

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(85) 373 final

Brussels, 12 July 1985

Proposal for a

## COUNCIL DIRECTIVE

on the dumping of waste at sea

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(submitted to the Council by the Commission)

COM (85) 373 final

EXPLANATORY MEMORANDUM

I. INTRODUCTION

1. This proposal for a Directive which is presented under the programme of action of the European Communities on the environment of 22 November 1973 (1), which has been renewed and extended for the periods 1977 to 1981 (2) and 1982 to 1986 (3), and the Resolutions of the European Parliament on the dumping of chemical and radioactive waste at sea (4) and the combating of pollution in the North Sea (5) concerns the application of common rules on the dumping of waste at sea. It takes account of the findings of the International Conference on the protection of the North Sea held in Bremen (Federal Republic of Germany) on 31 October and 1 November 1984. Its main objective is to provide for measures to prevent and reduce marine pollution caused by the deliberate dumping of waste from ships and aircraft.
  
2. In its declaration of 22 November 1973 on the abovementioned programme the Council recognized that the prevention of this source of pollution makes it necessary to adopt international conventions at world or

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(1) O.J. N° C 112 of 20 December 1973.

(2) O.J. N° C 139 of 13 June 1977.

(3) O.J. N° C 46 of 17 February 1983.

(4) O.J. N° C 104 of 16 April 1984, p. 72.

(5) O.J. N° C 46 of 20 February 1984, p. 135.

regional level and that Community action should consist in particular in "the approximation of rules on the application of international conventions as far as necessary to the proper functioning of the common market and the implementation of this programme" (6).

In its Resolution of 7 February 1983 on the continuation and implementation of a European Community policy and action programme on the environment (1982 to 1986) (7), the Council stresses that the Commission will continue its participation in the international conventions on the protection of fresh water and sea water to which the Community is a Contracting Party and will negotiate the Community's accession, as and when the Council decides, to the other Conventions which have the same objective.

3. There are a number of international agreements on the protection of the marine environment against this particular source of pollution. A list of these conventions and a brief summary of their main provisions is given in Chapter II.
  
4. In its Resolution on the dumping of chemical and radioactive waste at sea (8), the European Parliament calls on the Council to adopt the 1976 proposal (9) for a Directive on the dumping of wastes at sea after it has been adapted to the Oslo and London Conventions. The Resolution also calls for the dumping at sea of all black listed products under these Conventions to be halted from 1 January 1986 and calls on the

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(6) O.J. N° C 112 of 20 December 1973, p. 23, 24 and 31.

(7) O.J. N° C 46 of 17 February 1983, p. 10 and 15.

(8) O.J. N° C 104 of 16 April 1984

(9) O.J. N° C 40 of 20 February 1976.

Commission to compile regular statistics on the marine environment and the dumping of waste at sea.

Another European Parliament Resolution on the combating of pollution in the North Sea (10) calls on the Commission to examine the effects of dumping of waste and to present appropriate proposals to minimize the environmental impact of such dumping. The Commission is requested to present to the Council as soon as possible a new draft on the dumping of waste at sea based on the 1976 proposal (11) for a Directive so that the Community and its Member States can take coordinated and effective action to implement international conventions.

5. An International Conference on the Protection of the North Sea was held in Bremen (Federal Republic of Germany), on 31 October and 1 November 1984, at the invitation of the Government of the Federal Republic of Germany. The responsible Ministers of riparian States and the Member of the Commission of the European Communities responsible for environmental protection signed a joint declaration calling, inter alia, for preventive measures to maintain the quality of the North Sea. In a declaration setting out the conclusions of the conference (12), the Ministers stressed that "dumping as well as incineration at sea of wastes which are or could be harmful for the marine environment should be avoided for the protection of the North Sea".

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(10) O.J. N° C 46 of 20 February 1984.

(11) O.J. N° C 40 of 20 February 1976.

(12) Declaration of the International Conference on the Protection of the North Sea, Conclusions of the Conference, page 4, par. A.26.

6. In the light of the foregoing, the Commission has adapted its 1976 proposal (11) by incorporating the results of current work to improve the Oslo and London Conventions and taking into account the dumping Protocol on the prevention of pollution of the Mediterranean Sea and the Caribbean Convention.

It should be noted that, although these international agreements have the same objective, i.e. to prevent marine pollution caused by the dumping of harmful substances, they sometimes differ, particularly as regards the lists of dangerous waste which have been drawn up as a basis for their implementation.

7. Since the proposal for a Directive on the dumping of waste at sea was presented to the Council in 1976, there have been many legal and technical developments in the combating of marine pollution, particularly at international level.

Since the Council has still not taken a decision on this proposal the Commission considers it is pointless to maintain it.

Consequently it withdraws its initial proposal and replaces it with the following proposal, in accordance with Article 149 of the Treaty.

## II. BRIEF REVIEW OF THE LEGAL ASPECTS OF THE INTERNATIONAL AGREEMENTS

### 1. Agreements of a general nature

- a) The "Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter" which was signed in London on 13 November 1972 and entered into force on 30 August 1975 covers all seas in the world. To date the following Member States have ratified the Convention : Denmark (on 30 August 1975), France (on 5 March 1977), the Federal Republic of Germany (on 8 December 1977), Greece (on 9 September 1981), Ireland (on 19 March 1982), the Netherlands (on 2 January 1978) and the United Kingdom (on 17 December 1975). Belgium and Italy have not yet ratified the Convention.

The Convention and its Annexes were amended on 12 October 1978 to include incineration of waste at sea and entered into force on 11 March 1979. Two further amendments concerning Annex I (amendment of paragraph 5 to include crude oil waste and residues of oil distillation products) and Annex II (addition of a paragraph F, substances which are not toxic in nature but may become harmful in the quantities in which they are dumped or may seriously reduce amenities), were adopted on 24 September 1980 and entered into force on 11 March 1981.

A further amendment concerning the arbitration procedure was adopted in October 1978 but has not yet entered into force.

The aim of this Convention is to prevent the pollution of all marine waters other than the internal waters of States by deliberate dumping, it does not, however, apply to the discharge of waste or other matter directly arising from or related to

the exploration, exploitation and processing at sea of seabed mineral resources.

The Convention states that each Contracting Party shall prohibit the dumping of any waste in accordance with the following provisions :

- the dumping of waste or other matter listed in Annex I (black list) is prohibited;
- the dumping of waste of other matter listed in Annex II (grey list) requires a prior special permit;
- the dumping of all other wastes and matter requires a prior general permit.

The waste or other matter listed in Annexes I and II is given in Tables 1 and 2.

b) The 1973/1978 MARPOL Convention

This Convention, which was signed in London on 2 November 1973, was amended by the 1978 Protocol.

It covers all forms of marine pollution with the exception of the dumping of waste originating on land.

Belgium, Denmark, Germany, France, Greece, Italy, the Netherlands and the United Kingdom have ratified Annexes I and II to this Convention.

The mainly technical measures in the five Annexes to the Convention lay down rules to prevent :

pollution caused by oil (Annex I), pollution caused by noxious liquids in bulk (e.g. chemicals) (Annex II), pollution caused by harmful substances carried in packaged form, tanks, containers (Annex III), pollution caused by effluent from ships (Annex IV) and pollution caused by garbage from ships (Annex V).

Annexes III, IV and V are optional but the governments which ratify the Convention must accept Annexes I and II.

Annex II contains detailed rules on dumping criteria and methods of combating pollution by noxious liquids carried in bulk.

Annex III applies to all ships carrying harmful substances in packaged form, containers, portable tanks, or road and rail tank wagons. Under the term of this Annex the Contracting Parties to the Convention are required to publish detailed rules on packaging, marking, labelling, documents, stowing, quantitative limits, exceptions and notifications to prevent or reduce as far as possible the pollution of the marine environment by harmful substances.

## 2. Conventions of a regional nature

There are various international Conventions of a regional nature on the dumping of waste at sea : the Oslo and Helsinki Conventions, the Dumping Protocol to the Barcelona Convention, the Marpol Convention and the Caribbean Convention.



a) The Oslo Convention

The "Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft" (known as the Oslo Convention), which was signed on 15 February 1972, lays down rules on dumping in the north-east section of the Atlantic Ocean, the Arctic Ocean and their dependent seas.

Under Article 23, the Convention entered into force on 6 April 1974, on the thirtieth day following the date of deposit of the seventh instrument of ratification. For the States ratifying the Convention after the deposit of the seventh instrument of ratification, the Convention enters into force on the thirtieth day after deposit by such States of their instrument of ratification.

The Convention entered into force on the following dates for the Member States concerned : Denmark (6 April 1974), France (6 April 1974), United Kingdom (30 July 1975), Netherlands (29 October 1975), Federal Republic of Germany (23 December 1977), Belgium (30 March 1978), Ireland (24 February 1982).

The Protocol amending the Oslo Convention which introduces a new Annex laying down rules on incineration at sea was opened for signature on 2 March 1983. To date only Denmark has ratified it (in April 1984).

This Convention is broadly similar to the London Convention (prohibited substances). The content of the black lists (prohibited substances) and grey lists (subjects requiring special permits) of the two Conventions does, however, differ on a number of points (see Tables 1 and 2).

One example of the difference between the Oslo and London Conventions is that the Oslo Convention prohibits the dumping of substances which have been agreed between the Contracting Parties as likely to be carcinogenic because of the manner of disposal.

b) The Dumping Protocol to the Barcelona Convention

The Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft which was concluded under the Convention on the Protection of the Mediterranean Sea against Pollution, lays down rules governing dumping in the Mediterranean. The Protocol was signed in Barcelona on 16 February 1976 and entered into force on 12 February 1978. It entered into force on the following dates for the Member States concerned :

France (10 April 1978), Greece (2 February 1979), Italy (5 March 1979), Community (15 April 1978).

The provisions of this Protocol are similar to those of the London and Oslo Conventions although their annexes differ. They take additional substances into account. The Protocol, however, has not yet been amended to include matters relating to incineration (see Tables 1 and 2).

c) The Helsinki Convention

This Convention of 22 May 1974 deals more particularly with pollution from ships, land-based pollution, dumping and pollution arising from the exploration and exploitation of the seabed. Denmark ratified the Convention on 20 July 1977 and the Federal Republic of Germany ratified it on 3 March 1980. It came into force on 3 May 1980.

On 14 March 1977 the Commission presented to the Council a recommendation on the opening of negotiations to enable the Community to accede to the Convention of 22 March 1974 on the Protection of the Marine Environment of the Baltic Sea Area (known as the Helsinki Convention) (13).

The Council authorized the Commission to open negotiations for the Community's accession to this Convention in June 1977. One Contracting Party to the Convention which is not a member of the Community opposed the opening of negotiations in October 1977. Despite the Commission's efforts, no progress has been made since this date.

d) The Caribbean Convention

This Convention, which was signed on 24 March 1983, covers all forms of marine pollution (pollution caused by dumping from ships and aircraft and seabed activities), air pollution and airborne pollution and specially protected areas.

France, the Netherlands, the United Kingdom and the Community have signed this Convention.

A Protocol to this Convention deals with cooperation in combating oil spills in the wider Caribbean region. The Convention and its Protocol introduce in the Caribbean region a system of marine protection similar to that set up by the Barcelona Convention and its Protocol in the Mediterranean.

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(13) COM (77) 48 of 10 March 1977.

The Commission has also presented to the Council a proposal for a Decision concerning the signing of the Protocol on combating oil spills and the conclusion of the Caribbean Convention and the Protocol on combating oil spills (14).

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The Commission attends the meetings held under the Oslo and London Conventions as an observer. The European Economic Community is a Contracting Party to the Barcelona Convention and its Dumping Protocol (15). It has also signed the Caribbean Convention.

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(14) COM (83) 733; O.J. N° C 5 of 10 January 1984.

(15) Decision 77/585/EEC, O.J. N° L 240 of 19 September 1977.

TABLE I

COMPARATIVE TABLE OF SUBSTANCES  
LISTED IN ANNEX I (BLACK LIST)  
OF THE CONVENTIONS

Substances	London Convention	Oslo Convention	Dumping Protocol to Barcelona Convention
1. Organohalogen compounds	x	x	x
2. Organosilicon compounds	-	x	x
3. Mercury and its compounds	x	x	x
4. Cadmium and its compounds	x	x	x
5. Synthetic materials and persistent plastics	x	x	x
6. Crude oil and hydrocarbons	x	-	x
- Acid compounds and specific alkalis	-	-	x
- Substances which may be carcinogenic	-	x	-

Substances	London Convention	Oslo Convention	Dumping Control to Barcelona Convention
- Materials produced for biological and chemical warfare	x	-	x
- High-level radioactive waste	x	-	x
- Low-level radioactive waste	-	-	x
- Waste and other materials such as sewage sludge and dredging spoil containing trace contaminants (1 to 6)	-	-	-

TABLE 2

COMPARATIVE TABLE OF SUBSTANCES  
LISTED IN ANNEX II (GREY LIST)  
OF THE CONVENTIONS

Substances	London Convention	Oslo Convention	Dumping Protocol to Barcelona Convention
- Arsenic, lead, copper, zinc	x	x	x
- Beryllium	x	-	x
- Chromium )	x	-	x
- Nickel )	x	-	x
- Vanadium ) and	x	-	x
- Selenium ) their	-	-	x
- Antimony ) compounds	-	-	x
- Cyanides and fluorides	x	x	x
- Pesticides and by-products	x	x	x
- Synthetic organic chemicals not listed in Annex I	-	-	x
- Acid and alkali compounds not covered by Annex I	-	-	x
- Containers, scrap, metal and other bulky waste	x	x	x

Substances	London Convention	Oslo Convention	Dumping Protocol to Barcelona Convention
- Substances which may be noxious in the quantities in which they are dumped, may reduce amenities or endanger human life or living organisms	-	x	x
- Radioactive waste not covered by Annex I	x	-	x
- Organosilicon compounds	x	(Annex I)	(Annex I)
- Tar-like substances	-	x	-



### III. INITIATIVES TAKEN BY THE COMMISSION

1. On 12 January 1976, the Commission presented to the Council a proposal for a Directive on the dumping of wastes at sea (16) incorporating the provisions of the London and Oslo Conventions. The Council shelved this proposal in 1978. The Commission then attempted to achieve the objectives of its proposal through the Community's accession to the Oslo Convention. The decision authorizing the Commission to open negotiations for accession to this Convention has still not been approved by the Council.
  
2. On 20 February 1978 the Council adopted Directive 78/176/EEC on waste from the titanium dioxide industry (17) which provides for the reduction of pollution by this industry.
  - The Council also adopted another Directive (82/883/EEC) on 3 December 1982 on procedures for the surveillance and monitoring of environments concerned by wastes from the titanium dioxide industry (18).
  
  - On 14 April 1983 the Commission presented to the Council a proposal for a Directive on procedures for harmonizing the programmes for the reduction and eventual elimination of pollution caused by waste from the titanium dioxide industry (19). It was amended on

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(16) O.J. N° C 40 of 20 February 1976.

(17) O.J. N° L 54 of 25 February 1978.

(18) O.J. N° L 378 of 31 December 1982.

(19) O.J. N° C 138 of 26 May 1983.

25 May 1984 in accordance with the second paragraph of Article 149 of the Treaty, at Parliament's request (20).

3. On 15 November 1984 the United Kingdom informed the Commission of the publication of the Food and Environment Protection Bill which was due to enter into force on 9 November 1984.

In accordance with the Agreement of the Representatives of the Governments of the Member States meeting in Council of 5 March 1973 on information for the Commission and for the Member States with a view to possible harmonization throughout the Communities of urgent measures concerning the protection of the environment (21), the Commission notified the United Kingdom on 14 January 1985 of its intention to submit to the Council a proposal for a Directive on the matters covered by the second part of this new legislation on the dumping of waste at sea.

4. In the light of the foregoing and in order to prevent disparities in national legislation which might distort the conditions of competition in the common market, the Commission has decided to submit the appended proposal. Its aim is to harmonize the existing laws, regulations and administrative provisions in the Member States to avoid distortions of competition and also to improve the quality of the marine environment and to protect it against pollution. This proposal's legal basis is Articles 100 and 235 of the EEC Treaty.

Under the terms of these two Articles Parliament's opinion must be sought. The Economic and Consultative Committee must also be consulted pursuant to Article 100.

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(20) O.J. N° C 167 of 27 June 1984.

(21) O.J. N° C 9 of 15 March 1973.

IV. COMMENTS ON THE PROPOSAL FOR A DIRECTIVE

1. The aim of this proposal is to define the scope of common rules to prevent and reduce marine pollution caused by dumping at sea by ships and aircraft and other facilities, including platforms.
2. The term "dumping at sea" covers any deliberate discharge at sea, including the interim storage of waste or other materials, on and under the seabed. This definition also includes incineration of waste or substances at sea.

This proposal does not cover the dumping of radioactive substances or the burial of such waste in the seabed. The Commission may make an appropriate proposal to the Council at a later stage on these two aspects.

3. The dumping of substances, waste or other materials listed in Annex I (black list) is prohibited. The dumping of substances listed in Annex II (grey list) is strictly controlled, in each case a prior special permit must be issued by the relevant authorities. A general permit is required for the dumping of any other kind of waste. Annex III lays down the provisions which must be taken into account in establishing the criteria governing the prior issue of dumping permits by the relevant authorities.
4. The lists of substances in the annexes to this proposal are based on the Annexes to the Dumping Protocol to the Barcelona Convention and the Annexes to the Oslo Convention, supplemented by the findings of work undertaken by the Community. These Annexes differ

from those of existing international conventions which, moreover, differ from each other; they are nevertheless compatible with those of these Conventions.

5. Incineration of substances and materials is authorized only if there are no practical alternative methods of land-based treatment and disposal. A special permit must be issued on a case-by-case basis, by the relevant authorities. This practice must be considered a temporary solution to the problem of waste disposal. Member States are required to inform the Commission by 1 January 1990 of a final date for termination of incineration at sea. Incineration of a certain number of substances is prohibited.

Annex IV defines the substances which may be incinerated and the operating conditions of the incineration system. This Annex is based on the Protocol amending the Oslo Convention which sets out rules on incineration at sea.

6. No new special permit for the dumping of waste or other materials listed in Annex II or for the incineration substances listed under point B of Annex IV may be issued. Existing special permits which are valid at the date of notification of this Directive may be renewed for a further five years.
7. From 1990 Member States must reduce each year the quantities of waste authorized by ten percent of the quantities authorized in 1989 over a period of five consecutive years in respect of the substances listed in points 1, 2, 3 and 5 of Annex II.
8. A ban on the dumping of certain substances and a reduction in the dumping of others has been introduced in view of the permanent nature of this method of waste disposal. It provides preventive and more effective protection of the marine environment against

pollution by substances which may become harmful or toxic in the quantities in which they are discharged or as a result of other unforeseen circumstances which may arise when they are dumped at sea.

If this were to happen and if they had serious and harmful effects on the marine environment and the food chain, it would probably be very difficult to recover such waste.

Storage on land/or recycling and an overall reduction in the quantity of waste discharged are therefore aims which must be pursued and encouraged.

9. Member States are to draw up a report on the reduction of dumping at sea and send it to the Commission which will forward it to the other Member States.
10. Annexes V, VI, VII, VIII, IX and X concern applications for, or the renewal of, incineration (V) and dumping (VII) permits, the annual report form for all incineration (VI) and dumping (X) operations, and permits or the renewal of permits for the dumping (VIII) and incineration of waste at sea (IX).
11. For the purposes of the proposed Directive, Member States must provide, at the Commission's request, made on a case-by-case basis, all records of the nature and quantities of substances and materials dumped at sea under the permits issued and the dates, location and methods of dumping.
12. Member States which have taken equivalent measures to those laid down in this proposal under the abovementioned Conventions will not be required to meet any obligations which may be duplicated by this proposal.

13. The Commission will examine and assess the data relating to the permits issued or renewed, and the reductions in the quantities dumped at sea, will evaluate the effectiveness of the measures, reductions and procedures adopted and will make any suitable proposals. It will report to the Council and the European Parliament on the implementation of this Directive.
14. Member States may adopt more stringent provisions than those laid down in this proposal.
15. Any amendments which are necessary to adapt the list of substances in Annexes I and II and Annex IV (B) and the provisions of Annexes III to X, to scientific and technical progress will be adopted in accordance with the procedure laid down in the proposed Directive.
16. In order to provide a degree of flexibility in the implementation of the Directive Member States may, with the Commission's consent, allow derogations from the proposed Directive's provision in serious emergencies.

PROPOSAL FOR A COUNCIL DIRECTIVE  
ON  
THE DUMPING OF WASTE AT SEA

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Proposal for a  
COUNCIL DIRECTIVE

on the dumping of waste at sea

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,  
and in particular Articles 100 and 235 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas the Declaration of the Council of the European Communities and of  
the Representatives of the Governments of the Member States meeting within  
the Council of 22 November 1973, calls for the implementation of a Euro-  
pean Community action programme on the environment (1);

Whereas this action programme was renewed and extended for 1977 to 1981 and  
1982 to 1986 by the Resolutions of the Council and of the Representatives  
of the Governments of the Member States, meeting within the Council, of  
17 May 1977 (2) and 7 February 1983 (3);

Whereas this programme stresses that marine pollution affects the Community  
by virtue of the essential role played by the sea in the preservation and  
development of species and on account of the importance of sea transport for  
the harmonious economic development of the Community;

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<sup>1</sup> OJ No C 112, 20.12.1973, p. 1.

<sup>2</sup> OJ No C 139, 13.6.1977, p. 1.

<sup>3</sup> OJ No C 46, 17.2.1983, p. 1.



Whereas the European Community Action Programme on the Environment provides for measures to control the deliberate dumping of waste at sea;

Whereas the European Council on 7 and 8 April 1978 in Copenhagen stated that the prevention and combating of marine pollution was a major Community objective and called on the Council and Member States, acting on proposals from the Commission, to take appropriate measures within the Community and to adopt common attitudes in the competent international bodies with a view to implementing effective pollution control measures;

Whereas protection of the environment necessitates the prevention or reduction of marine pollution and the safeguarding of the environment against deliberate dumping of waste and materials from ships and aircraft;

Whereas there are a number of general and regional conventions including

- the Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter signed at London on 13 November 1972,
- the 1973 International Convention for the Prevention of Pollution from Ships signed at London on 2 November 1973 and its 1978 Protocol,
- the Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft signed at Oslo on 15 February 1972,
- the Convention on the Prevention of the Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft and its Protocols signed at Barcelona on 16 February 1976,

- the Convention on the Protection of the Marine Environment of the Baltic Sea Area signed at Helsinki on 22 March 1974,
- the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Area signed on 24 March 1983,

which contain provisions on the protection of the marine environment against these specific sources of pollution;

Whereas, by Decision 77/585/EEC (4), the Council concluded the Convention on the Protection of the Mediterranean Sea Against Pollution and the Protocol on the Prevention of the Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft;

Whereas any disparity between the provisions on the dumping of waste at sea which already apply or are being drawn up in the Member States attributable to differences between Conventions may create unequal conditions of competition and, consequently, have a direct effect on the functioning of the common market;

Whereas it is necessary to prevent duplication of certain obligations arising from the application of the abovementioned Conventions;

Whereas, in order to ensure effective protection of the environment, it is necessary to prohibit the dumping of certain types of particularly harmful waste into the sea and to set up a single system of permits to regulate and control the dumping of any other waste and materials according to homogenous criteria;

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(4) OJ No L 240, 19.9.1977, p. 1.

Whereas only certain substances should be incinerated at sea and a special permit should be issued in each individual case;

Whereas it is necessary that no new special permit for the dumping of waste or other materials or incineration be issued; whereas permits which exist at the date of notification of this Directive should be renewed without the quantity, content, substances or compounds contained in waste or other materials being increased; whereas the quantities of certain types of waste and materials which are authorized to be dumped should be reduced, particularly if the dumping of waste might have a deleterious effect on the environment;

Whereas, in order to meet situations of a particularly critical nature, it is necessary to allow for temporary exemptions from the ban on the dumping of waste or other materials at sea laid down in this Directive;

Whereas the provisions of this Directive do not affect the obligations imposed on Member States by Council Directive 82/883/EEC of 3 December 1982 on procedures for the surveillance and monitoring of environments concerned by waste from the titanium dioxide industry (5);

Whereas it is necessary to supplement this harmonization of legislation by Community action to achieve, by means of wider legislation, one of the Community's objectives in the field of environmental protection and improvement of the quality of life; whereas a number of special provisions must hence be introduced for this purpose; whereas the Treaty has not provided the necessary powers to this end;

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(5) OJ No L 378, 31.12.1982, p. 1.

Whereas technical progress requires rapid adaptation of the List of toxic and dangerous substances covered by the Directive; whereas, to facilitate the implementation of the measures thereby required, provision should be made for a procedure establishing close cooperation between the Member States and the Commission within a Committee on the Adaptation of this Directive to Technical Progress;

Whereas, in order to ensure efficient implementation of the Directive, the Commission should examine and evaluate the records of permits issued, keep under review the measures adopted by Member States and consider the need for further measures,

HAS ADOPTED THIS DIRECTIVE :

#### Article 1

The purpose of this Directive is to prevent and reduce marine pollution caused by dumping of waste or other materials at sea, including incineration, from ships and aircraft.

#### Article 2

For the purposes of this Directive:

- a) "Waste or other materials" means any substance or material of any type, form or nature;
- b) "Dumping at sea" means any deliberate discharge into the sea including ;

- on the seabed and in the subsoil;
- interim storage of waste or other materials;
- through the medium of incineration of waste, substances or other materials at sea;

by or from ships or aircraft and any other method.

- c) "Ships and aircraft" means sea-going vessels and air-borne craft of any type whatsoever, including hovercraft, floating craft whether self-propelled or not, and fixed or floating platforms and other man-made structures sited at sea and their equipment.
- d) "Pollution" means the introduction by man, directly or indirectly, of substances or energy into the marine environment resulting in such deleterious effects as hazards to human health, harm to living resources and the marine ecological system and reduction of amenities or impairment of other legitimate uses of the seas.
- e) "Incineration" means any deliberate combustion of substances and materials for the purpose of their thermal destruction.

### Article 3

1. This Directive shall apply to waste or other materials dumped or incinerated in maritime waters within the jurisdiction of a Member State from :

- ships and aircraft loading in the territory of a Member State, or from platforms or other offshore structures within the jurisdiction of a Member State;
  - ships and aircraft registered in the territory of a Member State and loading in the territory of a third country;
  - ships and aircraft not registered in a Member State.
2. The provisions of this Directive shall be without prejudice to the sovereign immunity to which certain vessels and aircraft are entitled under international law.

#### Article 4

1. The dumping at sea of waste or other materials containing substances listed in Annex I is hereby prohibited.
2. It shall be forbidden to dump at sea waste or other materials listed in Annex II without, in each case, prior issue of a special permit by the competent authorities.

3. The dumping at sea of any other waste or other material shall be forbidden unless a prior general permit is issued by the competent authorities.
4. The dumping areas shall be designated in the permits.

#### Article 5

1. The incineration at sea of substances and materials other than those listed in Annex IV.B is hereby prohibited.
2. It shall be forbidden to incinerate at sea the substances and other materials listed in Annex IV.B without, in each case, prior issue of a special permit by the competent authorities. The incineration areas shall be designated in the permits.
3. An incineration permit shall be issued or renewed only for incineration operations to be performed on a marine incineration facility approved by one of the Member States according to the procedures laid down in Annex IV.C.1 or for the purpose of an approval survey.
4. Member States shall not permit the incineration of substances and materials for which practical alternative land-based methods of treatment and disposal are available.

#### Article 6

1. The permits referred to in Article 4(2) and (3) shall be issued or renewed in accordance with Annex III.

2. The permit referred to in Article 5(2) shall be issued or renewed in accordance with Annexes III and IV.
3. Applications for permits and renewals thereof shall be made in accordance with the models set out in Annexes V and VII. Permits shall be drawn up in accordance with the model set out in Annexes VIII and IX.

#### Article 7

1. Where a Member State issues a permit for a dumping or incineration area within the jurisdiction of another Member State, it shall send a copy of the permit to that Member State.
2. That Member State shall recognize the validity of a permit drawn up in accordance with this Directive, subject to its compatibility with provisions adopted in accordance with Article 19.

#### Article 8

1. Each Member State shall appoint one or more competent authorities to :
  - a) issue and renew the special permits provided for in Articles 4(2) and 5(2);
  - b) issue and renew the general permits provided for in Article 4(3);
  - c) keep records of the nature and quantities of the waste or other materials which are authorized to be dumped or incinerated at sea and the location, date and method of dumping and incineration.
- 2.a) Permits for dumping or incinerating waste shall be issued by the competent authorities in the Member State in whose territory the waste is loaded or, in agreement with the competent authorities of that State, by the competent authorities of the Member State which has jurisdiction over the place where the waste is dumped or incinerated.



- b) Where the waste is loaded in the territory of a third country, the competent authorities in the Member State which has jurisdiction over the place where the waste is to be dumped or incinerated shall be responsible for issuing permits.

Article 9

1. Member States shall promote the development of alternative land-based methods of disposal, shall endeavour to reduce the quantity of waste and encourage its recycling through the use of appropriate techniques before considering its dumping or incineration at sea.
2. Member States shall send to the Commission by 1 January 1990 the information required to fix a date for the termination of incineration at sea. The Council shall act by 1 June 1991 on proposal from the Commission.

Article 10

1. For waste or other materials listed in Annex II and Annex IV.B no special dumping or incineration permits shall be issued after 1 January 1988.
2. Special dumping or incineration permits which are valid on the date of notification of this Directive may be renewed until 1 January 1990 but the quantity, content and substances or compounds contained in the waste may not be increased.
3. From 1 January 1990, and over a period of five consecutive years, Member States shall reduce each year the quantities of waste authorized to be dumped by 10 % of the quantity authorized in 1989 in the case of waste or other materials listed in Annex II, points 1, 2, 3 and 5.
4. If the dumping or incineration at sea of waste or other materials will or is likely to have a deleterious effect on the environment,

Member States shall reduce the quantities and contents of waste which is or is likely to be responsible for such an effect from the date of notification of this Directive.

Article 11

1. The competent authorities shall keep for a period of four years records of the nature and quantities of the substances and materials dumped or incinerated at sea under permits which they issue and of the dates, location and methods of dumping.
2. For the purposes of this Directive, Member States shall make available to the Commission, at its request, made on a case-by-case basis, the information referred to in paragraph 1.
3. The information obtained by the Commission shall be used only for the purpose for which it was requested.
4. The Commission and competent authorities of the Member States as well as their officials and other servants shall be obliged not to divulge information they have obtained pursuant to this Directive which, by its nature is covered by the obligation of professional secrecy.
5. Paragraphs 3 and 4 shall not preclude the publication of general information or studies which do not contain any specific information on undertakings or associations of undertakings.
6. Member States shall draw up, in accordance with the models set out in Annexes VI and X, an annual report on incineration and dumping operations at sea and shall send the first such report to the Commission within twelve months of notification of this Directive.

7. Each Member State shall draw up a report on reductions in dumping at sea pursuant to Article 10 by 1 January 1996 and shall forward it to the Commission which shall pass it on to the other Member States.

#### Article 12

Each Member State shall issue instructions to its maritime inspection ships and aircraft and to other appropriate services to report to its authorities any major incidents or circumstances which suggest that dumping in contravention of the provisions of this Directive has occurred or is about to occur. The Member State shall report accordingly to any other Member State concerned and to the Commission.

#### Article 13

The provisions of Article 4 shall not apply in cases of force majeure attributable to bad weather or any other cause when human life or the safety of a ship or aircraft is threatened.

Such dumping shall immediately be reported to any Member State likely to be affected, together with full details of the circumstances and of the nature and quantity of the waste or other materials dumped.

#### Article 14

1. If, in a critical situation of an exceptional nature,  
a Member State considers that waste or other materials listed in Annex I to this Directive cannot be disposed of on land without unacceptable danger or damage, above all for the safety of human life, it shall consult the Commission.

2. The Commission, after consulting the Member States concerned, shall recommend methods of storage or the most satisfactory methods of destruction or disposal under the prevailing circumstances. The Member State to which the recommendation is addressed shall inform the Commission of the steps taken in pursuance of this recommendation. Member States shall undertake to provide mutual assistance.
3. If disposal at sea is the only practicable means of disposing of waste or materials, this shall be undertaken under the terms of an authorization from the Commission.

#### Article 15

The Commission shall

1. study and consider the records of permits issued or renewed in accordance with Article 8 and reductions in the quantities dumped at sea provided for in Article 10(3);
2. assess the effectiveness of the measures, reductions and procedures adopted and present, if appropriate, proposals to improve the measures, reductions, and procedures and, if necessary, to supplement or amend substances listed in Annexes I, II and IV.B;
3. report to the Council and the European Parliament on the implementation of this Directive five years after the date of notification of this Directive and every three years thereafter.

Article 16

The amendments required to adapt

- the list of substances, waste or materials in Annexes I, II and IV.B,
- the provisions of Annexes III, IV, V, VI, VII, VIII, IX and X,

to scientific and technical progress and the requirements of administrative procedures shall be adopted in accordance with the procedure laid down in Article 18.

Article 17

1. A Committee for the Adaptation to Scientific and Technical Progress, hereinafter called the "Committee" is hereby set up. It shall be composed of representatives of the Member States with a representative of the Commission as chairman.
2. The Committee shall adopt its own rules of procedure.

Article 18

1. Where the procedure laid down in this Article is to be followed, the Chairman shall refer the matter to the Committee, either on his own initiative or at the request of the representative of a Member State.
2. The Commission's representative shall submit to the Committee a draft of the measures to be adopted. The Committee shall deliver its opinion on the draft within a time limit the Chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority provided for in Article 148(2) of the Treaty.

3. The Commission shall adopt the measures envisaged where they are in accordance with the Committee's opinion.

When the measures envisaged are not in accordance with the opinion of the Committee, or in the absence of any opinion, the Commission shall forthwith submit to the Council a proposal relating to the measures to be taken. The Council shall act thereon by a qualified majority.

If, on the expiry of three months from the date on which the matter was referred to it, the Council has failed to act, the proposed measures shall be adopted by the Commission.

#### Article 19

1. Member States may take more stringent measures in respect of the dumping and incineration of waste or other materials at sea than those provided for in this Directive.
2. This Directive shall not prevent Member States from prohibiting or restricting dumping or incineration in specific areas.

#### Article 20

1. Member States shall adopt the measures necessary to comply with this Directive by 1 July 1986, and shall forthwith inform the Commission thereof.
2. Member States shall communicate to the Commission the texts of the provisions of national law which they adopt in the field covered by this Directive.

Article 21

This Directive is addressed to the Member States.

Done at Brussels,

For the Council  
The President

ANNEX I

A

The following substances and materials are listed for the purpose of Article 4, paragraph 1 of the Directive.

1. Organohalogen compounds and compounds which may form such substances in the marine environment, excluding those which are non-toxic, or which are rapidly converted in the sea into substances which are biologically harmless, provided they do not make edible marine organisms unpalatable.
2. Organo-tin compounds.
3. Mercury and mercury compounds.
4. Cadmium and cadmium compounds.
5. Persistent plastics and other persistent synthetic materials which may seriously interfere with fishing or navigation, reduce amenities or interfere with other legitimate uses of the sea.
6. Crude oil and hydrocarbons of petroleum origin, and any mixtures containing any of these products, lubricants or hydraulic fluids, taken on board for the purpose of dumping.
7. Substances which have been shown to have a carcinogenic effect in the aquatic environment or through the action of the latter.
8. Acids and alkalis of a composition and quantity such as to seriously threaten the quality of marine waters. Acids and alkalis from the titanium and aluminium industries.



9. Materials in whatever form (e.g. solids, liquids, semi-liquids, gases or in a living state) produced for biological and chemical warfare, excluding those which are rapidly rendered harmless in the sea by physical, chemical or biological processes, provided they do not:

(i) make edible marine organisms unpalatable;

(ii) endanger human or animal health.

10. Oil-based drilling muds and oil from drill cuttings.

B

1. This Annex does not apply to waste or other materials such as sewage sludge, dredging spoil or drill cuttings, which contain the substances defined in paragraphs 1 to 7 as trace contaminants, if it is shown that the substances present in the dredging spoil occur naturally in sediments. The dumping of such waste shall be subject to the provision of Annexes II and III, as appropriate.

2. Trace contaminants are defined as contaminants occurring in quantities which have been shown by specific evidence to be unlikely to contaminate the marine environment.

ANNEX II

The following wastes and other materials requiring special care are listed for the purposes of Article 4 of the Directive:

1. - Arsenic, lead, copper, zinc, beryllium, chromium, nickel, vanadium, selenium, antimony and their compounds;
  - Cyanides and fluorides;
  - Pesticides and their by-products not covered in Annex I;
  - Synthetic organic chemicals, other than those referred to in Annex I, which may endanger marine organisms or make edible marine organisms unpalatable.
2. Organosilicon compounds and compounds which may form such substances in the marine environment, excluding those which are non-toxic or which are rapidly converted in the sea into substances which are biologically harmless, provided they do not make edible marine organisms unpalatable.
3. Acids and alkalis not covered in Annex I.

Account shall be taken of the possible presence in this waste of the substances listed in paragraph 1.
4. Containers, scrap metal and other bulky wastes, similar tar substances which are liable to sink to the sea bottom or may present a serious obstacle to fishing or navigation.

5. Substances, which though of a non-toxic nature, may become harmful due to the quantities in which they are dumped, or which are liable to seriously reduce amenities, endanger human life or marine organisms or hinder navigation.

### ANNEX III

Provisions to be considered in establishing criteria governing the issue and renewal of authorizations in accordance with Articles 4 and 5 include :

#### A. CHARACTERISTICS AND COMPOSITION OF THE MATTER

1. Total amount and average composition of matter dumped (e.g. per year).
2. Form: e.g. solid, sludge, liquid or gaseous.
3. Properties: physical (e.g. solubility and density), chemical and biochemical (e.g. oxygen demand, nutrients) and biological (e.g. presence of viruses, bacteria, yeasts, parasites).
4. Toxicity.
5. Persistence: physical, chemical and biological.
6. Accumulation and biotransformation in biological materials or sediments.
7. Susceptibility to physical, chemical and biochemical changes and interaction in the aquatic environment with other dissolved organic and inorganic materials.
8. Probability of production of taints or other changes reducing the commercial value of marine resources (fish, shellfish, etc.).

B. CHARACTERISTICS OF DUMPING SITE AND METHOD OF DEPOSIT

1. Location (e.g. coordinates of the dumping area, depth and distance from the coast), location in relation to other areas (e.g. amenity areas, spawning, nursery and fishing areas and exploitable resources).
2. Rate of disposal per specific period (e.g. quantity per day, per week, per month).
3. Methods of packaging and containment, if any.
4. Initial dilution achieved by proposed method of release, particularly by speed of the ship.
5. Dispersal characteristics (e.g. effects of currents, tides and wind on horizontal transport and vertical mixing).
6. Water characteristics (e.g. temperature, pH, salinity, stratification, indices of pollution - dissolved oxygen (DO), chemical oxygen demand (COD), biochemical oxygen demand (BOD) - nitrogen present in organic and mineral form including ammonia, suspended matter, other nutrients and productivity).
7. Bottom characteristics (e.g. topography, geochemical and geological characteristics and biological productivity).
8. Existence and effects of other dumping which have been made in the dumping area (e.g. heavy metal background reading and organic carbon contents).
9. Determination of the consequences of dumping in the area concerned, taking into account seasonal variations, by means of an impact study.

C. GENERAL FACTORS AND CONDITIONS

1. Possible effects on amenity and bathing areas (e.g. deterioration in the quality of bathing water, presence of floating or stranded material, turbidity, objectionable odour, discoloration and foaming).
2. Possible effects on marine life, fish and shellfish culture, fish stocks and fisheries, seaweed harvesting and culture.
3. Possible effects on other uses of the sea (e.g. impairment of water quality for industrial use, underwater corrosion of structures, interference with ship operations from floating materials, interference with fishing or navigation through deposit or waste or solid objects on the sea floor and protection of areas of special importance for scientific or conservation purposes).
4. The practical availability of alternative land-based methods of treatment, disposal or elimination, or of treatment to render the matter less harmful for dumping at sea.

ANNEX IV

INCINERATION AT SEA

A. Definitions

For the purposes of this Annex:

1. "Marine incineration facility" means a ship, as defined in Article 2, paragraph c of the Directive, operating for the purpose of incineration at sea.
2. "Incineration system" means the equipment comprising the incinerator and its systems for the feed of wastes, fuel and air, the appliances and devices for the control of the incineration operation and for the recording and monitoring of the conditions of incineration.
3. "Incinerator" means the furnace in which the thermal destruction of the wastes takes place.

B. Scope

An incineration permit can be issued solely for the following substances and materials:

- (a) organohalogen compounds;
- (b) pesticides and their by-products other than organohalogen compounds;

- (c) substances and materials not listed in Annexes I and II which may be incinerated at sea without damage to the marine environment;
- (d) waste containing the abovementioned substances and materials provided that these substances and materials have not been added to the waste for the purpose of this waste being incinerated, and provided that the waste does not contain substances listed in paragraphs 3 and 4 of Annex I except when those substances occur as trace contaminants in waste to which they have not been added for the purpose of being incinerated.

C. Approval and surveys of the incineration system

1. For the purpose of approval, the Member State shall make an initial survey of the incineration system, or ensure that an initial survey has been completed by a Member State on the basis of the technical criteria contained in these rules.
2. The initial survey shall be carried out in order to:
  - (a) approve the siting, number, type and manner of the use of the devices for measuring and recording the incinerator wall temperature;
  - (b) approve the gas sampling system including probe locations, analytical devices and the manner of recording;
  - (c) ensure that approved devices have been installed to automatically shut off the feed of waste to the incinerator if the temperature drops below approved minimum temperatures;



- (d) approve the siting, type and manner of use of devices by which feed rates and amounts of waste pumped to the incinerator are controlled and recorded;
  - (e) approve the results of tests on liquid organohalogen wastes, the characteristics of which are known under intensive stack monitoring, including measurements of  $O_2$ , CO,  $CO_2$ , organohalogens and total hydrocarbons in the combustion gases;
  - (f) ensure that during the incineration of wastes the combustion and destruction efficiencies shall exceed 99.9%;
  - (g) approve the details of the mechanism for feeding and burning solid waste, if the facility is equipped for this purpose;
  - (h) approve the following systems, the installation of which shall be mandatory following a decision of the Commission:
    - a closed gauging system of the waste tanks;
    - a tank overflow control system;
    - equipment for the automatic recording of the data required under section F of this Annex.
3. Following the completion of an initial survey, a form of approval shall be issued by the Member State concerned if the incineration system is found to be in compliance with these rules. The period of validity of the form of approval shall not exceed two years.

4. Periodic surveys, at least every two years, must be carried out to ensure that the incineration system continues to comply with these rules. These surveys shall be the responsibility of the Member State which conducted the initial survey or, of the Member State which issued a permit for current operations in consultation with that Member State. In the periodic survey the operating data and maintenance records for the previous period shall be taken into account.

If the incineration system still complies with these rules, the Member State shall renew the form of approval for a further period not exceeding two years and not beyond the final date laid down pursuant to Article 9 (2).

5. After any survey has been completed, no changes which affect the performance of the incineration system shall be made without the approval of the Member State which has issued or renewed the form of approval.
6. There shall be available on the marine incineration facility:
  - a copy of the form of approval and survey reports;
  - a register containing the details of any changes affecting the performance of the incineration system, as mentioned in paragraph 5.
7. A form of approval issued by a Member State shall be recognised by the other Member States unless there are clear grounds for believing that the

incineration system is not in compliance with these rules. A copy of each form of approval and survey report shall be submitted to the Commission at its request.

8. If the marine incineration facility is a vessel, Member States shall ascertain before issuing a form of approval that the vessel complies with the relevant provisions of the IMCO Code for the Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk<sup>6</sup>.

D. Incineration permits and control over the nature of wastes for incineration

1. Incineration permits shall be issued for a period not exceeding two years. Permits may be renewed subject to the provisions of Article 5(4).
2. Any application for an incineration permit to a Member State must state the reasons for use of incineration as required by Section B, and all relevant information on the physical and chemical characteristics of the waste proposed for incineration.
3. Any Member State which intends to authorize incineration of substances and materials produced outside the area under its jurisdiction must seek confirmation of the origin of these substances and materials and of their suitability for incineration from the competent authorities.

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<sup>6</sup> Publication No. 83-11 of the International Maritime Organization

4. Copies of incineration permits issued by Member States shall be available on the marine incineration facility and the Commission shall be immediately notified, in accordance with the notification procedure referred to in Section J.
5. Where a Member State has doubts as to the thermal destructibility of the substances and materials proposed for incineration, pilot-scale tests shall be undertaken before a permit may be issued.
6. Where a Member State proposes to permit incineration of substances and materials which have been subject to pilot-scale tests and over which doubts as to the efficiency of combustion remain, the incineration system shall be subject to the same intensive stack monitoring as required for the initial marine incineration system survey. Consideration shall be given to the sampling and analysis of particulates, taking into account the solid content of the substances and materials.

E. Facilities for incineration at sea: operation requirements

1. The operation of the incineration system shall be controlled so as to ensure that:
  - (a) the normal operating wall temperature exceeds 1200°C unless the results of tests on the marine incineration facility demonstrate that the required combustion and destruction efficiencies can be achieved at a lower temperature;
  - (b) the theoretical minimum residence time within the incinerator, for a wall temperature of 1200°C, is of the order of one second;

(c) the combustion efficiency based on:

$$\text{Combustion efficiency} = \frac{c_{\text{CO}_2} - c_{\text{CO}}}{c_{\text{CO}_2}} \times 100\%$$

where:

$c_{\text{CO}_2}$  = concentration of carbon dioxide in the combustion gases

$c_{\text{CO}}$  = concentration of carbon monoxide in the combustion gases

shall be at least 99.9%;

(d) the destruction efficiency based on a determination of the amount of the organohalogen substances added to the furnace which is not destroyed shall be at least equal to the combustion efficiency of the incinerator, i.e. 99.9%. The routine measurement of this parameter shall be mandatory only after adequate measuring devices become available.

2. There shall be no black smoke nor flame extension above the plane of the stack.

F. Data to be recorded

1. Marine incineration facilities shall utilise recording devices and methods as approved under Section C. As a minimum, the following data shall be recorded during each incineration operation and retained for inspection by the Member State which has issued the permit:

- (a) wall temperature measurements;
  - (b) date and time during incineration and record of substances and materials being incinerated;
  - (c) vessel position by appropriate navigational means;
  - (d) feed rates and amounts of substances and materials;
  - (e) O<sub>2</sub>, CO and CO<sub>2</sub> concentration in combustion gases;
  - (f) vessel's course and speed.
2. Where more than one Member State has issued a permit for one incineration operation, arrangements for review of the data shall be made among the Member States involved.
- G. Disposal of wastes and their residues
- 1. The Member State which proposes to issue or review an incineration permit shall ensure that there are no means of disposing of wastes from the marine incineration facility except by means of the incinerator during normal operations.
  - 2. Tank washings and other residues contaminated by the waste shall be incinerated at sea in accordance with these rules or discharged into port facilities in consultation with the competent national authorities.

3. Any solid residues remaining in the incinerator shall not be removed from the incinerator until the marine incineration facility can safely offload them on land for disposal.

#### H. Prior Consultation Procedure

The Commission shall, if necessary, request the Secretariats of International Conventions to provide details of the results of such procedures.

#### I. Incineration sites

1. Factors to be considered in establishing criteria governing the selection of incineration sites shall include, in addition to those listed in Annex III to the Directive, the following:
  - (a) the prevailing atmospheric dispersal characteristics at the site - including wind speed and direction, atmospheric stability, frequency of inversions and fog, precipitation types and amounts, relative humidity - in order to determine the potential impact on the surrounding environment of pollutants released from the marine incineration facility, giving particular attention to the possibility of atmospheric transport of pollutants in fishing grounds and coastal areas;
  - (b) oceanic dispersal characteristics at the site in order to evaluate the potential impact of plume interaction with the sea;
  - (c) availability of navigational aids;
  - (d) the possible presence of undersea cables or pipelines if the vessel is to anchor at the incineration site.

2. Member States shall consult other interested Member States in the selection of an incineration site.
3. Member States shall endeavour to define common incineration sites.
4. The location of areas designated for the incineration of waste should be widely disseminated and communicated to the Commission and Member States.
5. The marine incineration facility shall reply promptly to radio calls at all times during incineration.

J. Notification

Member States must:

- (a) send copies of the forms of approval and survey reports of the incineration system to the Commission in accordance with the provisions of Section C.7 of this Annex;
  - (b) make available to the Commission, pursuant to Article 11 paragraph 2, the information requested on the basis of the form set out in Annex VI.
-



A N N E X V

APPLICATION FOR, OR RENEWAL OF, PERMITS ISSUED FOR THE INCINERATION OF  
WASTE AT SEA

Notification forms should contain :

1. details of the reasons for the use of incineration;
2. the following information :
  - (a) issuing authority;
  - (b) date of issue;
  - (c) validity;
  - (d) country in which the waste originated;
  - (e) port of loading;
  - (f) total quantity of waste (in metric units) covered by the permit;
  - (g) form taken by waste (in bulk or containers).  
If in containers, give details of:  
size  
instructions;
  - (h) composition of waste:

main organic constituents  
organohalogens  
main inorganic constituents  
suspended solids  
other relevant elements;

(i) properties of the waste:

physical aspects  
density  
viscosity  
calorific value  
toxicity and persistence, if appropriate;

(j) industrial process in which the waste arises;

(k) name of the marine incineration facility and Member State in which it is registered;

(l) incineration area:

geographic location  
distance from nearest coast;

(m) anticipated frequency of incineration;

(n) special conditions relating to the operation of the marine incineration facility if they are more stringent than those laid down in Annex IV ;

(o) additional information, e.g. pertinent information listed in Annex III to the Directive or monitoring and supervision requirements.

ANNEX VI

ANNUAL REPORT FORM ON ALL INCINERATION OPERATIONS CARRIED OUT  
IN ....

1. Incineration site

Position : longitude  
                    latitude

2. Name of the marine incineration facility

3. Waste incinerated

Country

by country of origin		

a) Total quantity of waste actually incinerated :

b) Total quantity of waste for which an incineration permit has been issued :

c) Estimated quantity of halogens released into the environment :

d) Estimated quantity of non-organic substances released into the environment :

- mercury
- cadmium
- arsenic
- chromium
- copper
- lead
- nickel
- zinc
- other metals/metalloids

e) Details of monitoring operations carried out during the incineration operations.

f) Details of any research carried out during the incineration operations.

g) Any other pertinent information.

h) Report on the issue and renewal of incineration permits.



5. Nature of waste if other than dredging spoil or sewage sludge :	
a) Arising from manufacture of :	.....
b) Procedure giving rise to the waste (e.g. fermentation, electro-plating, distillation, kierung, tanning, puri- fication of fine chemicals by crysta- lization) :	.....
c) Is the waste to be treated before dumping ?	.....
d) (i) If so, please state whether by settlement, filtration, neutrali- zation or biological treatment :	.....
(ii) or by any other process namely :	.....
6.a) Are samples NOW available for testing if required ? .....	
b) If not, when can samples be made available ? .....	
7. Are you already in possession of a valid consent ? .....	
If so, please give a) Its reference number : .....	
b) Its date of issue : .....	
8.a) Proposed frequency of dumping : .....	
of the waste, i.e. daily, weekly, etc.	
b) Quantity for disposal on each occasion : .....	
9.a) Dumping area :	<b>APPROXIMATE LOCATION</b> (e.g. name of sea, ocean, estuary, lightship, etc.) .....
b) Proposed port of loading :	.....
c) Coordinates of preferred dumping area :	.....

<p>10. For liquid or sludge-type wastes not in containers, please state where known :</p>			
<p>a) Name of dumping vessel :</p>	<p>.....</p>		
<p>b) Proposed speed of dumping vessel :</p>	<p>.....</p>		
<p>c) Proposed rate of discharge :</p>	<p>.....</p>		
<p>d) Whether discharge is to be over ship's side, bottom discharge, or into wake of vessel :</p>	<p>.....</p>		
<p>11. Physical properties, please state :</p>			
<p>a) Specific gravity (not required for dredging spoil or sewage sludge)</p>	<p>.....</p>	<p>.....</p>	<p>.....</p>
<p>b) pH</p>	<p>.....</p>	<p>.....</p>	<p>.....</p>
<p>c) 5-day BOD value or BOD/PV value or total organic carbon</p>	<p>.....</p>	<p>.....</p>	<p>.....</p>
<p>d) Suspended solids (mg/L)</p>	<p>.....</p>	<p>.....</p>	<p>.....</p>
<p>e) Dissolved solids (mg/L)</p>	<p>.....</p>	<p>.....</p>	<p>.....</p>
<p>f) Radioactive characteristics</p>	<p>.....</p>	<p>.....</p>	<p>.....</p>
<p>12. Chemical composition. Please complete the following list stating units of concentration and whether the analysis is (i) on a dry weight basis; (ii) on a volume/volume, weight/weight or weight/volume basis. For negligible quantities please indicate value as less than a number of parts per million :</p>			
<p>Mercury Cadmium Arsenic Lead Copper Zinc Beryllium Chromium Nickel Vanadium Iron Ammonia Cyanide</p>	<p>..... ..... ..... ..... ..... ..... ..... ..... ..... ..... ..... ..... .....</p>	<p>Phenolic substances Fluoride Chlorine (not chloride) Organohalogens (state which)  Organosilicon compounds Antibiotics Vitamines Oil/grease, persistant Oil/grease non-persistant Animal Oil/fat Vegetable Oil/fat</p>	<p>..... ..... ..... ..... ..... ..... ..... ..... ..... ..... ..... ..... .....</p>

Further information necessary to give a complete description of the waste, e.g., other constituents and details of the form of constituents where relevant.

13. Containers, if used, give details :	
a) Type	.....
b) Capacity	.....
c) Method of sealing (i.e. bung or lid)	.....
d) Whether container is to be cased in concrete	.....
e) Form or any additional ballast necessary to ensure sinking :	.....
<b>DECLARATION :</b> I certify that to the best of my knowledge and belief the information given in this form is a correct description of the waste for which this application is made.	
Signature :	Position :                      Date :
<b>FOR OFFICIEL USE</b>	
<b>RECOMMENDATION :</b>	
<b>QUALIFICATIONS :</b>	
<b>AREA AGREED :</b>	
<b>RESERVES :</b>	



ANNEXE VIII

PERMITS FOR THE DUMPING OF WASTE AT SEA

RENEWAL OF PERMITS FOR THE DUMPING OF WASTE AT SEA

This permit granted ..... authorizes the loading for dumping from ..... ports and dumping in the sea of the waste described below, in accordance with the following conditions.

1. Reference number of permit	
2. Name and address of permit holder	3. Name and address of producer of waste if other than in 2.
4. Waste in Category ..... of your application of ..... as described in questions 11 and 12 of that application. a) Arising from manufacture of : b) By (procedure) :	
5. Period of validity of permit	Mois            du            au
6. Quantity for disposal within this period	7. Method of disposal
8. Disposal area :	
9. Certified returns to be submitted to show that dumping have taken place : (Nil returns are required where applicable)	
10. SUPPLEMENTARY CONDITIONS RELATING TO THE DUMPING OPERATIONS : Tank washings are to be discharged only in the approved disposal area.	

OTHER CONDITIONS :

11. Should the composition of the waste change materially from the description given in the application or renewal to which this permit relates, you are required to notify the authority before dumping of the waste continues since this permit will no longer be valid.
12. Copies of this permit shall be available for inspection by the enforcement officers at the premises where the waste is produced, at the waste disposal contractors premises and on board the dumping vessel. The person in charge of a shore installation should also have documents relating to the storage of the waste specified overleaf.

NOTES :

- a) The licensing authority may revoke this permit if it appears to the authority that the holder is in breach of a condition included in it.
- b) A person who dumps in contravention of the terms of a permit is guilty of an offence under

Signature

For and on behalf of the licensing  
authority

Date : .....

ANNEX IX

PERMITS FOR THE INCINERATION OF WASTE AT SEA

RENEWAL OF PERMITS FOR THE INCINERATION OF WASTE AT SEA

This permit granted .....authorizes the loading for incineration from ..... port and incineration in the sea of the waste described below, in accordance with the following conditions :

1. Reference number of permit			
2. Name and address of permit holder		3. Name and address of producer of waste if other than in 2.	
4. Waste in Category ..... of your application of ..... as described in questions h and i of that application. a) Arising from manufacture of : b) By (procedure) :			
5. Period of validity of permit :		Months	From To
6. Quantity for incineration within this period		7. Method of incineration	
8. Incineration area (a) :			
9. Certified returns to be submitted to show that incineration has taken place :  (Nil returns are required where applicable)			
10. SUPPLEMENTARY CONDITIONS RELATING TO THE INCINERATION :			

OTHER CONDITIONS :

11. Should the composition of the waste change materially from the description given in the application or renewal to which this permit relates, you are required to notify the authority before incineration of the waste continues since this permit will no longer be valid.
  
12. Copies of this permit shall be available for inspection by the enforcement officers at the premises where the waste is produced, at the waste disposal contractors premises and on board the incineration vessel. The person in charge of a shore installation should also have documents relating to the storage of the waste specified overleaf.

NOTES :

- a) The licensing authority may revoke this permit if it appears to the authority that the holder is in breach of a condition included in it.
  
- b) A person who carries out incineration in contravention of the terms of a permit is guilty of an offence under

Signature

For and on behalf of the licensing  
authority

Date : .....

ANNEX X

ANNUAL REPORT FORM ON ALL DUMPING OPERATIONS AT SEA CARRIED OUT  
IN ....

1. Dumping site

Position : Longitude  
          Latitude

2. Name of the marine dumping facility

3. Waste dumped

COUNTRY :

By country of origin		

a) Total quantity of waste actually dumped :

Waste Annex II  
Waste Annex III

b) Estimated quantity of organic substances released into the environment.

c) Estimated quantity of non-organic substances released into the environment.

Hg	Pb
Cd	Ni
As	Zn
Cr	Be
Cu	Vd
Sb	Se
Cn	Fe

d) Details of monitoring operations carried out during the dumping operations :

Permit or permit renewal N° : .....

Permit or permit renewal N° : .....

e) Any other relevant information :

- number of applications or renewals for dumping permits refused (reasons).