germany has already passed legislation on deep seabed mining (July 1980); that the United Kingdom is in the process of passing such legislation and that draft legislation is being considered in France and possibly in other member states,
- RECOGNISING the potential strategic and economic value of ferromanganese nodules to the international community and, in particular, to members of the European Communities,
- CONSCIOUS of the dependence of the terrestrial ecosystem on the maintenance of the balance of the marine environment,
- CONSCIOUS also that deep seabed mining will inevitably cause some disturbance to the marine environment, the extent and consequences of which it has not yet been possible to determine.

1. URGES the Council and the Commission to initiate scientific research to establish the character of the marine environment of the deep oceans and its susceptibility to harm from deep seabed mining;
2. URGES the Council and the Commission to ensure that any agreed regime for deep seabed mining would provide for the establishment of areas in which no mining operations may be carried out (stable reference zones);
3. RESOLVES to use its best endeavours to ensure that no Member State becomes a party to any regime for deep seabed mining, whether global or regional, which does not take due account of the need to protect the marine environment.
4. Call on its President to forward this resolution to the Commission and the Council.