

European Communities

EUROPEAN PARLIAMENT

Working Documents

1984-1985

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DOCUMENT 1-193/84

Report

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

on the proposal from the Commission of the European
Communities to the Council (COM (83) 520 final -
Doc. 1-890/83) for a Directive on the drawing up
of contingency plans to combat accidental oil spills
at sea

Rapporteur: Mr EISMA

PE 89.073/fin.
Or. Ne.



By letter of 20 September 1983, the President of the Council of the European Communities requested the European Parliament to deliver an opinion, pursuant to Article 235 of the EEC Treaty, on the proposal for a Council directive on the drawing up of contingency plans to combat accidental oil spills at sea.

On 25 October 1983, the President of the European Parliament referred this proposal to the Committee on the Environment, Public Health and Consumer Protection.

On 3 November 1983, the Committee on the Environment, Public Health and Consumer Protection appointed Mr EISMA rapporteur.

At its meeting of 18 April 1984 the committee considered the Commission proposal and decided by 14 votes to 1 to recommend that the proposal be approved with the following amendments.

The motion for a resolution as a whole was adopted unanimously.

The following took part in the vote: Mr COLLINS, chairman, Mr RYAN, vice-chairman, Mr EISMA, rapporteur, Mr ALBER, Mr BERNARD (deputizing for Mr BOMBARD), Mr CALVEZ (deputizing for Mr NORDMANN), Mr CERAVOLO (deputizing for Mr SPINELLI), Mr FORTH, Mr JOHNSON, Mrs LENTZ-CORNETTE, Mr MUNTINGH, Mr PROTOPAPADAKIS (deputizing for Mr DEL DUCA), Mrs SCHLEICHER, Mr VERONESI (deputizing for Mrs LE ROUX) and Mr VERROKEN (deputizing for Mr GHERGO).

The report was tabled on 25 April 1984.

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

Proposal from the Commission to the Council for a directive on the drawing up of contingency plans to combat accidental oil spills at sea

Amendments tabled by the Committee on
the Environment, Public Health and
Consumer Protection

Text proposed by the Commission of
the European Communities

AMENDMENT No. 1

In the title, the fourth and seventh recitals, and Articles 1.1 and 2.1, replace 'oil spills' by 'spills of oil and other harmful substances' and in the thirteenth recital insert 'and other harmful substances' after 'hydrocarbons'; in the ninth recital and in Article 2.2 insert 'or other harmful substance' after 'oil slick'.

AMENDMENT No. 2

Twelfth recital

Whereas the obligations imposed by this Directive are compatible with those incumbent on certain Member States, which are Contracting Parties to the Agreement for Cooperation in dealing with Pollution of the North Sea by Oil (the 1969 Bonn Agreement, extended to include other harmful substances on 13 September 1983), to the Convention on the

Whereas the obligations imposed by this Directive are compatible with those incumbent on certain Member States, which are Contracting Parties to the Agreement for Cooperation in dealing with Pollution of the North Sea by Oil (the 1969 Bonn Agreement), to the Convention on

AMENDMENT No. 3

New recital after twelfth recital

Whereas no obligations arise from this Directive for those Member States that have taken measures, under the above-mentioned agreements, equivalent to the provisions of this Directive;

AMENDMENT No. 4

Article 2.3 (new)

3. The provisions in paragraphs 1 and 2 of this Article shall be without prejudice to obligations towards and agreements with third countries to combat pollution caused by accidental spills of oil and other harmful substances at sea.

MOTION FOR A RESOLUTION

closing the procedure for consultation of the European Parliament on the proposal from the Commission to the Council for a directive on the drawing up of contingency plans to combat accidental oil spills at sea

The European Parliament,

- having regard to the proposal from the Commission to the Council (COM(83) 520 final)*,
 - having been consulted by the Council pursuant to Article 235 of the EEC Treaty (Doc. 1-890/83);
 - having regard to the report of the Committee on the Environment, Public Health and Consumer Protection (Doc. 1-193/84),
 - having regard to the result of the vote on the Commission's proposal,
- A. whereas it has repeatedly called for measures to prevent and combat pollution of the sea^{1,2,3,4,5}, and whereas the Council takes the view that the prevention and control of marine pollution should be an important part of the Community's action programme⁶,
- B. whereas the Commission's proposal deals satisfactorily with the combating of accidental pollution of the sea but does not cover
1. the prevention of accidents, i.e. the promotion of safety at sea (see inter alia Doc. 1-773/83), or
 2. the prevention of illegal discharges,
- C. whereas this proposal may be regarded as a supplement to the Bonn Agreement⁷, the Helsinki⁸ and Barcelona⁹ Conventions and as an implementing measure thereof, although care should be taken to ensure that there is no undesirable duplication of provisions,

* OJ C 273 of 12.10.1983, p. 3

- D. whereas there are gaps in the coverage of the Conventions referred to in C above, namely
- (i) with respect to areas: the Bay of Biscay and the Irish Sea;
 - (ii) with respect to sanctions: the Conventions do not contain any provision to compel the parties to the Conventions to cooperate or implement measures, while the implementation of Community legislation can be enforced by the Court of Justice,
- E. whereas the Conventions referred to in recitals C and L and (since 1983) the Bonn Agreement apply not only to oil but also to other harmful substances,
- F. whereas to date only two Member States have forwarded their contingency plans to the Commission pursuant to the provisions of the Council Decision of 3 December 1981¹⁰,
- G. whereas the Council has not yet taken a decision on the Commission proposal of 26 June 1980 (international standards for shipping safety and pollution prevention)¹¹,
- H. whereas the Commission proposal makes no mention of
- (a) its financial consequences,
 - (b) the obligation on polluters to reduce the damage to a minimum, or
 - (c) their responsibility,
- I. whereas the damage caused by individual accidents is considerable, but fortunately infrequent, and whereas the large number of small-scale, often illegal, discharges each year cause far more damage, inter alia to birdlife and the coastline, than do the accidents,
- J. whereas with the means currently available, monitoring of the seas to detect small-scale illegal discharges is practically impossible,
- K. whereas it is particularly difficult to combat the consequences of these small-scale discharges, and whereas they must therefore be prevented;
- L. whereas the MARPOL Convention¹³ contains important provisions on the prevention and combating of the discharge of oil and other dangerous substances at sea, and whereas, however, it is not yet possible to enforce them satisfactorily,

- M. whereas the Commission submitted a proposal for a directive¹⁴ to enable the Member States to ratify inter alia the MARPOL Convention, but whereas, regrettably, the Council converted it into a recommendation¹⁵, as a result of which two Member States have not yet ratified MARPOL,
1. Takes the view that the contingency plans in this proposal should relate both to oil and to other harmful substances;
 2. Considers that the present proposal must not duplicate the Conventions referred to in C and L above nor impede their implementation;
 3. Considers it unacceptable that eight Member States have not yet forwarded their contingency plans and calls on the Commission to take the appropriate steps to ensure that they do so as quickly as possible;
 4. Regrets that the Council has not yet taken a decision on the Commission proposal¹¹ submitted to it on 2 July 1980 and calls on the Council to do so as soon as possible;
 5. Calls on the Commission to examine whether
 - (a) the financial consequences of this proposal,
 - (b) the obligation on polluters to reduce damage to a minimum and
 - (c) their responsibilityare covered by adequate provisions elsewhere and to inform Parliament of its findings;
 6. Calls on the Council and the Commission once again to urge those Member States that have not already done so to ratify the MARPOL Convention and to do their utmost to ensure that the Community becomes a contracting party;
 7. Calls on the Council, the Commission and the Member States concerned to do their utmost to ensure that negotiations on the accession of the Community to the Helsinki Convention are resumed or speeded up, as the case may be;
 8. Calls on the Commission, if it has not already done so, to draw the attention of the Member States to the IMO's Manual on Oil Pollution¹⁸, of which Section II (contingency planning) provides detailed guidelines for the drawing up of national and international contingency plans;

9. Calls on the Commission to take the necessary steps to ensure that all training programmes for ship's captains, engineers and crew include a special course on the harmful consequences for the environment of discharges of hydrocarbons and other harmful substances at sea and the techniques for preventing such discharges;
10. Calls on the Council and the Commission, using all the means at their disposal, to prevent small-scale illegal discharges at sea by:
 - (a) promoting the construction of port facilities for the collection and cleaning of oil and for the collection of other waste,
 - (b) arranging for frequent surveillance by ships and from the air, if possible by satellite, if this would provide better results,
 - (c) implementing a technical research programme to develop technical capabilities that are more effective and less expensive than existing capabilities for locating discharges of hydrocarbons and other harmful substances at sea and eliminating their harmful consequences;
 - (d) imposing internationally-agreed sanctions which cannot be evaded in the case of proven infringements,
 - (e) acting on the other provisions and recommendations of the annexes to the MARPOL Convention¹³, the 1981 EEC Memorandum on Shipping and the Environment and its 1983 supplement¹⁶ and the action programme of the Council of European Municipalities, Rotterdam, 1983¹⁷;
11. Welcomes the fact that the Commission is to attend the Conference on the North Sea to be held in 1984 on the initiative of the Federal Republic and hopes that it will urge the Member States to submit relevant information, including data on quality and actual (operational and accidental) discharges to that Conference;
12. Approves the Commission's proposal subject to the amendments tabled and account being taken of the observations above;
13. Instructs its President to forward to the Council and Commission, as Parliament's opinion, the Commission's proposal as voted by Parliament and the corresponding resolution.

EXPLANATORY STATEMENT

1. Oil spills may be roughly divided into :
- (a) large-scale pollution caused by accidents, and
 - (b) numerous (illegal) small-scale discharges.

See Annex II.

2. To prevent large-scale pollution, safety at sea should be increased. To this end, the Commission has submitted proposals¹¹ which have been welcomed by Parliament, but unfortunately, the Council has not yet taken any decision. Various international conventions deal with this problem (see, inter alia, footnote 19). In addition a considerable amount of research and staff training have been carried out in this field, particularly by the new World Maritime University, which was set up jointly by the IMO (Intergovernmental Maritime Organization) and the city of Malmö. It trains maritime administrators, naval experts and inspectors, accident investigators and other staff responsible for the implementation of maritime safety standards. Furthermore, in cooperation with nineteen European universities, the Maritime Research Institute of the Netherlands at Wageningen offers European graduate education in marine technology.

3. The Commission proposal is well designed to combat this kind of pollution. As the Bonn Agreement⁷ since 1983, and the Helsinki⁸, Barcelona⁹ and MARPOL¹³ Conventions also apply to other dangerous substances, in our view the Commission proposal could have been usefully extended to cover these substances as well. The importance of this may be seen from the recent loss in a storm of eighty barrels of toxic weedkiller in Danish waters; the Netherlands is now helping Denmark to trace and salvage them.

4. Much more damage is caused, however, by the numerous small-scale illegal discharges. It is barely feasible to combat these, consequently it is very important to prevent them. Although this problem is referred to in the Commission proposal (introduction, sixth paragraph), it is not developed further. Nevertheless, the matter must be tackled with all speed so that the huge annual loss of bird life and the appalling pollution of the beaches may be halted.

5. Several recommendations made in paragraph 8 of the motion for a resolution could considerably reduce this menace. One important proposal is the provision of port facilities for collecting and cleaning waste oil. The IMO has recently begun compiling detailed information on existing facilities²⁰. These should provide for the collection of tank residues, the cleaning of ships and the processing of waste. The cost of installing these facilities in Rotterdam is estimated at Hfl 130 million (50 m ECU)²¹. The cost to ships must not be too great, as there would then be too much temptation to proceed as before, with clandestine discharging into the sea at night. Nevertheless, the total cost to the oil industry as a whole is estimated to be not more than a few US cents a barrel, an amount that the consumer can doubtless spare for a clean sea.

6. In addition, it is absolutely essential that supervision should be much stricter than has been the case hitherto, perhaps by means of satellites, and that offenders should be subject to very heavy fines. This must be coordinated on an international basis so that offenders who flee to a port in another country can also be called to account there.

References

1. Resolution of 16 January 1981 on the prevention of disasters during the extraction of oil and gas in north-west European waters (OJ No. C 28, 9.2.1981, p. 56);
2. Resolution of 16 January 1981 on combating the effects of disasters where oil is released into the sea and reaches the shore (OJ No. C 28, 9.2.1981, p.59);
3. Resolution of 10 March 1983 on emergency action on oil pollution in the North Sea (OJ No. C 96, 11.4.1983, p. 66);
4. Resolution of 10 March 1983 on the increasingly serious problem of oil pollution in the North Sea (OJ No. C 96, 11.4.1983, p. 66);
5. Resolution of 20 January 1984 on the combating of pollution in the North Sea (OJ No. C 46 of 20.7.1984, p. 135);
6. 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 sea (OJ No. C 162, 8.7.1978);
7. Agreement for cooperation in dealing with pollution of the North Sea by oil, Bonn 1969, extended to other dangerous substances in 1983;
8. Convention on the protection of the Marine Environment of the Baltic Sea Area, Helsinki, 1974;
9. Convention for the protection of the Mediterranean Sea against pollution from land-based sources, Barcelona, 1976, with protocols;
10. Council Decision of 3 December 1981 establishing a Community information system for the control and reduction of pollution caused by hydrocarbons discharged at sea (OJ No. L 355, 10.12.1981);
11. Commission proposal of 2 July 1980 for a Council directive concerning the enforcement, in respect of shipping using Community ports, of international standards for shipping safety and pollution prevention (OJ No. C 192, 30.7.1980, p. 8) with the opinion of the European Parliament, resolution of 16 January 1981 (OJ No. C 28, 9.2.1981, p. 52);

12. Commission proposal of 28 July 1981 for a Council regulation introducing arrangements for movement within the Community of goods sent from one Member State for temporary use in one or more other Member States (OJ No. C 227, 8.9.1981), amended on 19 March 1982 (OJ No. C 247, 21.9.1982) with the opinion of the European Parliament, resolution of 22 January 1982 (OJ No. C 40, 15.2.1982);
13. Convention for the Prevention of Pollution by Ships, London, 1973, with protocols, 1978 (MARPOL);
14. Commission proposal of 30 May 1978 for a Council directive concerning the ratification of, inter alia, MARPOL (OJ No. C 135, 9.6.1978, p. 5);
15. Council recommendation on the ratification of, inter alia, MARPOL (OJ No. L 194, 19.7.1978, p. 17);
16. Memorandum on Shipping and the Environment, Brussels, European Environmental Bureau, 10 December 1981; Supplement No. 1 thereto (1983);
17. Council of European Municipalities, European colloquy on marine pollution, Rotterdam, September 1983, Final resolution and annex entitled: Proposals for action;
18. Manual on Oil Pollution, Section II (contingency planning) June 1978, IMO, London;
19. Report drawn up on behalf of the Committee on Transport on the creation of a European Foundation for Safety at Sea, with the opinion of the Committee on the Environment, Public Health and Consumer Protection annexed (Doc. 1-773/83);
20. Lloyd's List, 1 February 1984;
21. e.g. De Telegraaf, 2 January 1984.

TABLE

Problem	Prevention		Combating	
	Measures	Instruments	Measures	Instruments
Large-scale pollution (accidental)	Increased safety at sea (Commission proposal, see footnote 11)	Various international conventions; research and training institutes	Proposed contingency plans (COM(83) 520 final)	Bonn (1969/1983) Helsinki (1974) Barcelona (1976) IMCO 1978 Manual
Numerous small-scale discharges (illegal)	Port facilities; coordinated detection and prosecution; heavy fines	MARPOL (1973/1978) EEB (see footnote 16) Council of European Municipalities (see footnote 17)	barely feasible	

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