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DOCUMENT 1-1413/83

Report

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

on the dumping of chemical and radioactive waste at sea
(Doc. 1-809/82, 1-12/83, 1-539/83, 1-1132/83 and 1-1255/83)

Rapporteur: Mr D. EISMA

At its sitting of 19 November 1982 pursuant to Rule 47 of the Rules of Procedure the European Parliament referred the motion for a resolution tabled by Mrs LE ROUX and Mrs POIRIER on the dumping of chemical wastes off the coast of Brittany (Doc. 1-909/82), to the Committee on the Environment, Public Health and Consumer Protection as the committee responsible and to the Legal Affairs Committee for its opinion.

At its meeting of 3 December 1982, the committee decided to draw up a report and appointed Mr EISMA rapporteur.

It decided to include in the report the motions for resolutions tabled by Mr CLINTON (Doc. 1-25/83 and 1-1132/83) and Mrs VAN HEMELDOCK (Doc. 1-539/83 and 1-1255/83), referred to it pursuant to Rule 47 as the committee responsible.

The committee considered the report at its meetings of 3 November, 1 December 1983 and 26 January 1984. At the last meeting it adopted the motion for a resolution.

The following took part in the vote: Mr Collins, chairman; Mr Ryan and Mrs Weber, vice-chairmen; Mr Eisma, rapporteur; Mr Bombard, Mr Ghergo, Mr Muntingh, Mrs Seibel-Emmerling, Dr Sherlock, Mrs Squarcialupi and Mrs Van Hemeldonck.

The opinions of the Committee on Energy, Research and Technology and the Legal Affairs Committee are to be delivered separately.

The report was tabled on 10 February 1984.

CONTENTS

	<u>Page</u>
A. MOTION FOR A RESOLUTION	5
B. EXPLANATORY STATEMENT	11
1. Introduction	11
2. The damage	11
3. The consensus	12
4. International conventions	13
5. Community legislation	14
6. Implementation	15
7. Omissions and their rectification	16
8. Research	17
9. The production of waste	17
ANNEX I	References
ANNEX II	Motions for a resolution Doc. 1-909/82
ANNEX III	Motion for a resolution Doc. 1-25/83
ANNEX IV	Motion for a resolution Doc. 1-539/83
ANNEX V	Motion for a resolution Doc. 1-1132/83
ANNEX VI	Motion for a resolution Doc. 1-1255/83
ANNEX VII	Community legislation in chronological order
ANNEX VIII	International agreements in chronological order

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

on the dumping of chemical and radioactive waste at sea

The European Parliament,

- a - having regard to the motions for resolutions on the dumping of chemical wastes off the coast of Brittany (Doc. 1-909/82), on the control of dumping of nuclear waste in Community waters (Doc. 1-25/83), on the dumping of nuclear waste in the Atlantic Ocean by Belgium and the United Kingdom (Doc. 1-539/83), on the long-term affects on living organisms of air and sea-borne nuclear waste from the Windscale power plant and the control of nuclear discharge from the plant (Doc. 1-1132/83) and on the dumping by Belgium of nuclear waste in the Atlantic (Doc. 1-1255/83),
- b - having regard to its resolution of 8 June 1983 on the proposal from the Commission of the European Communities to the Council for a directive on the supervision and control of transfrontier shipment of hazardous wastes within the European Community¹,
- c - having regard to its resolution of 16 September 1982 on the storage of nuclear waste in the Atlantic by the Netherlands, Belgium and the United Kingdom²,
- d - having regard to its resolution on the dumping of wastes at sea³,
- e - having regard to the Oslo Convention of 15 February 1972 for the prevention of marine pollution by the discharge of waste at sea by shipping or aircraft,

¹ OJ No. C 184 of 11.7.1983, p. 50

² OJ No. C 267 of 11.10.1982, p. 46

³ OJ No. C 293 of 13.12.1976, p. 60

- f - having regard to the London Convention of 29 December 1972 on the prevention of marine pollution by dumping of wastes and other matter,
 - g - having regard to the Helsinki Convention of 22 March 1974 on the protection of the marine environment of the Baltic Sea area,
 - h - having regard to the Barcelona Convention of 16 February 1976 on the protection of the Mediterranean Sea against pollution,
 - i - having regard to the Convention for the prevention of pollution by ships and the protocol signed in London on 2 November 1973 (MARPOL),
 - j - having regard to the Bonn Agreements of 9 June 1969 and 13 September 1983 for cooperation in dealing with pollution of the North Sea by oil,
 - k - having regard to the report of the Committee on the Environment, Public Health and Consumer Protection and the opinions of the Committee on Energy, Research and Technology and the Legal Affairs Committee (Doc. 1-1413/83),
- A. whereas the Conventions are operating very inadequately and some Member States are contravening their terms, and only if the Community became a signatory or the Council adopted the 1976 proposal for a directive, would the Commission really be able to control the implementation of the Conventions;
- B. whereas pollution of the seas is still increasing and is causing unacceptable damage to the marine and coastal environment;
- C. whereas in addition to pollution from rivers and pipelines and accidents at sea, the dumping of chemical and radioactive waste at sea from ships (and even aircraft) is a major cause of pollution;
- D. whereas large quantities of sewage sludge and dredged spoils which often contain toxic substances, are being dumped in addition to industrial waste;
- E. whereas there is a reasonable consensus that the pollution of the seas by the dumping of dangerous waste must stop and the dumping of less harmful products must be strictly regulated;

- F. whereas the direct discharge of radioactive material into the sea from nuclear power plants such as the Windscale reactor should be included therein;
- G. whereas Parliament has already come out in favour of a ban on the dumping of all radioactive material at sea and in February 1983 the conference to review the 1972 London Convention decided to impose such a ban for two years;
- H. whereas a number of international conventions have been concluded on dumping waste at sea, i.e. the Conventions of Oslo (1972), London (1972), MARPOL (1973), Helsinki (1974) and Barcelona (1978);
- I. whereas the situation would be improved to a large extent if all Member States strictly adhered to the terms of the Conventions;
- J. whereas a number of Member States unfortunately still have not ratified the Conventions and the Community has ratified only the Barcelona Convention and has signed only the Bonn Agreement;
- K. whereas the Community, acting only as an observer, can do no more than recommend that those Member States that have not yet ratified the Conventions should do so;
- L. whereas in 1976 the Commission sent the Council a proposal for a directive, which would have essentially imposed the conditions of the Oslo and London Conventions on the Member States, but so far the Council has not taken any decision on it;
- M. whereas there is still much research required to ascertain the consequences of dumping certain kinds of waste in the sea;
- N. whereas in an industrial society waste will inevitably be produced and have to be stored;
- O. whereas the quantity and toxicity of dangerous waste can often be minimized by appropriate production methods and reprocessing and the remainder can frequently be rendered harmless;

P. whereas disposal on land

(a) is easier to supervise and entails fewer unknown risks than dumping at sea,

(b) in particular, is not irreversible, which means that additional measures can be taken where necessary,

and this problem calls for a European solution;

1. Calls on

(a) the Council to ensure that the Community accedes to the Conventions of Oslo (1972) and Helsinki (1974) and ratifies the Bonn Agreements (1969/1983) as soon as possible;

(b) the Council and Commission to do everything possible to ensure that the Community signs the Convention of London (1972) and the MARPOL Convention (1973);

2. Calls on the Council to recommend the Member States that have not yet ratified these Conventions to do so as soon as possible;

3. Calls urgently on the Council, if paragraph 1 cannot be achieved in the near future, to adopt the proposed 1976 directive - adapted where relevant to the abovementioned Conventions, except where this would represent a step backwards - as soon as possible;

4. Wishes that the Member States' powers to take more extensive measures to be in no way restricted;

5. Calls on the Commission, as soon and in so far as it is possible, to coordinate and supervise the implementation of the Conventions and possibly the directive and in particular

(a) to ensure that the Member States

- (i) introduce in good time national legislation to implement the Conventions;
- (ii) draw up programmes for different types of toxic waste;
- (iii) carry out a strict licensing policy;
- (iv) detect and prosecute illegal disposal;

(b) to present a report to Parliament every two years

- (i) on paragraph 5(a) and
- (ii) on the current state of marine pollution;

6. Calls on the Commission to urge the Member States to implement the recommendations of the Council of European Municipalities' programme of action adopted in Rotterdam on 27 September 1983;
7. Expresses the wish that after 1 January 1984 no more radioactive waste, including direct discharges from nuclear power plants such as the Windscale reator, and after 1 January 1986 no more waste on the 'black list' (annex I of the Oslo and London Conventions and the draft directive) should be dumped at sea;
8. Calls for the dumping at sea of black-listed substances of which traces occur in industrial waste, sewage sludge or spoil to be made subject to maximum limits as regards both concentration and total quantity;
9. Calls on the Commission to collect environmental and waste statistics and publish them regularly;
10. Is of the opinion that the Community should take part in the research carried out by GESAMP (Joint Group of Experts on the Scientific Aspects of Marine Pollution, supported by UNEP among others);
11. Is of the opinion that the need to dump waste in the sea and the possibility of abandoning this practice stands and falls by the existence of a reliable system for storing waste on land;

12. Expresses the wish that the Community should formulate a policy on waste the main lines of which should be as follows:

- (a) the selection of production processes that produce a minimum of waste when setting up new industries;
- (b) waste must be reprocessed by the manufacturer as much as possible;
- (c) waste that cannot be reprocessed must - where appropriate - be rendered harmless by the manufacturer;
- (d) only waste that is rendered harmless may be stored;
- (e) exceptions to points (c) and (d) must be subject to very strict controls and may be granted only seldom;

and calls on the Commission to examine how far, for this purpose, existing directives on waste should be amended or tightened up;

13. Calls on the Commission to publish at the earliest opportunity the reports stipulated by the Directives on waste;

14. Calls on the Commission to report to Parliament on the assistance obtained from the committees set up under the Directives on waste;

15. Calls on the Commission to develop a Community system for the safe storage on land of waste that cannot be reprocessed or neutralized and to earmark a specific percentage of the Euratom loans and the Research and Development Fund for this purpose;

16. Instructs its President to forward this resolution to the Council and the Commission.

B
EXPLANATORY STATEMENT

1. INTRODUCTION

1.1. The Community's environmental policy does not seem to have produced very encouraging results as regards waste management. The vast majority of environmental disasters are caused by uncontrolled disposal, tipping or dumping of dangerous waste.

1.2. This report, drawn up in connection with the motions for resolutions tabled on the subject (Docs. 1-909/82, 1-25/83, 1-539/83 and 1-1132/83 and 1-1295/83) will consider what shortcomings in Community and international provisions must be rectified in order to bring about a preventive environmental policy covering both the controlled and the uncontrolled discharge of waste.

1.3. The report deals only with the deliberate discharge of waste from ships (or aircraft) and therefore does not consider the following:

- (a) discharges in inland waters (rivers, lakes, etc.)
- (b) discharges into the sea from the land (via rivers or pipelines)
- (c) unintentional discharges as a result of accidents.

1.4. For further information on Community legislation and international regulations in force, see Annexes VII and VIII respectively.

2. THE DAMAGE

2.1. In 1981 the following quantities of waste were discharged into the sea from ships that had been granted licences:

industrial waste	12.6 M tonnes ^{I1*}	
sewage sludge	8.4 M tonnes ^{I1}	
dredged spoils	65.8 M tonnes ^{I1}	
radioactive waste	9.5 K tonnes ^{I2}	(158,000 Curie)
- idem - (1982)	11.7 K tonnes ^{I21}	(128,000 Curie)

* I1 relates to reference 1 in Annex I, etc.

2.2. The first three types of waste frequently contain small quantities (traces) of organohalogen compounds (including DDT and aldrin, dieldrin, etc.), PCBs and heavy metals (including mercury and cadmium), which appear on the 'black list' of prohibited products (Annex I of the London (1972) and Oslo (see paragraph 4) Conventions). A quarter of the industrial waste was sulphuric acid from the TiO_2 industry^{11,13}. The EEC Member States also discharged about 10 M tonnes of gypsum waste from the phosphate fertilizer industry into water (only a part directly into the sea). This gypsum is polluted by mercury and cadmium salts and other substances¹⁴.

2.3. The damage which the black-listed products cause to the health of sea mammals, fish and other marine fauna, and thus to man, is enormous. Last year, for example, the Belgian Ministry of Health announced that mussels growing on the breakwaters along the Belgian coast are no longer fit for consumption and constitute a danger to public health¹². The most spectacular damage is, however, caused by oil. For further details, especially concerning the North Sea, see note 15.

3. THE CONSENSUS

3.1. There is agreement on the definition of marine pollution given by the GESAMP¹⁷:

'Pollution means the introduction by man, directly or indirectly, of substances or energy into the marine environment (including estuaries) resulting in such deleterious effects as harm to living resources, hazards to human health, hindrance to marine activities including fishing, impairment of quality for use of seawater, and reduction of amenities'.

3.2. There can also be no doubt as to the Council's views in the light of its 1973 declaration¹⁸:

'Of all the different forms of pollution, marine pollution constitutes now, and to an even greater extent in the long term, one of the most dangerous, because of the effects it has on the fundamental biological and ecological balances governing life on our planet. This danger is even greater on account of the level of pollution which has already been reached, the diversity of pollution sources and the difficulty of ensuring that any measures adopted are complied with. The pollution of the sea has already reached a high level. For example, a disturbing accumulation of pollutants can be detected in plankton, other living organisms and sediments, and even now

there is evidence of a considerable danger of eutrophication in certain estuaries and coastal areas'.

Ten years have since elapsed and the situation has simply got worse.

3.3. There are also a number of international conventions aimed at preventing marine pollution (see paragraph 4).

3.4. On the dumping of low and medium-level radioactive waste the consensus is less evident: the European Parliament's resolution^{I6}, which demanded that the dumping of all radio-active waste in the sea should be completely stopped, was adopted with only a small majority.

3.5. The conference on the implementation of the 1972 London Dumping Convention^{I9} decided on a compromise by a clear majority: no radioactive waste would be dumped during a two year period, and a decision would then be taken on the basis of the latest scientific data. The Council of European Municipalities endorsed this compromise in October 1983^{I10}. In the meantime Switzerland and the Netherlands have called a halt to their disposal of waste in the sea and Belgium and the United Kingdom have had to cease this dumping under pressure from the unions and public opinion.

3.6. Highly radioactive waste is not dumped in the sea.

4. INTERNATIONAL CONVENTIONS

4.1. At the beginning of the 1970s, the foundations were laid for a preventive policy on the pollution of the sea by the dumping of dangerous waste. On the initiative of IMCO, the Oslo and London Conventions were adopted in 1972 and came into force in 1974. The Marpol Convention was also signed in 1973 but will enter into force only partially at the end of October 1983 and Annex II only in October 1986^{I22}. The Helsinki Convention (1974, Baltic Sea) and Barcelona Convention (1976, Mediterranean) are also significant here.

4.2. The Oslo and London Conventions prohibit the dumping of wastes that appear on the 'black list' (Annex I) and require permits for substances figuring on the 'grey list' (Annex II). The conventions cover the North Atlantic Ocean and all marine waters excluding the Baltic Sea and the Mediterranean, respectively. They overlap each other to a considerable extent.

The Marpol Convention contains detailed provisions on the discharge of oil at sea. The Helsinki and Barcelona Conventions relate to the Baltic and Mediterranean Seas respectively. The Bonn Agreement (1969), revised in 1983, deals with mutual help in the case of disasters in the North Sea. For further details see Annex VIII 3-8 and the Memorandum of understanding of port state control of 26 January 1982^{VIII}

4.3. Annex III 12 also shows which countries have signed and ratified the agreements at the time of their entry into force and whether the EEC is a contracting party. From this it emerges that Belgium and Ireland have not yet ratified the MARPOL Convention. In the meantime, the Community asked to become a contracting party to the Bonn Agreement^{I22} and signed it on 13 September 1983. If all Member States would adhere strictly to the terms of these conventions, the situation concerning dumping at sea would be considerably improved.

5. COMMUNITY LEGISLATION

5.1. Practically nothing exists at present, other than the three programmes of action on the environment^{I13}, which are more statements of intent than collections of measures. The proposal for a Council Directive of 12 January 1976 concerning the dumping of wastes at sea^{VII22a} is still 'being considered' by the Council. This proposal would in fact have been the Community's logical follow-up to the conventions drawn up some years previously on the initiative of the UN. The proposal distinguishes between particularly harmful substances, the dumping of which is prohibited (listed in Annex I), and harmful substances and materials that cannot be dumped in the sea without special authorization by the national authorities (Annex II). For all other wastes, a prior general permit is required. Under this proposal for a directive, the Commission would study and consider the records of the permits issued by the competent authorities and keep under review the efficacy of the measures and other provisions adopted by the Member States.

5.2. Parliament delivered an opinion on this proposal on 19 November 1976^{I 11}, the main points of which were:

- (a) the Community should ratify the London, Oslo, Barcelona and Helsinki Conventions;
- (b) the Commission should bring Annexes I and II of its proposal into line with the

international conventions.

5.3. In fact this directive largely contains the same elements as the conventions listed under (a). Therefore so long as

(a) the EEC is not a contracting party or

(b) the directive is not adopted,

it will lack instruments of Community law^{I 18} to monitor the implementation of the relevant conventions and to impose sanctions, and legally enforce them if necessary. For example, the Commission declares itself power-
less as regards the implementation of the Oslo Convention. All that the Community can do in this situation is recommend that those Member States that have not yet ratified the conventions should do so as soon as

possible. The Council has recommended this only with regard to the

Marpol Convention^{VII 9a}. There was a decision of principle to become a party to

the Oslo Convention but this was never implemented. In January 1983 the Commission stated that the Council had discussed Community accession to the Oslo and London Conventions in 1977 and 1978 but these discussions had come to nothing. Your committee regards this as highly unsatisfactory and it is time that pressure was put on the Council. There was recently a proposal from the Commission for contingency plans to combat accidental oil spills at sea^{I 17}.

6. IMPLEMENTATION

6.1. For a short resumé of the implementing measures taken by the North Sea Member States, see^{I 5}, 5.3.1 to 5.3.6 inclusive. The implementation of the Treaties is very inadequate, some Member States infringe their provisions and others have not signed, let alone ratified them (see paragraph 4). According to press reports^{I 14}, the United Kingdom is considering dumping highly radioactive waste, including 500 g of plutonium, in the sea. It is also reported that the United Kingdom has given permission for the discharge of chemical wastes that appear on the 'black list'. None of the contracting parties has worked out a procedure to prevent dumping on the high seas, as laid down in the London Convention, Article VII. In 1980, some contracting parties to the Oslo Convention, still had not sent in the records required^{I 1}. Nothing has been done to comply with the regulations in the Marpol Convention to provide port reception facilities

for chemical waste and oil, segregated ballast oil tanks and oil-water separating equipment, as set out in I 10, 22.

6.2. It would be desirable if the Commission were to report in which areas the Member States are not implementing the terms of the Conventions.

7. OMISSIONS AND THEIR RECTIFICATION

Here is a list of omissions, and how and by whom they might be rectified.

7.1. The following objectives should be established:

- (i) after 1.1.1984 no more radioactive waste should be discharged into the sea;
- (ii) after 1.1.1986 no substances appearing on the 'black list' should be discharged into the sea;
- (iii) after 1.1.1986 the dumping at sea of black-listed substances of which traces occur in industrial waste, sewage sludge or spoil should be made subject to maximum limits as regards both concentration and total quantity;
- (iv) after 1.1.1986 permits for substances on the 'grey list' should be granted only in exceptional circumstances;
- (v) after 1.1.1985 no further increase in the discharges should be authorized.

7.2. Consequently the Member States should:

- (i) introduce appropriate national legislation to implement the conventions;
- (ii) draw up programmes for the various substances;
- (iii) carry out a strict licensing policy;
- (iv) detect and prosecute illegal discharging.

7.3. From the above it is apparent that the Member States have little inclination to keep a check on the discharge of dangerous substances. This is understandable since the costs would threaten their competitive position. It is therefore essential that the Commission should

- (i) coordinate and supervise the Member States' policy on discharging;
- (ii) make sure that the proposal under (b) is actually implemented;
- (iii) be able to impose sanctions on persons who infringe the regulations (as should already happen with contraventions of the waste directives);
- (iv) bring out a report every two years on its activities in this area and the situation as regards marine pollution.

7.4. To be able to do all this, the Commission must have the necessary legal powers, i.e. over Community legislation. The possibilities are as follows:

- (i) the EEC should become a contracting party to the Conventions of Oslo, London and Helsinki, the Bonn Agreement and the Marpol Convention;
- (ii) the Council should immediately issue a recommendation calling upon the Member States to ratify the conventions as soon as possible;
- (iii) if this cannot be achieved in the short term then the draft directive VII 22a with the amendments recommended by Parliament should be adopted by the Council without delay.

There must be no restriction of the Member States' right to take more far-reaching measures.

7.5. The international conventions overlap each other a great deal and also contain gaps. They should be examined in conjunction and streamlined. This is not a first priority, because many more results can be expected from points 7.2. to 7.4. inclusive in the short term.

8. RESEARCH

8.1. A good deal of research is still necessary to be able to assess the effects of discharging certain substances into the sea. The GESAMP¹⁷ is an internationally recognized group of experts that has already done a lot of useful work^{1 15}. The Community should be involved in this.

8.2. In any case there is a need for environmental statistics and thus for statistics on waste. Not only are they necessary for the research described above but they also provide the best argument for taking action on the waste problem. The committee welcomed the recent Commission proposals of 10 October 1983^{VII 23c}.

9. THE PRODUCTION OF WASTE

9.1. It is an illusion to think that an industrial society can exist without waste. Waste will inevitably be produced and will have to be stored. If dumping in the sea is to be stopped an alternative will have to be found, i.e. a reliable system of storage on land. In this area the Community has made a start with Community legislation in the form of directives.

9.2. The Community's directives on waste have for the most part been incorporated, or are about to be incorporated, into national provisions, but they have entered into force too recently or cannot be monitored adequately. Various Member States have failed to provide the Commission with information on the implementation and effects of the national legislation enacted to implement the directives.

9.3. This failure on the part of the Member States should certainly not have prevented the Commission from reporting to Parliament and the Council, which it had in fact explicitly undertaken to do in some directives, in particular in Directive 75/442/EEC^{VII2} on waste, in Directive 76/403/EEC^{VII3} on the disposal of PCBs, in Directive 78/176/EEC^{VII7} waste from the titanium dioxide industry and Directive 78/319/EEC^{VII8} on toxic and dangerous waste. Fortunately the Commission has recently begun to impose sanctions on the Member States that have failed to report as required by Directive 78/319/EEC^{I16, 20}.

9.4. Thus far the Commission has drawn up only one report, on prospects as regards the production and management of radioactive waste, in^{VII 19} response to paragraph 1 of the Council Resolution of 18 February 1980^{VII 10}.

9.5. The Council has set up several advisory committees to^{VII 5, 12} assist the Commission in the implementation of the directives on waste. No report has ever been made to Parliament on the activities and usefulness or otherwise of these committees.

9.6. The problems will also be alleviated as the total quantity of waste is minimized by appropriate production methods and reprocessing. The remainder should then be rendered harmless as far as possible. To avoid distortions of competition as a result of the related costs, a European approach is necessary. To achieve this, your committee is of the opinion that a Community waste policy should be implemented, based on the following main points:

- (i) when new industries are established, production processes that generate a minimum amount of waste must be selected;
- (ii) waste must be reprocessed as far as possible by the producer;

- (iii) waste that cannot be reprocessed must - where appropriate - be rendered harmless by the producer;
- (iv) only harmless waste may be stored;
- (v) exceptions to points (iii) and (iv) should be subject to very stringent controls and only be permitted in exceptional circumstances.

9.7 For waste that cannot be reprocessed or neutralized, a Community system must be developed for safe storage on land. This is more easily supervised and entails less risk than discharge at sea. Moreover, storage on land is not irreversible, which means that additional measures can be taken where necessary. A specific percentage of the Euratom loans and the Fund for Research and Development should be reserved to cover the costs.

REFERENCES

- 1 Ninth Meeting Standing Advisory Committee for Scientific Advice of the Oslo Convention, 9-12 March 1982
- 2 Greenpeace, 'Briefing Document on Ocean Disposal of Radioactive Waste' + press document, July 1983
- 3 A.H. Pickaver, Marine Pollution Bulletin, (1982) No. 11 p. 375
- 4 Vereniging Milieudefensie ('Association for defence of the environment'), working party on water, 'Afvalgipslozingen door de fosfaatmestindustrie', September 1983
- 5 Maij-Weggen draft report on pollution in the North Sea (Doc. 1-1173/83), Part B, paragraphs 3.8.4, 4.1, 4.2, 4.6 and 4.7
- 6 Resolution of the European Parliament of 16.9.1982 (OJ No. C 267 of 11 October 1982)
- 7 GESAMP = Joint Group of Experts on the Scientific Aspects of Marine Pollution of the IMO/FAO/UNESCO/WMO/WHO/IAEA/UN/UNEP
- 8 Council Declaration of 22 November 1973 (OJ No. C 112 of 20.12.1973)
- 9 Seventh Consultative Meeting of the London Dumping Convention (1972), February 1983
- 10 Council of European Municipalities, European Conference on marine pollution, Rotterdam, September 1983, Final resolution and annex containing proposed measures,
- 11 OJ No. C 293 of 13.12.1976
- 12 Council recommendation of 26.2.1978, 78/584/EEC (OJ No. L 194 of 19.7.1978)
- 13 Three programmes of action on the environment (OJ No. C 112 of 20.12.1973) 20.12.1973, OJ No. C 139 of 13.6.1977 and OJ No. C 46 of 17.2.1983 respectively)
- 14 De Standaard, 2.9.1983
Frankfurter Rundschau, 2.9.1983
- 15 Vladimir Pravdic, GESAMP, The First Dozen Years, UNEP, 1981

- 16 Written Question No. 304/83 (OJ No. C 212 of 8.8.1983, p. 31)
- 17 Proposal for a Council Directive on the drawing up of contingency plans to combat accidental oil spills at sea (COM(83) 520 final - Doc. 1-890/83)
- 18 Written Question No. 2215/82 (OJ No. C 212 of 8.8.1983, p. 4)
- 19 Written Question No. 1510/82 (OJ No. C 47 of 17.2.1983, p. 11)
- 20 Written Question No. 1866/82 (OJ No. C 111 of 25.4.1983, p. 12)
- 21 Written Question No. 100/83 (OJ No. C 243 of 12.9.1983, p. 9)
- 22 Written Question No. 2132/82 (OJ No. C 189 of 14.7.1983, p. 13)
- 23 Written Question No. 1347/82 (OJ No. C 29 of 3.2.1983, p. 2)

MOTION FOR A RESOLUTION

(DOCUMENT 1-909/82)

tabled by Mrs LE ROUX and Mrs PORIER

pursuant to Rule 47 of the Rules of Procedure

on the dumping of chemical wastes off the coast of Brittany

The European Parliament,

- having regard to the Oslo Convention of 15 February 1972 on the prevention of marine pollution by the discharge of waste at sea by boats or aircraft,
 - having regard to the London Convention of 29 December 1972 on the prevention of marine pollution by dumping,
 - having regard to the Council Directive of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community,
 - having regard to the European Coastal Charter drawn up by the Conference on peripheral maritime regions (6-8 October 1981),
- A. Whereas the dumping of chemical or radioactive wastes off the coast of Brittany and in the Bay of Biscay seriously endangers the living resources of the sea and thus the economic life of these coastal regions,
- B. Whereas the United Kingdom, the Netherlands, Belgium and Switzerland in particular are responsible for these discharges, which have serious repercussions,
- C. Whereas the United Kingdom Minister for Agriculture, Fisheries and Food has authorized the dumping of chemical wastes in a maritime zone directly opposite Brittany for a six-month period,
1. Notes that the legal instruments provided for in the abovementioned international agreements do not adequately prevent such attacks on the marine environment;
 2. Notes that, despite the provisions of Article VII of the London Convention of 29 December 1982, the contracting parties have not devised any procedure to prevent dumping in the high seas, in this case in the Atlantic;

3. Takes a serious view of the decision of the United Kingdom Government to authorize the dumping of noxious chemical wastes despite the provisions of Article IV of the London Convention and its annexes;
4. Calls for an end to the dumping of any toxic substances - whether chemical or radioactive - at sea;
5. Calls on the countries whose vessels regularly use Atlantic shipping routes off the coast of Brittany and in the Bay of Biscay to forbid and combat the dumping of any chemical products in those waters,
6. Calls for the introduction of a surveillance system, for which the Community could take the initiative to protect the environment of the Atlantic Ocean from the high seas to the territorial waters of the Member States,
7. Calls on the Commission to assume the role of coordinator vis-à-vis existing international organizations with a view to reinforcing the legal instruments available for preventing and penalising pollution of the high seas by chemical products;
8. Calls on the Commission to submit to the next Environment Council proposals for bringing the marine environment of the Atlantic, under control.

MOTION FOR A RESOLUTION

(DOCUMENT 1-25/83)

tabled by Mr CLINTON, Mr McCARTIN, Mr ALBER and Mr GHERGO

pursuant to Rule 47 of the Rules of Procedure

on the control of dumping of nuclear waste in Community waters

The European Parliament,

- A having regard to the International Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (London Dumping Convention),
 - B having regard to the recommendations of this Convention and those of the International Atomic Energy Authority on the control of nuclear wastes at sea,
 - C whereas the Community is not signatory to this Convention and cannot ensure that these recommendations are carried out,
 - D concerned that Community waters are subject to uncontrolled dumping of nuclear waste, with no assessment of the long term impact of this practice,
 - E concerned that this practice will continue unless viable alternatives are found,
1. Urges the Commission to negotiate a more active role than observer at the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter;
 2. Requests the Commission to propose a Marine Dumping Policy for its Member States which will reflect the recommendations of the International Atomic Energy Authority;
 3. Requests the Commission to invest a certain percentage of the Euratom loan fund and the Research and Development fund in the study of alternative disposal methods and sites for nuclear fuel waste.

MOTION FOR A RESOLUTION

(DOCUMENT 1-539/83)

tabled by Mrs VAN HEMELDONCK

for entry in the register

pursuant to Rule 49 of the Rules of Procedure

on the dumping of nuclear waste in the Atlantic Ocean by Belgium and the United Kingdom

The European Parliament,

- A - having regard to its resolution of 16 September 1982 on the storage of nuclear waste in the Atlantic Ocean by the Netherlands, Belgium and the United Kingdom¹, which also expressed deep concern about such storage by Switzerland,
 - B - whereas the Netherlands Government decided on 6 December 1982 to cease dumping,
 - C - whereas the Swiss Minister for Energy has announced that, as a result of growing national and international pressure, the dumping of radioactive waste at sea would be banned from 1984,
 - D - whereas the signatory states of the London Convention, which was drawn up to protect the marine environment, adopted a resolution in February 1983 to ban the dumping of radioactive waste at sea for a period of two years to permit more detailed scientific research,
 - E - whereas Belgium and the United Kingdom are continuing with their annual dumping activities,
1. Calls on Belgium and the United Kingdom to put an immediate stop to the dumping of nuclear waste at sea;
 2. Requests the Commission to frame proposals as soon as possible which regulate the temporary storage of nuclear waste under verifiable conditions, but which must also seek a definitive solution to the problem of nuclear waste;
 3. Instructs its President to forward this resolution to the Commission, the Council and the governments and parliaments of the Member States.

¹ OJ No. C 267 of 11.10.1982, p.46

MOTION FOR A RESOLUTION

(DOCUMENT 1-1132/83)

tabled by Mr Mark CLINTON

pursuant to Rule 47 of the Rules of Procedure

on the long-term effects of living organisms of air and sea-borne nuclear waste from the Windscale power plant and the control of the nuclear discharge from the plant

The European Parliament,

- having regard to the Hague Agreement, 1976 whereby the Exclusive Economic Zone of the European Economic Community was extended to 200 miles from the coastline,
 - having regard to the European Coastal Charter drawn up by the Conference on Peripheral Maritime Regions (6 October 1981),
 - having regard to the Community's programme on the management and storage of radioactive waste,
 - having regard to the principle of Community action to control long-range transboundary pollution,
- A. deeply concerned at the mounting evidence of the dangers to life caused by the operations of the Windscale nuclear power plant in Cumbria, on the west coast of the United Kingdom,
- B. shocked by recent medical claims that nuclear fall-out from a fire in the Windscale plant has contributed to a higher than normal incidence of handicapped babies born on the east coast of Ireland,
- C. considers it imperative to review the epidemiological data on the health and causes of death of the people living in proximity and in direct line of impact from discharges from the plant,
1. Requests the Commission to undertake to review the potentially long-term effects of the discharge of nuclear waste from Windscale on the health and mortality of human, animal and plant life, as soon as possible;
 2. Requests the Commission to review the present mechanisms for the control of the discharge of nuclear waste in order to determine their suitability for the protection of long-term effects on the health of people, animals and plants;
 3. Instructs its President to forward to the Council and to the Commission this motion for a resolution.

MOTION FOR A RESOLUTION

(DOCUMENT 1-1255/83)

tabled by Mrs Marijke VAN HEMELDONCK

pursuant to Rule 47 of the Rules of Procedure

on the dumping by Belgium of nuclear waste in the Atlantic

The European Parliament,

- A. having regard to its resolution of 16 September 1982 on the storage of nuclear waste in the Atlantic by the Netherlands, Belgium and the United Kingdom¹, which also placed on record its deep concern at the storage of waste by Switzerland,
 - B. whereas the government of the Netherlands decided to halt dumping on 6 December 1982,
 - C. whereas the Member States of the London Convention, which governs the protection of the marine environment, adopted a resolution in February 1983 to the effect that the dumping of radio-active waste at sea should be suspended for two years to allow further scientific research,
 - D. whereas in July 1983 the Swiss Energy Minister announced that, as a result of increasing national and international pressure, no more radio-active waste would be dumped at sea after the beginning of 1984,
 - E. whereas the British Environment Secretary, Patrick Jenkin, decided in December 1983 to halt the dumping of nuclear waste at sea in response to pressure from the seamen's, the engine drivers' and lorry drivers' unions,
 - F. whereas Belgium still intends to continue its annual dumping activities,
1. Calls on Belgium to halt the storage of nuclear waste at sea immediately;
 2. Calls on Belgium to ratify the 1972 London Convention;
 3. Calls on the Commission to work out as quickly as possible measures for the temporary, monitored storage of nuclear waste and conducive to a final solution to the problem of such waste;
 4. Instructs its President to forward this resolution to the Commission, the Council and the Governments and Parliaments of the Member States.

¹ OJ No. C 267 of 11.10.1982, p. 46

COMMUNITY LEGISLATION IN CHRONOLOGICAL ORDER

1. Directive 75/439/EEC on the disposal of waste oils¹

This directive was adopted on 16 June 1975 and came into effect on 18 June 1977. It lays down measures for the collection and safe disposal of waste oils. The re-use of such oils is recommended by the directive. The discharge of waste oils in coastal waters is prohibited. In addition, the directive provides for a system of permits for undertakings engaged in collection and disposal. A record must also be kept of the wastes in question. Article 16 requires the Member States to send a situation report to the Commission every three years on the disposal of waste oils in their respective countries.

2. Directive 75/442/EEC on waste¹

This directive was adopted on 15 July 1975 and came into effect on 18 July 1977. It is intended to ensure the prevention and recycling of waste. It lays down measures for the safe disposal of waste. It also provides for administrative, management and control measures and for a system of permits for undertakings engaged in collection, recycling or disposal. Radioactive waste is excluded from this directive.

Article 12 requires the Member States to send a situation report to the Commission every three years on the disposal of waste in their respective countries. The same article also requires the Commission to report every three years to the Council and the European Parliament on the application of this directive.

3. Directive 76/403/EEC on the disposal of polychlorinated biphenyls and polychlorinated terphenyls²

This directive was adopted on 6 April 1976 and came into effect on 9 April 1978. It prohibits the uncontrolled discharge, dumping and tipping of PCBs and makes compulsory the safe disposal of used PCBs. The regeneration of PCBs is to be encouraged. The directive also provides for a system of permits for undertakings engaged in the disposal of PCBs.

Article 10 requires the Member States to draw up every three years a report for the Commission, which in turn also has to report to the Council and the European Parliament.

¹ OJ L 194, 25.7.1975

² OJ L 108, 26.4.1976

4. Directive 76/464/EEC on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community¹

This directive was adopted on 4 May 1976 and came into effect on 5 May 1978. It introduces two lists of families and groups of dangerous substances. The discharging of list 1 substances into, *inter alia*, territorial or coastal waters is to be stopped completely, while discharges of list 2 substances are subject to an authorization. This directive requires quality objectives to be applied to emission standards for discharges. Every five years, the instances where this method has been employed have to be reviewed.

5. Commission Decision of 21 April 1976 setting up a Committee on Waste Management (70/431/EEC)²

This decision came into force on 1 May 1976. The committee's task is to advise the Commission, either at the Commission's request or on its own initiative, on, *inter alia*, the formulation of a policy for waste management and the definitive and effective disposal of waste. The committee is composed of 20 experts, who are appointed by the Commission after consulting the Member States concerned. The Commission's first decision appointing the 20 members was taken on 23 December 1976 (76/912/EEC)³.

6. Council Decision 77/585/EEC of 25 July 1977 concluding the Convention for the protection of the Mediterranean Sea against pollution and the Protocol for the prevention of the pollution of the Mediterranean Sea by dumping from ships and aircraft⁴

This Convention, signed in Barcelona on 16 February 1976, came into force on 12 February 1978. The Community became a contracting party on 15 April 1978. The secretariat for this Convention is provided by the United Nations Environment Programme. The Protocol contains three annexes:

- a. the dumping of substances listed in Annex I is prohibited;
- b. the dumping of substances listed in Annex II requires special care;
- c. Annex III lists the criteria governing the issue of dumping permits.

¹ OJ L 129, 18.5.1976

² OJ L 115, 1.5.1976

³ OJ L 354, 24.12.1976

⁴ OJ L 240, 19.9.1977

7. Directive 78/176/EEC on waste from the titanium dioxide industry¹,
amended by Directive 82/883/EEC² and Directive 83/29/EEC³

This directive was adopted on 20 February 1978 and came into effect on 22 February 1979. It is intended to encourage the prevention and recovery of this type of waste and contains provisions for its safe disposal, dumping, discharging, storage or tipping. It provides for measures to monitor existing industrial establishments and for a system of permits, preceded by environmental impact surveys, for new industrial establishments.

Article 9 required the Member States to draw up not later than 1 July 1980 programmes for progressive reduction and eventual elimination of the pollution caused by waste from existing establishments. These programmes were to be implemented by 1 January 1982 at the latest. Article 14 requires the Member States to prepare a report every three years for the Commission, which in turn has to report to the Council and the European Parliament.

8. Directive 78/319/EEC on toxic and dangerous waste⁴

This directive was adopted on 20 March 1978 and came into effect on 22 March 1980. It is likewise intended to encourage the prevention and recycling of toxic and dangerous waste. It lays down measures to be taken for its collection, recycling and safe disposal. It also provides for records to be kept on this waste.

Article 16 of this directive requires Member States to draw up a situation report every three years - for the first time three years following notification - on the disposal of dangerous and toxic waste in their respective countries. For its part, the Commission has to report every three years to the Council and the European Parliament on the application of this directive. Article 18 establishes a committee for adapting this directive to technical progress.

9. Council Resolution of 26 June 1978 setting up an action programme of the
European Communities on the control and reduction of pollution caused by
hydrocarbons discharged at sea⁵

According to the annex to this resolution, the aim of this action programme

¹ OJ L 54, 25.2.1978

² OJ L 378, 31.12.1982

³ OJ L 32, 3.2.1983

⁴ OJ L 84, 31.3.1978

⁵ OJ C 162, 8.7.1978

is to have preliminary studies carried out to identify what gaps need to be plugged in the measures to control and reduce pollution caused by hydrocarbons discharged at sea, so that appropriate action may be proposed at Community level and, if necessary, within the framework of international organizations or agreements.

9a. Council Recommendation (78/584/EEC) of 26 June 1978 on the ratification of the Conventions on safety in shipping¹

The Council recommends that, where they have not already done so, the Member States ratify the MARPOL Convention as amended by the 1978 Protocol.

10. Council Resolutions of 18 February 1980²

a. On the implementation of a Community plan of action in the field of radioactive waste

This plan of action covers the problems posed by radioactive waste and runs from 1980 to 1992. It can be reviewed every three years. It is initially based on the following five points:

- continuous analysis of the situation with a view to adoption of the necessary solutions;
- examination at Community level of measures to ensure the long-term or permanent storage of radioactive waste under optimum conditions;
- consultation on practices concerning the management of waste, the quality and properties of conditioned waste and the conditions governing the disposal of waste;
- continuity of Community research and development work during the plan;
- providing the public with regular information.

b. concerning the Advisory Committee on Programme Management for the Management and Storage of Radioactive Waste

The committee was given the additional task of advising the Commission on the implementation of the above plan of action. This resolution supplements the resolution of 18 July 1977³.

¹ OJ L 194, 19.7.1978, p.17

² OJ C 51, 29.2.1980

³ OJ C 192, 11.8.1977

11. Council Decision 80/343/EURATOM of 18 March 1980 adopting a programme on the management and storage of radioactive waste (1980-1984)¹

43 m ECU were set aside for the implementation of this 5-year programme (see also Council Decision 75/406/EURATOM)².

12. Commission decision setting up an Advisory Committee on the control and reduction of pollution caused by hydrocarbons discharged at sea (80/686/EEC)³

Under Article 2, the committee's task is to advise the Commission on all questions connected with the implementation of Community measures for the control and reduction of pollution caused by hydrocarbons discharged at sea and also to facilitate the coordination of measures taken or planned at national, international or Community level by collecting information in the Member States.

13. Council Decision 81/420/EEC of 19 May 1981 on the conclusion of the Protocol concerning cooperation in combating pollution of the Mediterranean Sea by oil and other harmful substances in cases of emergency⁴

This Protocol was signed in Barcelona on 16 February 1976 and came into force on 12 February 1978. The Community became a contracting party on ... (see also paragraph 9).

This Protocol is intended to encourage cooperation between the contracting parties in taking appropriate measures if massive quantities of oil, or other dangerous substances, resulting from accidental causes or an accumulation of small discharges should constitute a grave danger to the marine environment.

14. Council Directive 82/176/EEC on limit values and quality objectives for mercury discharges by the chlor-alkali electrolysis industry⁵

This directive was adopted on 22 March 1982 and came into effect on 1 July 1983. Mercury and mercury compounds come under list I of Directive 76/464/EEC. Pursuant to Article 3 of Directive 76/464/EEC, the purpose of this

¹ OJ L 78, 25.3.1980

² OJ L 178, 9.7.1975

³ OJ L 188, 22.7.1980

⁴ OJ L 162, 19.6.1981

⁵ OJ L 81, 27.3.1982

directive is to establish limit values, quality objectives, conditions for authorization, reference methods and monitoring procedures for mercury in discharges from industrial plant. Every five years the Commission has to prepare a comparative assessment on the implementation of this directive, which is to be forwarded to the Council.

15. Communication from the Commission to the Council concerning dangerous substances to be included in list I of Directive 76/464/EEC (see paragraph 4)¹

To implement framework Directive 76/464/EEC, the Commission drew up, in this communication, a provisional selection of substances from list I, which just contained families or groups of substances for which specific proposals ought to be submitted to the Council as a matter of priority, on the basis of their toxicity, persistence and bio-accumulation. The selected substances and a progress report are given in Table 1 of the communication. The annex lists 129 substances which can be included in list I of Council Directive 76/464/EEC.

16. Recommendation (82/181/Euratom) of 3 February 1982 on the application of Article 37 of the Euratom Treaty²

It is recommended that Member States submit the general data indicated in Annex 1A and 1B to the Commission not less than six months before the planned date of disposal of radioactive waste. It is also recommended that the Commission be notified of any modification of a plan for the disposal of radioactive waste.

17. Directive 82/883/EEC on procedures for the surveillance and monitoring of environments concerned by waste from the plutonium dioxide industry³

This directive was adopted on 3 December 1982 and is to come into effect on 3 December 1984. Pursuant to Article 7(3) of Directive 78/176/EEC (see paragraph 10), it lays down precise rules for the surveillance and control of the effects of the discharge, dumping, storage, tipping or injection of such waste on the environment from a physical, chemical, biological and ecological point of view.

Article 10 establishes a committee on adaptation to technical progress. Annex II of this directive lists the parameters for the discharge or immersion of this waste in sea water. Article 14 of Directive 78/176/EEC requires all

¹ OJ C 176, 14.7.1982

² OJ L 83, 29.3.1982, p. 15

³ OJ L 378, 31.12.1982

these data to be forwarded to the Commission within the prescribed deadline.

18. Directive 83/29/EEC of 24 January 1983 amending Directive 78/176/EEC on waste from the titanium dioxide industry¹

The time-limit for the Commission to submit suitable proposals for the harmonization of programmes for the progressive reduction of pollution by the titanium dioxide industry was extended from 1 January 1981 to 15 March 1983.

19. First report from the Commission to the Council on the management of radioactive waste in the Community (COM(83) 262 final)

One of the facts to emerge from this report is that buffer storage is practised by all the Member States.

- Belgium opted at the beginning of the 60s for sea dumping for the disposal of low-level conditioned waste.
- The Netherlands did so too, though it has gone over to temporary storage as an alternative.
- In Denmark and the Federal Republic of Germany, waste is stored temporarily underground.
- In France, waste is stored in various centres, pending the preparation of deep disposal centres in suitable geological formations.
- Italy too has temporary storage facilities. By 1984, it plans to dump low- and medium-level waste at sea.
- The United Kingdom has various storage methods and has been dumping at sea since 1949.

20. Council resolution of 7 February 1983 concerning the combating of water pollution²

In its resolution, the Council declared that the list of 129 substances in the communication of 22 June 1982 (see paragraph 18) was to form the basis for further implementation of framework Directive 76/464/EEC.

21. Council Directive 83/513/EEC on limit values and quality objectives for cadmium discharges in the aquatic environment³

This directive was adopted on 16 June 1983 and came into effect on 26 September 1983. Specific rules are laid down, similar to those contained in

¹ OJ L 32, 3.2.1983

² OJ C 46, 17.2.1983

³ OJ L 291, 24.10.1983

Directive 82/176/EEC on mercury discharges. Cadmium and cadmium discharges are included in list I of Directive 76/464/EEC.

22. Commission proposals on which Parliament has given its opinion and which are still being considered by the Council

a. Proposal from the Commission to the Council for a directive concerning the dumping of waste at sea¹

This proposal was submitted to the Council on 12 January 1976. Parliament gave its opinion on 19 November 1976². This directive lays down measures to prevent or reduce sea pollution due to dumping from ships and aircraft. Three categories of waste are distinguished. The dumping of substances listed in Annex I is prohibited. Substances in Annex II require special permits, for which conditions are laid down. The directive incorporates the principle of cooperation in emergencies where dumping proves necessary.

b. Recommendation concerning the accession of the Community to the Oslo Convention of 15 February 1972³

On 19 December 1978, the Council approved this recommendation in principle and authorized the Commission to enter into negotiations on this question. A formal decision does not appear to have been taken yet.

c. Proposal for a directive on the limit values for discharges of aldrin, dieldrin and endrin in the aquatic environment⁴

Parliament gave its opinion on 17 June 1980. The Commission amended its proposal on limit values on 4 December 1980⁵.

¹ OJ C 40, 20.2.1976

² OJ C 293, 13.12.1976

³ OJ C Bull. E.C. 16.12.1978, point 2.1.81

⁴ OJ C 146, 12.6.1979

⁵ OJ C 341, 31.12.1980

23. Work in progress

a. Proposals for directives

- i - on limit values and quality objectives for mercury discharges originating in sectors other than the chlor-alkali electrolysis industry¹
- ii - on procedures for harmonizing the programmes for the reduction and eventual elimination of pollution caused by waste from the titanium dioxide industry²
- iii - on limit values and quality objectives for discharges of hexachlorocyclohexane, in particular lindane³.
- iv - on the drawing up of contingency plans to combat accidental oil spills at sea⁴.

b. Communication from the Commission to the Council concerning the preparation of directives on arsenic discharges⁵

c. Proposal

for a decision on the adoption of a work programme for the first phase of the implementation of an information system on the state of the environment and the natural resources in the Community (1984-1987)⁶

¹ OJ C 20, 8.10.1982

² OJ C 138, 26.5.1983

³ COM(83) 422 final, 7.7.1983

⁴ COM(83) 520 final, 21.9.1983

⁵ COM(83) 306 final

⁶ COM(83) 528 final

INTERNATIONAL CONVENTIONS IN CHRONOLOGICAL ORDER¹

1. International convention for the prevention of the pollution of the sea by oil

This convention was adopted on 12 May 1954 in London and came into force on 26 July 1958. Depositary: IMCO
Ratified by practically all the Member States.

Aim: action to prevent pollution of the sea by oil from ships.

Contracting parties: open to all states.

Main provisions:

- (a) Discharges from ships (tankers) are prohibited unless the ship is proceeding en route and the quantity of oil discharged is not more than 60 litres per mile. The prohibition does not apply under certain, precisely defined conditions (Articles 3 and 4);
- (b) Each contracting party must install reception facilities in harbours and oil-loading terminals for oil residues and oily mixtures (Article 8);
- (c) Each contracting party is to send to the United Nations texts of laws, decrees, orders and regulations relating to the Convention.

The first amendment to this convention was adopted on 11 April 1962 and came into effect on 26 June 1967. This amendment is concerned mainly with more precise definitions and the delimitation of prohibited zones. A second amendment was adopted on 21 October 1969 and entered into force on 20 January 1978. This is also concerned with modifying certain definitions. Annex A was dropped and Annex B updated (for example in respect of the oil log). A third and fourth amendment were adopted on 12 and 15 October 1971. The third amendment concerns the protection of the Great Barrier Reef against oil pollution. The fourth amendment concerns building specifications for tankers. Neither of these amendments has yet entered into force. The third amendment has been ratified by Germany, France, Greece, Italy and the United Kingdom, while the fourth has been ratified by Greece, Italy and the United Kingdom only.

¹ As regards ratification, only Member States are mentioned.

2. Convention on the High Seas

This Convention was adopted on 29 April 1958 in Geneva and came into force on 30 September 1962. Depositary: UN. Ratified by: Belgium, Denmark, Germany, Italy, the Netherlands and the United Kingdom.

Aim: codification of the rules of international law relating to the high seas.
Contracting parties: open to all Member States of the UN or members of the specialized UN agencies and to any other Member State invited by the General Assembly of the United Nations.

Provisions:

- (a) each party is to draw up regulations to prevent pollution of the seas by ships and pipelines and by exploitation and exploration of the seabed. (Article 24);
- (b) each party is to take measures to prevent pollution of the sea by the dumping of radioactive waste and should cooperate with international organizations in this area (Article 25).

3. Agreement for cooperation in dealing with the pollution of the North Sea by oil

This agreement was concluded on 9 June 1969 in Bonn and entered into force on 10 August 1969. Depositary: Federal Republic of Germany.
Ratified by all Member States named in the Preamble. The Community signed the agreement on 13 September 1983.

Aim: cooperation between coastal states in providing manpower, supplies, equipment and expert advice at short notice in order to deal with discharges of oil or other dangerous substances in the North Sea.

Main provisions:

- (a) The Agreement concerns the North Sea south of the 61st parallel and the Channel to the east of the line which may be drawn 50 nautical miles west of the line between the Isles of Scilly and Ushant (Article 2);

- (b) Signatories are required to cooperate by circulating reports of accidents or oil slicks. The masters of vessels and pilots of aircraft registered in the Member States are required to report such accidents;
- (c) Zones of responsibility for each country are established in the North Sea area (Article 6);
- (d) A signatory state requiring assistance in dealing with oil pollution may call on the other signatory states, especially those which are also threatened (Article 7);

4. Convention for the prevention of marine pollution by dumping from ships and aircraft

This Convention was adopted on 15 February 1972 in Oslo and came into force on 7 April 1974. Depositary: Norway. Ratified by: Belgium, Denmark, France, Germany, the Netherlands and the United Kingdom.

Aim: control of the dumping of dangerous materials from ships and aircraft.
Contracting parties: open for signature to any state that participated in the Conference on Marine Pollution in Oslo from 19-22 October 1971, or to any state invited to accede by the contracting parties in a unanimous vote.

Provisions:

- (a) covers the Atlantic and Arctic Oceans north of the 36th parallel and between 42⁰ longitude west and 51⁰ longitude east, except for the Baltic and Mediterranean Seas (Article 2);
- (b) each party is to take measures to prevent the diversion of dumping activities to seas outside the area of application (Article 3);
- (c) the dumping of substances listed in Annex I is prohibited (Article 5);
- (d) none of the substances listed in Annex II may be dumped without a special permit issued for each individual case (Article 6);
- (e) no substances or materials may be dumped without permission from the national authority concerned (Article 7);
- (f) Annex III contains provisions governing the issue of permits and approvals for the dumping of waste at sea, together with the characteristics of the waste concerned and the place and method of dumping;

- (g) each party undertakes to assure compliance with the Convention by ships and aircraft registered in its territory and those loading materials to be dumped in its territory (Article 15).

5. Convention on the prevention of marine pollution by dumping of waste and other matter

This convention was adopted on 29 December 1972 in London and came into force on 30 August 1975. Depositaries: United Kingdom, Mexico, the Soviet Union, the United States. Ratified by: Denmark, France, Germany, the Netherlands and the United Kingdom.

Aim: action to control pollution of the sea by dumping and encouragement of regional agreements to supplement the convention.

Contracting parties: open to all states.

Provisions:

- (a) applies to all seas and to any deliberate disposal of waste other than that incidental to, or derived from the normal operations of ships, aircraft etc.;
- (b) the discharge of substances listed in Annex I is prohibited, whereas the discharge of substances in Annex II requires a special permit. Annex II contains provisions for issuing permits for dumping at sea. It also requires that land-based treatment be considered before dumping takes place. At the same time, Annex I also excludes important items from the prohibition on dumping, for example 'trace contaminants';
- (c) exceptions are possible only in cases of force majeure or special emergencies;
- (d) each party is to designate authorities to issue permits, keep records and monitor the condition of the seas (Article 6);
- (e) each party is to apply measures covering all aircraft and ships flying its flag and all those loading in its territory (Article 7);
- (f) the parties are to promote measures to prevent pollution by hydrocarbons, other matter transported for purposes other than dumping, radioactive pollutants and matter arising from exploration of the seabed (Article 12).

Two amendments to the Convention were approved on 1 December 1978. The first concerns the combustion of discharges at sea and entered into force on

11 March 1979. It has been ratified by Belgium, Denmark, France, Greece, Ireland, the Netherlands and the United Kingdom. The second amendment concerns the settlement of differences. This has not yet entered into force but has already been ratified by Denmark, France, the Netherlands and the United Kingdom.

6. International convention for the prevention of pollution from ships and Protocol (MARPOL)

This convention and protocol were adopted on 2 November 1973 in London and partially entered into force in October 1983. Depositary: IMCO. This Convention and the Protocol have been ratified by all Member States except Belgium and Ireland. A new protocol on the implementation of the Convention was adopted on 17 February 1978. This has not yet entered into force. It has been ratified by Denmark and the United Kingdom.

Aim: protection of the marine environment by completely eliminating intentional pollution by oil or other harmful substances and minimizing the accidental discharge of such substances.

Contracting parties: open to all states for signature, ratification, acceptance, approval or accession.

Provisions:

- (a) the 1973 Convention contains two protocols and five annexes with detailed provisions;
- (b) Protocol I contains regulations for reports on incidents involving harmful substances. Protocol II concerns arbitration;
- (c) Annex I contains regulations for the prevention of pollution by oil, together with a list of oils;
- (d) Annex II contains regulations for the control of pollution by noxious liquid substances carried in bulk, together with a list of these substances;
- (e) Annex III contains regulations for the prevention of pollution by harmful substances carried by sea in packaged form, or in freight containers, portable tanks or road and rail tank wagons;
- (f) Annex IV contains regulations for the prevention of pollution by sewage from ships;

- (g) Annex V contains regulations for the prevention of pollution by garbage from ships;
- (h) the Protocol of 17 February 1978 contains a few amendments to various provisions of the 1973 London Convention, in particular Annex I to this convention. In addition, the entry into force of Annex II of the Convention has been postponed for a period of at least 3 years.

7. Convention on the protection of the marine environment of the Baltic Sea area

This convention was adopted on 22 March 1974 in Helsinki and came into force on 5 March 1980. Depositary: Finland. Ratified by: Denmark and Germany.

Aim: the contracting parties undertake to all appropriate legislative, administrative or other relevant measures to prevent and combat pollution in the Baltic Sea area.

Contracting parties: open for signature, ratification, approval and accession to all Baltic Sea states that took part in the Diplomatic Conference on the Protection of the Marine Environment of the Baltic Sea area from 18-22 March 1974. Any state interested in achieving the aims of the Convention may accede to the Convention if invited by the contracting parties.

Provisions:

- (a) the parties are to control and limit the introduction of hazardous and noxious substances into the area, including pollution from land-based sources (Articles 5-6);
- (b) the parties are to take measures to prevent pollution caused by dumping from ships and by exploration of the seabed (Articles 7-10);
- (c) the parties are to cooperate in combating marine pollution (Article 11);
- (d) a number of annexes amplify on the provisions of the Convention - Annex I lists hazardous substances, Annex II noxious substances, Annexes III and IV set out goals, criteria and measures concerning the prevention of land-based pollution and pollution from ships, respectively. The remaining annexes contain rules on transport, permits and combating pollution;
- (e) a commission is to be set up to promote the implementation of the convention.

8. Convention for the protection of the Mediterranean Sea against pollution

This convention was adopted on 16 February 1976 in Barcelona and came into force on 12 February 1978. Depositary: Spain. Ratified by: the EEC, France, Greece and Italy.

Aim: in view of the particular value and vulnerability of the Mediterranean Sea, the establishment of international cooperation for a coordinated and broad approach to the protection of the marine environment of the Mediterranean Sea area.

Contracting parties: open to states that took part in the Barcelona Conference in February 1976 (Mediterranean States) and the Community.

Provisions:

- (a) the parties are to take all appropriate measures in their territory to reduce or prevent pollution of the Mediterranean Sea caused by discharges from ships and aircraft or by exploration and exploitation of the seabed, or as a result of discharges via rivers or from coastal installations or other land-based sources (Articles 5 - 8);
- (b) the parties are to cooperate in taking appropriate action against serious instances of pollution, whatever the cause may be (Article 9);
- (c) all parties are to cooperate in drawing up programmes to control pollution in the area (Article 10);
- (d) all parties are to cooperate in scientific research on all forms of marine pollution (Article 11);
- (e) all parties are to cooperate in implementing procedures for establishing responsibility and compensation for damage suffered as a result of actions in breach of the Convention and its Protocols (Article 12).

The first protocol to the Convention concerns definitions relating to dumping and contains three annexes on substances which must not be dumped, may be dumped under certain conditions only, after a permit has been issued. This protocol also entered into force on 12 February 1978 and was ratified by the EEC, France, Greece and Italy. The protocol on cooperation to deal with pollution in emergencies was adopted on 16 February 1976 and also entered into force on 12 February 1978. It has been ratified by France, Greece and Italy only. The protocol on combating pollution discharged from the land was adopted in 1980 and entered into force in August 1983.

9. Memorandum of understanding of port state control

This memorandum was drawn up on 26 January 1982 in Paris by the maritime authorities of Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, the Netherlands, Norway, Portugal, Spain, Sweden and the United Kingdom. It was approved in Paris on the same date by the Conference of Ministers of the above-mentioned countries in the presence of representatives from the IMO, ILO and the Commission. The memorandum entered into force on 1 July 1982.

Aim: Increased safety at sea, protection of the marine environment and improvement of living and working conditions on board ship.

Provisions:

- (a) the sea port authorities of the signatory States will inspect entering vessels to ensure compliance with international provisions on safety, the prevention of marine pollution and living and working conditions on board;
- (b) in cases of infringement which endanger safety, health or the environment, the competent authorities will ensure, if necessary by detaining the vessel, that the matter is remedied before authorizing the vessel to depart;
- (c) the contracting parties will exchange information on the outcome of inspections.

10. United Nations Convention on the Law of the Sea

This Convention was adopted in Montego Bay on 10 December 1982.

Depositary: UN. Ratified by: Denmark, France, Greece, Ireland and the Netherlands.

Aim: the creation of a new, coherent legal system for the seas and oceans, regulations relating to environmental standards and provisions for ensuring compliance with these regulations.

Contracting parties: open to all states and international organizations.

Main provisions: the Convention is divided into XVII Parts and contains 320 articles, which are in turn subdivided into paragraphs and sub-paragraphs. The provisions for preventing pollution of the sea are contained in Part XII. Articles 192-237 reinforce the international conventions for the prevention and combating of pollution and serve as a stimulus to compliance with and extension of these conventions. In a number of areas, pollution is further specified according to type, origin and responsibility.

11. Decision by the OECD Council of 22 July 1977 establishing a multilateral consultative and supervisory procedure for the discharge of radioactive waste at sea

This procedure is coordinated by the International Atomic Energy Agency in which all Member States are represented. This procedure ensures that the discharge of radioactive waste is effected in accordance with the provisions of the London Convention.

12. Legal situation in respect of conventions

Date	Contracting Party		Entry into force	EEC	B	DK	D	F	GR	IRL	I	NL	UK
	Convention												
12.5.1954	London 1st amendment 11.4.1962 2nd amendment 21.10.1969 3rd amendment 12.10.1971 4th amendment 15.10.1971	26.7.1958 26.6.1967 20.1.1978		*	*	*	*	*	*	*	*	*	*
29.4.1958	Geneva	30.9.1962		*	*	*	*	-	+	*	*	*	*
9.6.1969	Bonn ¹	10.8.1969	+	*	*	*	*	-	-	-	*	*	*
15.2.1972	Oslo ¹	17.4.1974		*	*	*	*	-	*	-	*	*	*
29.12.1972	London 1st amendment 1.12.1978 2nd amendment 1.12.1978	30.8.1975 11.3.1979 1.12.1978		*	*	*	*	*	*	*	*	*	*
2.11.1973	London (MARPOL) with Protocol I and II Protocol of 17.2.1978	Oct. 1983 Oct. 1986		+	*	*	*	*	+	*	*	*	*
22.3.1974	Helsinki ¹	5.3.1980		-	*	*	-	-	-	-	-	-	-
16.2.1976	Barcelona ¹ Protocol I 16.2.1976 Protocol II 16.2.1976 Protocol III 1980	12.2.1978 12.2.1978 12.2.1978 29.8.1983	*	-	-	-	*	*	-	*	-	-	-
10.12.1982	Montego Bay				+		+	+	+	+		+	

* ratified

+ signed

- no contracting party

1 regional convention