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DOCUMENT 1-709/80

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 (Doc.1-333/80)
for a decision establishing a Community/information
system for preventing and combating hydrocarbon
pollution of the sea

Rapporteur: Mrs J. MAIJ-WEGGEN

By letter of 14 July 1980 the President of the Council of the European Communities requested the European Parliament for an opinion on the proposal from the Commission for a Council decision establishing a Community information system for preventing and combating hydrocarbon pollution of the sea.

On 15 September 1980 the President of the European Parliament referred this proposal to the Committee on the Environment, Public Health and Consumer Protection as the committee responsible and to the Committee on Budgets and the Committee on Transport for their opinions.

On 26 September 1980 the Committee on the Environment, Public Health and Consumer Protection appointed Mrs Maij-Weggen rapporteur.

It considered the proposal at its meetings of 22 October, 27 November and 4 December 1980 and adopted the motion for a resolution and explanatory statement unanimously at the meeting of 4 December 1980.

Present: Mr Collins, chairman, Mrs Maij-Weggen, rapporteur, Mr Adam (deputizing for Mrs Roudy), Mr Ceravolo (deputizing for Mr Segre), Mr Combe, Mr Forth (deputizing for Sir Peter Vanneck), Mrs Fullet, Mr Ghergo, Miss Hooper, Mrs Krouwel-Vlam, Mr Mertens, Mrs Schleicher, Mrs Scrivener, Mrs Seibel-Emmerling, Mr Sherlock, Mrs Spaak, Mrs Squarcialupi and Mr Verroken.

The opinions of the Committee on Transport and the Committee on Budgets are attached.

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A

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

MOTION FOR A RESOLUTION

embodying the opinion of the European Parliament on the proposal from the Commission of the European Communities to the Council for a decision establishing a Community information system for preventing and combating hydrocarbon pollution of the sea

The European Parliament,

- having regard to the proposal from the Commission to the Council¹;
- having been consulted by the Council (Doc. 1-333/80);
- having regard to the report of the Committee on the Environment, Public Health and Consumer Protection and the opinions of the Committee on Budgets and the Committee on Transport (Doc. 1-709/80);
- whereas the European Parliament has already on several occasions directly and indirectly expressed its grave concern about increasing oil pollution of the sea;
- whereas this increasing pollution constitutes a serious threat to the ecological balance of the Community's waters and coastal areas and could inflict great damage on the economy, especially fisheries and the tourist industry;
- whereas cooperation between the countries of the European Community and non-member countries concerned is essential for the prevention and control of such pollution;

¹ OJ C 200, 6.8.1980, p.2

1. Welcomes the Commission's proposal for the establishment of a Community information system for preventing and combating hydrocarbon pollution of the sea;
2. Notes, however, that many of the international and regional conventions referred to in Article 1(3) have not yet come into force because various Member States have so far failed to ratify them and stresses that participation in and ratification of these agreements is essential for the effectiveness and credibility of the proposed system;
3. Takes the view that if the information system is to have an optimal effect its scope needs to be as wide as possible and requests the Commission to initiate negotiations without delay with non-member countries, particularly in the North Sea and Mediterranean area, in order to promote their participation in the system;
4. Considers that, after due preparation, the offshore industry operating in Community waters must also be integrated in this information system and requests the Commission to initiate appropriate discussions and to report to the European Parliament within one year on the results;
5. Also welcomes the Commission's draft decision setting up an Advisory Committee on the Control and Reduction of Pollution caused by hydrocarbons discharged at sea;
6. Believes that non-member countries, provided they take part in the proposed information system, must also be allowed to participate in the Advisory Committee and requests the Commission to supplement its draft decision accordingly;
7. Notes that the financial records attached to the two proposals are realistic and find the approval of the Committee on Budgets;
8. Points out that the plan in question constitutes an important first step towards the realization of the Community action programme of June 1978 on the control and reduction of pollution caused by hydrocarbons discharged at sea and requests the Commission to formulate additional proposals as soon as possible with a view to further implementation of this programme;
9. Approves the proposal, subject to the above observations, and requests its President to forward this resolution to the Commission and Council.

EXPLANATORY STATEMENT

BACKGROUND TO THE COMMISSION'S PROPOSALS¹

1. After the Bravo platform disaster (22 April 1977, when about 20,000 tonnes of oil were discharged into the sea) and the Amoco Cadiz disaster (16 March 1978, when about 230,000 tonnes of oil escaped) the European Community took steps to implement Community measures to prevent and reduce oil pollution of the sea.
2. In June 1977, after the Bravo disaster, the Commission submitted a draft resolution to the Council on measures for the prevention, control and reduction of pollution caused by accidental discharges of hydrocarbon into the sea. The following measures were proposed in that draft resolution:
 - the establishment of a data bank at Community level recording the means available for taking action in the event of accidental discharges of hydrocarbons;
 - the development of a research programme into the technologies for collecting and dispersing hydrocarbons, into what happens to hydrocarbons in the sea and into their effects on marine fauna and flora;
 - the appointment of a group of high-level experts to examine the causes, circumstances and effects of recent accidents involving considerable spills of hydrocarbons in the sea, the remedies and preventive measures;
 - the effective implementation of international agreements on pollution by hydrocarbons from offshore installations in particular the Bonn Agreement of 9 June 1969 on cooperation in dealing with pollution of the North Sea by oil and the Protocol to the Barcelona Convention of 16 February 1976 concerning cooperation in combating pollution of the Mediterranean by oil and other harmful substances.
3. On 10 May 1977 the Commission made a statement to the European Parliament explaining this action programme and proposing that an appropriate draft resolution should be submitted to the Council without waiting for Parliament's opinion, which is what in fact happened. However, the Council took no decision on the action programme or the attached resolution.
4. In 1978, after the Amoco Cadiz disaster, the Commission submitted a further draft resolution to the Council setting up an action programme of the European Communities on the control and reduction of pollution caused by

¹ See also PE 65.852, point 12.3

hydrocarbons discharged at sea¹. The following measures were proposed:

- computer processing of the existing data, or data still to be collected, on ways of dealing with marine pollution by hydrocarbons with a view to the immediate use of such data in the event of accidental pollution;
- study of the availability for the Member States of relevant data on tankers liable to pollute the waters around the Community and the coasts of the Member States and on offshore structures under the jurisdiction of the Member States;
- study of the need for measures to enhance the cooperation and effectiveness of the emergency teams which have been or which are to be set up in the Member States;
- study of a possible Community contribution to the design and development of clean-up vessels to which may be fitted the equipment needed for the effective treatment of discharged hydrocarbons;
- study of the amendments and improvements which may have to be made to the legal rules on insurance against the risks of accidental pollution from hydrocarbons;
- establishment of a proposal for a research programme on the chemical and mechanical means of combating pollution due to hydrocarbons discharged at sea, on the subsequent history of such hydrocarbons and on their effect on marine fauna and flora.

5. In June 1978 the European Parliament delivered a favourable opinion on this action programme and the Council then adopted the resolution proposed by the Commission.

6. Since then a number of studies provided for in the 1978 action programme have been completed and the results have been assessed with the assistance of experts appointed by the Member States. The Commission has now, on the basis of this assessment, submitted to Parliament its first proposals for practical measures.

II CONTENT OF THE PROPOSALS

7. The Commission's document (Doc. 1-333/80) comprises two proposals, viz:

- a draft decision establishing a Community information system for the prevention and combating of oil pollution of the sea and

¹OJ C 162, 8.7.1978

- a proposal for a Commission decision setting up an Advisory Committee on the Control and Reduction of Pollution caused by hydrocarbons discharged at sea.

8. The proposed Community information system involves:

- a permanent inventory of staff, equipment and products for combating hydrocarbon pollution of the sea and a compendium of national and regional contingency plans in the various Member States;
- a compendium of the properties of hydrocarbons and similar substances conveyed over Community waters and liable to pollute them;
- an oil-tanker file containing information on:
 - the identity of tankers and that of their owner(s) and/or operator(s);
 - the conformity of such tankers with international conventions;
 - accidents or incidents in which such vessels have been involved.

9. It is intended that this information should be recorded in a central computer. The Member States will have access to this data through Euronet. The necessary terminals will have to be acquired by the Member States themselves. The Commission proposes to draw up a report on the operation of the information system every 2 years. This report will be sent to the Council and to the European Parliament.

10. The proposed Advisory Committee on the Control and Reduction of Pollution caused by hydrocarbons discharged at sea will consist of three representatives per Member State and will have the task of advising the Commission, at the latter's request or on its own initiative, collecting information, exchanging experience and facilitating coordination in respect of all relevant matters.

III COMMENTS ON THE PROPOSED INFORMATION SYSTEM AND ADVISORY COMMITTEE

11. Like the Committee on Transport (see PE 67.486), the Committee on the Environment, Public Health and Consumer Protection welcomes the Commission's proposal for the establishment of a Community information system for the prevention and combating of oil pollution of Community waters. The seas around the Community are among the busiest and consequently most vulnerable waters in the world.

Increasing hydrocarbon pollution constitutes a grave menace to the ecological balance of the seas concerned and is liable to inflict serious

damage on the Community economy, especially fisheries and the tourist industry.

12. The proposed information system involves primarily the keeping of a permanent inventory of the available means of combating oil pollution (equipment, substances and staff) in the various Member States. In this connection the Committee would point out that such an inventory is already being kept on the basis of the 'Agreement for cooperation in dealing with pollution of the North Sea by oil', known as the Bonn Agreement (1969). Under this Agreement an inventory recently (early 1979) began to be kept of available oil pollution control potential among the signatory countries.

The committee feels it would be useful for some form of cooperation with the other countries signatory to the Bonn Agreement to be sought so that activities can be coordinated and duplication avoided.

13. With regard to the proposed inventory of pollution control resources (products and equipment) it must be pointed out also that the inventory already available under the Bonn Agreement shows that some Member States lay particular emphasis on mechanical pollution control methods while other Member States operate almost exclusively with chemical methods.

The committee believes that these differences on emphasis may lead to short-circuiting when it becomes necessary to adopt joint action. It therefore feels that it is of the most utmost importance that not only should an inventory be kept but that consultation should be arranged in order to achieve optimum coordination of the available means of pollution control (see also PE 63.126 by Mrs Spaak).

14. The proposed information system also provides for the collection of data on tankers conveying hydrocarbons. Such data will make it possible for the relevant authorities to take preventive measures with regard to oil tankers which fail to observe international agreements, have committed infringements or have been involved in accidents.

The committee agrees that an efficient, comprehensive and regularly updated inventory could enormously facilitate the task of the inspection services and competent authorities in Community ports. It is, however, to be regretted that many of the international agreements referred to in Article 1(3) have not yet entered into force, partly because certain Member States of the Community have failed to ratify them (e.g. the IMCO and ILO Conventions). The committee therefore points out that participation in and ratification of these conventions is essential for the effectiveness and credibility of the proposed information system.

15. The committee believes further that for the system to have optimum effect its scope should be as wide as possible. The most vulnerable areas are in the Channel, the North Sea and the Mediterranean. These waters are surrounded not only by Member States of the European Community but also by a large number of other countries. It is therefore essential that negotiations be initiated as soon as possible with the non-member countries concerned with a view to ensuring their participation in this information system.

The committee is opposed to putting this off until the necessary experience has been acquired (as provided in Article 7 of the draft decision), as useful experience has already been acquired under the Bonn Agreement.

16. Certain maritime areas, the North Sea for example, must be regarded as particularly vulnerable since in recent years large-scale offshore industries for the extraction of oil and gas have been developed there.

Past experience has shown that this industry is not exempt from disasters and that these can lead to major oil pollution. The offshore industry has at its disposal a limited arsenal of pollution control resources and it is of the utmost importance that data concerning these resources should be incorporated in the proposed information system in order that, in the event of offshore disasters, optimum cooperation can be organized with the surrounding countries. Consultation with these, in many cases private, pollution control organizations must therefore be held on the widest possible basis.

17. The committee also welcomes the proposal to set up an Advisory Committee on the Control and Reduction of Pollution caused by hydrocarbons discharged at sea. This Committee will provide a framework for exchanges of experience acquired in the various Member States with oil pollution control methods and products and national and regional contingency plans.

Such a committee will also provide an opportunity to improve cooperation between Member States with regard to mutual assistance, particularly pollution control measures in border areas.

18. However, here too attention must be drawn to the need for cooperation with third countries concerned. It would be particularly useful if such countries, provided that they took part in the proposed information system, were allowed to participate in this Advisory Committee. This might considerably enhance the effectiveness of the Committee as regards the North Sea area and especially as regards the Mediterranean. The committee therefore recommends that the draft decision be supplemented accordingly.

19. A financial record is attached to both proposals setting out the costs of the plan. In its letter of 14 October 1980 to the Committee on the Environment, Public Health and Consumer Protection, the Committee on Budgets has already expressed its approval of the amounts entered for 1981 (600,000 EUA for the establishment of the information system, 32,120 EUA for two staff posts and 26,730 EUA for the Advisory Committee) and rightly pointed out that the proposals related to a policy which was only in its infancy and needed to be developed further.

20. This last point cannot but be endorsed. The plans that have now been submitted constitute the implementation of the first two points of the 1978 action programme, a programme which was drawn up following the Amoco Cadiz disaster. It is vital that other points of the action programme should also be translated into practical policy in the short term and the Commission is therefore urged to submit supplementary proposals to the European Parliament as soon as possible with a view to further implementation of this action programme.

Opinion of the Committee on Transport

Draftsman: Mr Carossino

On 26 September 1980 the Committee on Transport appointed Mr Carossino draftsman of the opinion.

The committee considered the draft opinion at its meeting of 5 December 1980 and adopted it unanimously.

Present: Mr Seefeld, chairman; Miss Roberts, vice-chairman; Mr De Keersmaecker, vice-chairman; Mr Carossino, vice-chairman and draftsman, Mr Albers, Mrs Boot (deputizing for Mr Helms), Mr Buttafuoco, Mr Cardia, Mr Cottrell, Mr Doublet, Lord Harmar Nicholls, Mr Key, Mr Klinkenborg, Mr Loo, Mr Moorhouse, Mr Moreland, Mr Ripa di Meana, Mr Schieler (deputizing for Mr Gabert) and Mr Veronesi (deputizing for Mr Martin).

I. INTRODUCTION

1. This opinion by the Committee on Transport cannot and must not be considered separately from its report on the proposal for a Directive concerning the enforcement, in respect of shipping using Community ports, of international standards for shipping safety and pollution prevention (Doc. 1-332/80 and PE 67.485).

2. The two proposals were forwarded to the Council together at the end of June and are to be debated jointly by the European Parliament; they are also complementary in so far as they both contain concrete proposals for protecting the Community waters and coastline from pollution caused by hydrocarbons.

The Committee on Transport has, moreover, instructed the same member to explain and defend its views on both the Commission documents.

3. Finally, the committee had also intended to draw up an own-initiative report on the problems now on the agenda. The purpose of this report, the drafting of which has been provisionally postponed, was to update the results of the public hearing on the most effective way of avoiding shipping accidents and the resulting pollution of the sea and the coast organized by its predecessor in June 1978 and a report on which was drawn up by Lord Bruce of Donington at the beginning of 1979 (Doc. 555/78).

II. CONTENT OF COMMISSION DOCUMENT

4. In addition to the proposal for a decision which is the subject of this opinion, the Commission document (Doc. 1-333/80 or COM(80 361 final) also contains a communication to the Council concerning a plan to combat oil pollution of the sea and a draft Commission decision concerning the creation of a committee on the control and reduction of pollution caused by oil discharged at sea.

5. The communication sets out the general framework for the action proposed by the Commission and the draft decision is to be seen as an integral component of this framework.

6. The draft decision on the setting up of a committee fulfils two purposes: to enable the Commission to obtain the opinions of national experts on the subject of marine pollution and secondly to ensure large-scale coordination of national, international and Community measures taken or planned in this field.

Since the European Parliament was not consulted on either text, reference as regards further details is made to the Commission document.

- Draft decision

7. The draft decision derives from the Council resolution of 26 June 1978 setting up an action programme on the control and reduction of pollution caused by hydrocarbons discharged at sea¹.

8. The aim of the draft decision is to set up a Community information system which will rapidly provide the relevant government departments in the Member States with reliable up-to-date data enabling them to take faster and more effective action to prevent and combat oil pollution of the sea and the coastline.

9. The proposed Community information system comprises:

- (i) a permanent inventory of staff, equipment and products for combating oil pollution and a compendium of contingency plans in the various Member States;
- (ii) a compendium of the specific properties of hydrocarbons so as to make combating of pollution more effective;
- (iii) a file on tankers which are likely to transport hydrocarbons and more specifically:
 - a sub-file on the identity of the owners or operators of vessels and on the structural features of vessels;
 - a sub-file on the situation of vessels with regard to international standards in force and on previous infringements and/or incidents.

III. APPRAISAL OF THE PROPOSED COMMUNITY INFORMATION SYSTEM

A. General comments

10. The Committee on Transport welcomes the introduction of such a Community information system because it sees it as a new weapon against the disturbing increase in marine and coastal pollution.

Its implementation will also mean a further step in the execution of the Community action programme of 1978.

11. The committee believes that a system on the lines described above will offer the following advantages:

- (i) the relevant authorities in the Member States will (thanks to the use of computers) be swiftly provided with a whole series of useful information on the best action to take in cases of marine and coastal pollution;
- (ii) greater coordination between measures to be taken and cooperation between the relevant national and regional authorities;
- (iii) the possibility of applying a more coherent and more effective preventive policy;

¹ O J C 162 of 8 July 1978, p.1.

- (iv) the possibility of extending the geographical area of application by means of agreements with third countries which in turn will increase its effectiveness;
- (v) thanks to the regular updating of data it will be possible for every party to take the most effective measures quickly at any time;
- (vi) the biannual report by the Commission on the operation of the system will enable the European Parliament to monitor its implementation.

B. Transport policy aspects

12. The most important aspect from the point of view of transport policy is the gathering of data on oil tankers.

13. According to the Commission, the setting up of the oil tanker file will enable the authorities concerned to take 'preventive action against oil tankers which do not conform to international conventions, which have committed infringements or which have been involved in accidents'¹.

The Committee on Transport can subscribe to this view and stresses its importance.

14. Furthermore, an efficient information system on vessels helps to ensure compliance with existing international conventions, which is the aim of the Commission's other proposal (Doc. 1-332/80). An effective, complete and regularly updated information system will greatly alleviate the work of the inspection services and the relevant authorities in the ports of the Community.

15. However it is to be regretted that a number of the international and regional agreements listed under Article 1 (3) of the proposal for a decision have not yet come into force or, as is the case in several countries of the Community, have not yet been ratified.

Once again the Committee on Transport calls on the Member States concerned to take steps to enforce the conventions of the IMCO (Intergovernmental Maritime Consultative Organization) and the ILO (International Labour Organization) as soon as possible.

In this connection, it should be pointed out once again that no system of protecting the coastline and the sea from oil pollution stands any chance of success unless the international rules governing this matter are strictly observed.

16. In view of the fact that certain sections of the Community coastline and certain Community waters are amongst the most affected, are still amongst the most vulnerable in the world and moreover are amongst the most heavily navigated, the Committee on Transport feels that nothing must be

¹ Financial record attached to proposal, paragraph 3 (1)

allowed to stand in the way of appropriate measures being taken in the field of Community shipping.

17. It should not be overlooked that ships are responsible for roughly 35% of sea pollution. 72% of this pollution is the result of deliberate discharges at sea and the remaining 28% the result of shipping accidents¹.

18. Further details concerning the views of the Committee on Transport in the field of safe and environmentally compatible shipping may be found in its report on the draft directive on the observance of international rules.

IV. CONCLUSIONS AND RECOMMENDATIONS

19. The Committee on Transport approves of the proposal for a decision because it is convinced that its implementation can make a positive and constructive contribution to reducing the pollution of Community waters and coasts.

20. It calls on the Committee on the Environment, Public Health and Consumer Protection, in the motion for a resolution contained in its report:

- (i) to emphasize that early ratification of the international agreements is of fundamental importance for the effectiveness of the proposed arrangements;
- (ii) to stress the desirability of extending as far as possible the area of application of the information system and in so doing making an early start to negotiations and concluding agreements with third countries in order to discourage as far as possible the use of dangerous substandard shipping;
- (iii) to urge the Council to lose no time in approving the proposal;
- (iv) to call on the Commission to draw up supplementary proposals as soon as possible with a view to the implementation of the 1978 Community action programme in this field.

¹ See the document by Mrs Maij-Weggen on the motion for a resolution by Mr Muntingh on the prevention of disasters during the extraction of oil and gas in northwest European waters (PE 65.852).

OPINION OF THE COMMITTEE ON BUDGETS

Letter from the chairman of the Committee to Mr Collins, chairman of the Committee on the Environment, Public Health and Consumer Protection.

Subject : Commission communication to the Council concerning a plan to combat oil pollution of the sea
(Doc. 1-333/80)

Dear Mr Collins,

The Committee on Budgets considered the abovementioned Commission communication at its meeting of 24/25 September 1980.

Having examined the communication and the accompanying proposal for a Council decision establishing a Community information system for the prevention and combating of oil pollution of the sea, the Committee on Budgets came to the following conclusions :

- The financial impact of the measures proposed by the Commission will be slight. The estimated requirement for the 1981 financial year is 600,000 EUA for setting up the information system and 32,120 EUA for staff.
- The Committee on Budgets would recall here that its rapporteur for the 1979 financial year had requested substantial measures and appropriations for the prevention of oil pollution of the sea.
- The committee therefore welcomes the Commission's measures and proposals but believes that setting up an information system of this kind is only a first step in the right direction. It would like to see further practical steps taken to prevent this type of pollution. However, detailed measures and proposals must come from the committee responsible itself.

Yours sincerely,

(sgd) Erwin LANGE

Present : Mr Lange, chairman; Mr Notenboom and Mr Spinelli, vice-chairmen; Mr Adoninno, Mr Aigner, Mr Baillot, Mrs Boserup, Mr Forth, Mrs Hoff, Mr Howell, Mr Langes, Mr Motchane, Mr Newton Dunn, Mr Orlani, Mr Simonnet and Mr J.M. Taylor