

**ARCHIVES HISTORIQUES
DE LA COMMISSION**

**COLLECTION RELIEE DES
DOCUMENTS "COM"**

COM (80)361

Vol. 1980/0129

Historical Archives of the European Commission

Disclaimer

Conformément au règlement (CEE, Euratom) n° 354/83 du Conseil du 1er février 1983 concernant l'ouverture au public des archives historiques de la Communauté économique européenne et de la Communauté européenne de l'énergie atomique (JO L 43 du 15.2.1983, p. 1), tel que modifié par le règlement (CE, Euratom) n° 1700/2003 du 22 septembre 2003 (JO L 243 du 27.9.2003, p. 1), ce dossier est ouvert au public. Le cas échéant, les documents classifiés présents dans ce dossier ont été déclassifiés conformément à l'article 5 dudit règlement.

In accordance with Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 43, 15.2.1983, p. 1), as amended by Regulation (EC, Euratom) No 1700/2003 of 22 September 2003 (OJ L 243, 27.9.2003, p. 1), this file is open to the public. Where necessary, classified documents in this file have been declassified in conformity with Article 5 of the aforementioned regulation.

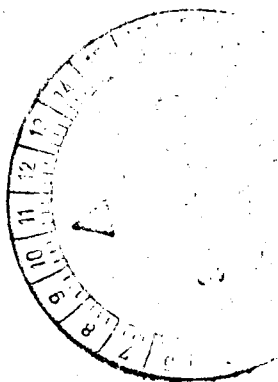
In Übereinstimmung mit der Verordnung (EWG, Euratom) Nr. 354/83 des Rates vom 1. Februar 1983 über die Freigabe der historischen Archive der Europäischen Wirtschaftsgemeinschaft und der Europäischen Atomgemeinschaft (ABl. L 43 vom 15.2.1983, S. 1), geändert durch die Verordnung (EG, Euratom) Nr. 1700/2003 vom 22. September 2003 (ABl. L 243 vom 27.9.2003, S. 1), ist diese Datei der Öffentlichkeit zugänglich. Soweit erforderlich, wurden die Verschlussachen in dieser Datei in Übereinstimmung mit Artikel 5 der genannten Verordnung freigegeben.

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(80) 361 final

Brussels, 26th June 1980

**COMMISSION COMMUNICATION TO THE COUNCIL
CONCERNING A PLAN TO COMBAT OIL POLLUTION OF THE SEA**



COM(80) 361 final

1

CONTENTS

	<u>Page</u>
1. Introduction	1
2. Action Programme	1
3. Information	3
4. Equipment Specifications	4
5. Contingency Programmes	4
6. Community Support for Pilot Schemes	5
7. Coordination of National and Community Policies: Setting up an Advisory Committee	5
Annex 1: Proposal for a Council Decision establishing a Community Information System for the Prevention and Combating of Oil Pollution of the Sea.	
Annex 2: Draft Commission Decision setting up a Committee on the Control and Reduction of Pollution caused by Oil discharged at Sea.	

1. Introduction

For a long time now, the Council and the Commission of the European Communities have attached importance to the serious pollution risks to the coastal areas of the Member States and the surrounding seas arising from oil spills. The First Action Programme of the European Communities on the Environment emphasized that it was of paramount importance to Western Europe that effective action be taken against the dangers inherent in the carriage of oil, including the threat of serious coastal pollution as a result of accidents offshore (1), and the Second Environment Programme stated that the protection of sea water in order to ensure the maintenance of vital ecological balances is a priority task (2).

These concerns were set out in greater detail in the Commission's Communication on Measures for the Prevention, Control and Reduction of Pollution caused by Accidental Discharges of Hydrocarbons into the Sea which was submitted to the Council together with a draft Resolution after a massive blow-out of gas and oil occurred at a drilling rig in the Ekofisk field on 22 April 1977 (3).

The urgent need for large-scale action by the Community to combat oil spills was underlined after the wreck of the Amoco Cadiz on 16 March 1978 whose 223 00 t cargo polluted the coast of Brittany. The European Council, at its meeting on 7 and 8 April 1978, took the view that the prevention and combating of marine pollution, in particular by oil, should be a major objective of action by the Community. On 27 April 1978, the Commission approved a paper on Marine Pollution arising from the Carriage of Oil (4). The measures proposed in this document related mainly to the Community's transport, research and environment policies. This Communication concerns the environmental aspect the importance of which, as regards the Member States, has been highlighted by several recent accidents (Eleni V, Betelgeuse, Tanio).

2. Action Programme

On 26 June 1978, the Council set up an Action Programme of the European Communities on the Control and Reduction of Pollution caused by Hydrocarbons discharged at Sea (5).

(1) OJ No C 112, 20 December 1973, p. 1

(2) OJ No C 139, 13 June 1977, p. 1

(3) COM(77) 265 Final, 9 June 1977

(4) COM(78) 184 Final, 27 April 1978

(5) OJ No C 162, 8 July 1978, p. 1

In accordance with this Programme, the Commission has undertaken studies on the following matters:

1. 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.
2. 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 off-shore structures under the jurisdiction of the Member States.
3. 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.
4. 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.
5. The amendments and improvements which may have to be made to the legal rules on insurance against the risks of accidental pollution from hydrocarbons.

The Commission also did the groundwork for a review of the Second Multiannual Research and Development Programme for the European Economic Community in the Environmental Field (Indirect Action) in order to cover, among other things, the effects of hydrocarbons, decontamination methods and chemical and mechanical techniques for collecting and/or dispersing oil spills from surface waters and beaches. The Council approved the review of this Programme on 9 October 1979 (6).

Where direct action is concerned, the Joint Research Centre has proposed the inclusion in its Multiannual Research Programme for the period 1980-1983 of a project for the surveillance of the Mediterranean Sea using various techniques (such as remote sensing) focusing mainly on oil pollution. The Council approved this programme proposal on 13 March 1980 (6a).

The findings of the abovementioned studies have been assessed with the help of experts designated by the Member States. The first conclusion is that the Community needs an Information System covering the following (the specific details will vary from case to case):

- (a) staff, and mechanical and chemical means available in the Member States to combat pollution of the seas surrounding the Community;

(6) OJ No L 258, 13 October 1979, p. 29, and OJ No C 276, 2.11.79 p.5

(6a) OJ No L 72, 13 March 1980, p. 11

- (b) characteristics of tankers, and any infringements they may have committed in the territorial waters of the Member States in the light of existing international agreements and conventions;
- (c) regional and national contingency plans drawn up at the instigation of the competent authorities in the Member States;
- (d) the physico-chemical, toxicological and ecotoxicological properties of hydrocarbons, and appropriate treatment methods.

Secondly, the Community should define the specifications of the physical and chemical means used to combat oil pollution, in order to make them more compatible with each other, and in order to rationalize their use.

The studies carried out have also made it possible to reach some conclusions as to the methodology to be followed by the Member States in drawing up Contingency Plans to deal with large-scale oil pollution. The Commission will be submitting to the Council a proposal for a Directive on this matter before the end of the year.

The abovementioned measures need to be backed up by financial support for initiatives which all those responsible for combating oil pollution could draw on for inspiration. In its proposed 1981 Budget the Commission has therefore made provision for intervention appropriations for training schemes, pilot experiments and the opening of equipment testing centres.

The Commission intends to work closely with the Member States in implementing the abovementioned measures. It also wants to be informed of the views and experience of the Member States and, as a result, facilitate the coordination of national, international and Community measures. With this aim in view, it recently set up a Committee on the Control and Reduction of Pollution caused by Oil discharged at Sea. The Commission Decision setting up this Committee is attached.

3. Information

A proposal for a Decision establishing a Community Information System for the Prevention and Combating of Oil Pollution of the Sea is attached.

The proposal provides for:

- (a) a permanent inventory of staff, equipment and products for combating oil pollution of the sea and a compendium of national and regional contingency plans;
- (b) a compendium of the properties of hydrocarbons and similar products liable to pollute the waters of the Member States of the European Economic Community;

.../...

- (c) a tanker file (containing their characteristics and indicating any infringements committed) with a view to preventing and combating oil pollution of the sea.

The Commission is to:

- (a) be responsible for processing the data to be put into the System and for preparing the software which will make it possible to use the data if they are to be recorded on a computer medium;
- (b) notify the Member States of the input data and inform them of the processing details;
- (c) report to the Council and the European Parliament on the operation of the System.

The Member States, which will be using the information as a whole, will forward to the Commission the data which they have which are to be incorporated into the System.

4. Equipment Specifications

The Commission is compiling an Inventory of the requirements imposed by the Member States on existing procedures and those in preparation in the Member States concerning:

- (a) the definition of specifications for products and equipment for combating accidental oil pollution;
- (b) type-approval and standardization of products and equipment.

This Inventory will be completed by the end of the year, and the Commission will then refer proposals to the Council on any improvements which should be made to these requirements and procedures in order to make them more effective. These proposals will seek mainly to ensure compatibility between the physical and chemical means used to combat pollution and the possibility of using these means in all Member States.

5. Contingency Programmes

In accordance with point 3 of the abovementioned Action Programme on the Control and Reduction of Pollution caused by Hydrocarbons discharged at Sea, the Commission has had a study carried out concerning the methods used to combat this type of pollution in the Member States and in nine other countries. As a result, it has been possible to work out recommendations as to the methodology to be followed in drawing up Contingency Plans. The Commission departments concerned and national experts have discussed these recommendations thoroughly. The Commission intends to refer a proposal for a directive on the matter to the Council before the end of the year.

.../...

The intention will be to provide for the drawing-up by the Member States of Contingency Plans to combat accidental oil spills. The directive will provide for trial runs to be carried out periodically and for an assessment to be made of their effectiveness in the event of a major accident. It will specify that Joint Contingency Plans have to be drawn up for areas involving several States.

It will provide for the exchange of information between the Member States on the abovementioned points.

6. Community Support for Pilot Schemes

The effectiveness of action to combat large-scale oil pollution depends in particular on the level of training of the staff who may be assigned to deal with oil pollution and progress in overcoming technical problems. It will be worthwhile for the Community to support operations designed to enable all the staff concerned to broaden their experience. With this aim in view, the Commission has proposed that the 1981 Budget should assign intervention appropriations to the following activities:

- (a) training staff to use the computer media comprising the System mentioned in point 3;
- (b) organizing trial runs to test the validity of the Contingency Plans mentioned in point 5 and preparing for the carrying-out of coastline clean-up operations which are foreseen in these Plans but concerning which there has been little training activity;
- (d) schemes for the pooling of experience of participants from several States and the development of the skills of members of emergency teams who are nationals of Member States where training possibilities are limited;
- (d) establishing testing centres for pollution-control equipment so that only equipment in line with requirements is placed on the market;
- (e) overcoming the problems which arise in all Member States in the event of large spills, e.g using the waste collected along the coast.

7. Coordination of National and Community Policies: Setting up an Advisory Committee

The methods of combating accidental oil pollution are constantly improving. It is therefore essential to encourage exchanges of views and the pooling of experience among Member States and between the Member States and the Commission on this matter. It is also necessary to coordinate measures taken or planned at national, international or Community level.

.../...

With this aim in view, the Commission has set up an Advisory Committee of government experts and Commission representatives. The terms of reference of this Committee are to advise the Commission, either at the Commission's request or on its own initiative, on all problems concerning the implementation of the measures referred to in this Communication. More generally the Commission hopes that this Committee will become a forum where experts can meet for the purpose of pooling experience and, as a result, facilitate the coordination of the measures within the jurisdiction of the various authorities responsible for combating oil pollution of the sea.

In conclusion, the Commission asks the Council:

- (a) to approve the proposal for a Decision attached establishing a Community Information System for the Prevention and Combating of Oil Pollution of the Sea;
- (b) to take note of the information in this Communication.

SUMMARY

This proposal for a Decision is presented under the Action Programme of the European Communities on the Control and Reduction of Pollution caused by Hydrocarbons discharged at Sea approved by the Council on 26 June 1978 ¹⁾. For the most part it reflects the findings of studies carried out under the first two points of this Programme.

The aim of the Decision is to establish an Information System comprising:

- (a) a Permanent Inventory of Staff, Equipment and Products for combating Oil Pollution of the Sea, and a Compendium of National and Regional Contingency Plans,
- (b) a Compendium of the Properties of Hydrocarbons liable to pollute the Waters of the Member States of the European Economic Community,
- (c) a Community Oil-Tanker File (characteristics and infringements committed) with a view to the prevention and combating of oil pollution of the sea.

The System will be managed by the Commission.

(1) OJ No C 162, 8 July 1978, p. 1.

COMMISSION
OF THE
EUROPEAN COMMUNITIES

Proposal for a Council Decision
establishing a Community Information
System for Preventing and Combating
Hydrocarbon Pollution of the Sea

EXPLANATORY MEMORANDUM

1. INTRODUCTION

In keeping with the concern of the Community and the Member States to have more efficient methods of combating oil pollution of the sea, the Council adopted a Resolution on 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 which calls upon the Commission to make detailed proposals.

As part of its terms of reference the Commission set up a Panel of National Experts to discuss the findings of studies on :

- (a) Computer processing of the existing data, or data still to be collected, on ways and means of dealing with marine pollution by hydrocarbons with a view to the immediate use of such data in the event of accidental pollution ¹⁾;
- (b) 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 off-shore structures under the jurisdiction of the Member States ²⁾;
- (c) 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 ³⁾;
- (d) 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 ⁴⁾.

During the course of these meetings the national experts advised the Commission on the preparation of this proposal. The Commission has also taken account of the Council Directive of 21 December 1978 concerning minimum requirements for certain tankers entering or leaving Community ports and the Council Recommendation of 26 June 1978 concerning the ratification of Conventions on safety in shipping.

2. AIMS OF THE PROPOSAL FOR A DECISION

The purpose of the Decision is to set up a Community Information System providing the Member States with reliable and up-to-date data quickly and at the least possible cost which will enable them to join in the fight against oil pollution of the sea and to combat oil pollution when Community coasts are threatened.

-
- 1) Point 1 of the Action Programme.
 - 2) Point 2 of the Action Programme.
 - 3) Point 3 of the Action Programme.
 - 4) Point 4 of the Action Programme.

211

OUTLINE OF THE EXPLANATORY MEMORANDUM

1. Introduction
2. Aims of the Proposal for a Decision
3. Comments on the Proposal for a Decision
 - 3.1. Scope of the Information System
 - 3.2. Components of the System
 - 3.2.1. Permanent Inventory of Staff, Equipment and Products for combating Oil Pollution of the Sea, and Compendium of National and Regional Contingency Plans
 - 3.2.2. Compendium of Hydrocarbon Properties
 - 3.2.3. Oil-Tanker File
 - 3.2.3.1. Identity and Structural Features of Vessels
 - 3.2.3.2. Situation of Vessels with regard to International Conventions
 - 3.2.3.3. Accidents in which Vessels have been involved
 - 3.3. Administration of the System
 - 3.4. Data Acquisition and Processing
 - 3.5. Cost of the System
4. Implementation of the Decision

The Decision lists the various components of the System and defines the roles of the Community and the Member States in the management, implementation and operation of the System.

3. COMMENTS ON THE PROPOSAL FOR A DECISION

3.1. Scope of the Information System

The Information System set up by the Decision is a Community System for the Member States for the prevention and combating of oil pollution of the sea along Community coasts. It is not, however, "closed" System. It will be much more effective if it can be fed by third countries with information which may be usefully complement that already collected.

Its value will also be enhanced if the information it contains can, if necessary, be made available under mutual cooperation arrangements to third countries which are parties to Conventions, Protocols and Agreements to which the Community and Member States are also parties or with which the Community and Member States have concluded Cooperation Agreements¹⁾. Under the Decision the Commission will submit proposals on this matter to the Council.

3.2. Components of the System

The System comprises an Inventory, a Compendium and a three-part File which are described below.

3.2.1. Permanent Inventory of Staff, Equipment and Products for combating Oil Pollution of the Sea, and Compendium of National and Regional Contingency Plans

The studies conclude that a System capable of providing rapid access for users to an Inventory of available pollution-control resources and of those responsible and details of the equipment specifications is feasible.

An initial Inventory of equipment with details of description, type and location has also been drawn up in the light of these studies.

Details of the equipment holder and specifications, such as the structure of the equipment, its operational efficiency or user constraints are often given.

A documentary data base is being drawn up. It will be possible to put it on computer.

The System can be used to find out where certain types of equipment (e.g. skimmers) can be found or what type of equipment is located in a particular place.

The inventory will operate in conversational mode on a switched-message network or via EURONET. The national pollution-control authority or authorities will be able to interrogate the Inventory at any time and receive an immediate reply provided they have suitable terminals.

1) The Community will, however, have to take appropriate action to restrict access to confidential information and to prevent unauthenticated information from being fed into the System.

The System will have to be backed up by detailed information about national authorities' contingency plans. At present this information is available in the form of a study report. It may, however, be put on computer if this will facilitate its updating or access. Data on equipment specifications will be fed into the System as the Commission makes progress with the study and definition of equipment specifications ¹⁾.

3.2.2. Compendium of Hydrocarbon Properties

The studies undertaken have revealed the need for the above Inventory to be supplemented by information on the properties of oil liable to be spilt in Community waters. This information will consist of data on the physico-chemical properties of hydrocarbons and experience gained from accidental spills, particularly as regards the reaction of hydrocarbons to different chemicals and ways of cleaning up oil spills using mechanical equipment.

Since these properties are generally constant in comparable conditions, the Commission considers it more economical and efficient to assemble the relevant data in a manual Compendium rather than in a computerized file. The Compendium will be widely distributed to those in charge of pollution control so that they can consult it at any time.

3.2.3. Oil-Tanker File

This File is intended for the compilation of information on the identity and structural features of oil-tankers, the identity of their owners and/or operators, the situation of the vessels with regard to the relevant International Conventions in force (conformity, certificates, infringements) and, lastly any accidents and/or incidents in which they have been involved.

For technical reasons and for convenience sake, it appeared appropriate to subdivide this File into Sub-Files:

- (1) a Sub-File on the identity and structural features of vessels and the identity of their owners and/or operators;
- (2) a Sub-File concerning the situation of vessels with regard to International Conventions (certificates, conformity of the vessel with the provisions required for obtaining and keeping certificates or, where appropriate, infringements recorded);
- (3) a Sub-File recording any accidents and/or incidents in which the vessels have been involved which caused oil spills.

In the event of an accident, those responsible for combating pollution must be able to obtain immediately the information contained in Sub-File 1. This Sub-File contains a limited amount of information on the structure of the vessels which those responsible for pollution control must know in preparation for action and the addresses of those with additional information (owners, operators, managers, Lloyd's Register). Sub-File 1 is thus operated in conversational mode.

(1) See point 5 of the Commission Communication to the Council concerning a Plan to combat Oil Pollution of the Sea.

The other two Sub-Files, on the other hand, operate in deferred mode (off-line) as oil-tankers are subject to reporting procedures involving time-lags which allow the competent authorities at the ports of arrival to obtain the information contained in Sub-Files 2 and 3 before the tanker arrives in the port.

The above Sub-Files will have software tailored to each case and put on computer, according to the Commission's decisions.

The studies conducted have shown that there is no particular difficulty involved in obtaining information on off-shore structures under the jurisdiction of the Member States.

Private companies have already assembled the information which could be useful in the event of accidents. This information is easily accessible. The Member States under those jurisdiction these structures fall also have this information because of the hazards involved in operating these structures.

Accordingly, and as this information is not liable to considerable or frequent changes, the Commission does not consider that it need at this stage propose to the Council that a File be compiled for off-shore structures.

However, it will inform the Member States of the collections of information available.

3.3. Administration of the System

The details for implementing each component are given in the relevant Annex to the Decision.

3.4. Data Acquisition and Processing

The studies conducted as part of the Action Programme approved by the Council have made it possible to identify the following :

(i) Data Acquisition

The sources of information which can be used to feed data into the System. Some sources belong to the Governments of the Member States, others to industry and others to specialist companies which are already operating computerized Systems. The data can generally be obtained from private undertakings or companies at the rates estimated in the abovementioned studies;

(ii) Data Processing

The software required for implementing and utilizing each of the components of the System.

This software can be put on computer.

The Decision provides:

- (a) that the Member States are to ensure that these data are updated and that these operations are coordinated by the Commission;
- (b) that the Commission is to place at the disposal of the Member States a copy of all the data fed into the System.

The central computer and the users in each Member State could be linked via the EURONET network. Users will have to acquire a terminal and the cost of this will not be met by the Budget of the European Communities.

3.5. Cost of the System

The Financial Record attached indicates how much the System will cost.

4. IMPLEMENTATION OF THE DECISION

Every two years the Commission will draw up a Report on the operation of the Information System and the use made of it by the Member States.

This Report will be sent to the Council and to the European Parliament. The first Report will be made one year after publication of the Decision in the Official Journal of the European Communities.

Although the legal basis (Article 213 of the Treaty) does not require consultation of the European Parliament and the Economic and Social Committee, the Commission considers consultation appropriate in view of the political importance of the proposal.

PROPOSAL FOR A COUNCIL DECISION

establishing a Community Information System for Preventing
and Combating Hydrocarbon Pollution of the Sea

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic
Community, and in particular Article 213 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 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⁽¹⁾ called on the
Commission to undertake studies before presenting proposals to
control and reduce this type of pollution;

Whereas these studies have demonstrated the value and feasibility
of setting up an information system for preventing and
combating hydrocarbon pollution of the Sea comprising a permanent
inventory of pollution-control resources, a compendium of
hydrocarbon properties and an oil-tanker file;

¹OJ No C 162, 8.7.1978, p. 1.

Whereas the establishment of this information system will enable the Commission to accomplish a number of tasks laid down in the Council Resolution of 26 June 1978 and in the Action Programme annexed thereto;

Whereas this information system will enable the Member States to improve the coordination and effectiveness of measures to deal with oil spills at sea;

Whereas the permanent inventory of pollution-control resources will enable the Member States and the Commission to identify any gaps and take appropriate action;

Whereas the compendium of hydrocarbon properties will enable the Member States, in the event of accident, to assess the nature of the hazard and to determine the most appropriate means of dealing with the pollution;

Whereas the oil-tanker file will provide a reference system giving the competent authorities rapid access to relevant data on the structural features of such vessels; whereas it will enable each Member State to take preventive action against vessels thought by another Member State to be committing an infringement and, where appropriate, to carry out further investigations at the request of the latter; whereas this System will contribute to the cooperation called for by the relevant international conventions, especially with regard to the identification of infringements and the enforcement of the provisions of such conventions;

Whereas if this system is to be effective each Member State must designate the competent authorities responsible for collecting the data to be fed into the system and to forward such data to the Commission;

.../...

Whereas the value of such a system will depend on its being kept up-to-date, and whereas appropriate provision should therefore be made in this connection;

Whereas its value will be enhanced if the data in the System can be made available to non-member countries under cooperation agreements;

HAS ADOPTED THIS DECISION:

Article 1

1. An information system is hereby established to give the competent authorities in the Member States access to data required for preventing and combating hydrocarbon pollution of the sea.
2. The system shall include:
 - (a) a permanent inventory of staff, equipment and products for combating hydrocarbon pollution of the sea and an up-to-date compendium of national and regional contingency plans (Annex I);
 - (b) a compendium of hydrocarbon properties (Annex II);
 - (c) an oil-tanker file (Annex III) containing information on
 - (i) the identity of tankers and that of their owner(s) and/or operator(s), their structural features, and the means of acquiring additional information of this kind;
 - (ii) the conformity of the tankers with the relevant international conventions and any infringements or omissions under the said conventions.
3. The international conventions referred to in paragraph 2(c)(ii) are the following:

- The 1974 International Convention for the Safety of Life at Sea;
- The 1966 International Convention on Load Lines;
- The 1954 International Convention for the Prevention of Pollution of the Sea by Oil, including the amendments adopted in 1962 and 1969;
- The 1972 International Convention on the Prevention of Collisions at Sea;
- The 1978 Protocol relating to the 1974 International Convention for the Safety of Life at Sea;
- The 1973 International Convention for the Prevention of Pollution from Ships, as amended by the 1978 Protocol relating to that Convention;
- The 1978 International Convention on Standards of Training Certification and Watchkeeping for Seafarers;
- Convention No. 147 concerning Minimum Standards on Merchant Ships, adopted by the International Labour Conference in 1976.

Article 2

The Member States shall collect the information referred to in Article 1 and in Annexes I, II and III, in accordance with the procedures described in those Annexes. The Commission shall coordinate such operations.

.../...

Article 3

The Commission shall be responsible for operating the system in accordance with the provisions of Annexes I, II and III. The Commission shall place at the disposal of each Member State a copy of all the information fed into the system.

Article 4

Within three months of publication of this Decision in the Official Journal of the European Communities, each Member State shall designate the competent authority or authorities responsible for collecting and forwarding to the Commission the information referred to in Article 2, and shall inform the Commission thereof.

Article 5

The Member States shall forward the information referred to in Article 2 for the first time within six months of publication of this Decision in the Official Journal of the European Communities. This information shall be sent to the Commission in a form and according to a format chosen by mutual agreement and shall be updated in accordance with the procedures described in Annexes I, II and III.

Article 6

Every two years the Commission shall draw up and forward to the Council and the European Parliament a report on the operation of the information system and the use made of it by the Member States.

.../...

The first report shall be sent to the Council and to the European Parliament one year after publication of this Decision in the Official Journal of the European Communities.

Article 7

On the basis of the experience acquired the Commission shall, where appropriate, refer to the Council appropriate proposals with a view to:

- (i) revising the list of relevant international conventions, the information referred to in Article 2, and the procedures for the recording, processing and reporting thereof in the official languages of the Community;
- (ii) concluding cooperation agreements relating to the system with non-member countries.

Article 8

This Decision is addressed to the Member States.

Done at

For the Council

The President

ANNEX I

Permanent Inventory of Staff, Equipment and Products for combating Oil Pollution of the Sea, and Compendium of National and Regional Contingency Plans

1. CONTENT

The Inventory will contain data on:

- (a) the number and qualifications of the specialist staff available in the event of an accident;
- (b) mechanical means of recovering oil spilt at sea and preventing or combating coastal pollution;
- (c) chemical means of combating pollution at sea and cleaning up coasts.

The Inventory will contain data on the type of resources available and where they are located, and be backed up by a regularly updated Compendium of National and Regional Contingency Plans drawn up by the competent authorities in the Member States.

2. PROCEDURES

2.1. Commission

The Commission will prepare a preliminary version of the Inventory and send copies to the Member States. It will check that the information it has been sent is in line with the purpose and content of the Inventory. It will take any action necessary to operate the Inventory, using the data processing facilities available.

.../...

A N N E X I ICompendium of Hydrocarbon Properties1. CONTENT

The Compendium will contain, in particular, data on:

- (a) the characteristics of the hydrocarbons carried: their density, liquefaction temperature, wax content and refining characteristics;
- (b) their dispersion in the natural environment: air, water, interface, temperature;
- (c) their physico-chemical development in seawater: evaporation, emulsification, ageing;
- (d) their impact on marine flora and fauna, in particular their toxicity;
- (e) their characteristics which are likely to affect recovery and pollution-control measures.

2. PROCEDURES2.1. Commission

The Commission will coordinate data collection and be responsible for data presentation and availability of the data to the Member States.

.../...

2.2. Member States

The Member States will:

- (a) assemble the data referred to in paragraph 2 above where they have such data at their disposal, in particular as a result of previous accidents and send them to the Commission;
- (b) inform the Commission of any other known sources of data;
- (c) supply the Commission with any information required to update the Compendium.

ANNEX III

Oil-Tanker File

1. CONTENTS

The Community File will contain three types of data designed:

- (a) to identify tankers and those responsible for them;
- (b) to provide information on the international maritime Conventions to which a tanker entering a Community port is subject, any infringements of these Conventions committed by a particular tanker, whether such infringements have been penalized or are being investigated;
- (c) to provide information on the results of any on-board inspection of oil-tankers;
- (d) to provide information on any incidents, accidents and/or oil spills in which vessels have been involved.

This information will be assembled on the following cards:

- 1.1. Identification cards for oil-tankers indicating the owner(s) and/or operator(s), information on structural features and how further information of this type can be obtained quickly.
- 1.2. Cards indicating the certificates required by the International Conventions to which vessels are subject and any infringements noted during on-board inspections or observed in the territorial waters of a Member State.
- 1.3. Cards indicating any incidents, occurrences at sea and oil spills in which vessels have been involved.

.../...

- 2 -

2. PROCEDURES

2.1. Commission

The Commission will prepare a preliminary version of the File and send copies to the Member States. It will check that the information it has been sent is in line with the purpose and content of the File. It will take any action necessary to operate the File, using the data processing facilities available.

2.2. Member States

The Member States will:

- (a) assemble the information on their own particular resources, send it to the Commission in a mutually agreed form, and check that it is in line with the purpose and content of the File;
- (b) check that the content of the preliminary version of the File agrees with any information they have already centralized;
- (c) supply the Commission with any information required to update the File.

FINANCIAL RECORDCommunity Information System for the Prevention and Combating
of Oil Pollution of the Sea1. Budget Heading Concerned

Item 3545: Protection of the Marine Environment.

2. Legal Basis

Action under the Council Resolution of 26 June 1978 (OJ C 162) setting up an Action Programme of the European Communities on the Control and Reduction of Pollution caused by Hydrocarbons discharged at Sea.

3. Description3.1. Objective

To set up an Information System relating to oil-tankers, the oil likely to be spilt and suitable methods of combating pollution in the event of a spill.

The System is to be set up by a Council Decision and will enable the competent authorities:

- (i) 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;
- (ii) to react more quickly in the event of oil spills, identify the most suitable pollution-control resources available in the Community and make the necessary contacts with a view to availing themselves of these resources as quickly as possible.

.../...

3.2. Persons Concerned (outside the Institutions)

Seafarers

Inhabitants of EEC coastal areas

Tourists on EEC beaches

Maritime circles

Pollution-control equipment manufacturers

Those responsible for combating oil pollution.

4. Grounds

4.1. Nature of Operation

This Council Decision establishes a Community Information System on:

(i) hydrocarbon properties

(ii) Contingency Plans and equipment available for combating oil pollution

(iii) structural specifications of oil-tankers and any infringements of International Conventions on the prevention of oil pollution.

Member States are to collect information and send it to the Commission.

The Commission is to operate the System.

4.2. Benefits of Community Action

The proposed Information System should make it possible to improve cooperation between Member States and enable them to react more quickly in the event of oil spills.

.../...

It would also enable Member States to keep a closer check on compliance with International Conventions on the prevention of pollution.

Lastly, it would enable the Community to honour its obligations as a Contracting Party to the Bonn Agreement on Pollution of the North Sea by Oil and the Cooperation Protocol to the Barcelona Convention for the Protection of the Mediterranean Sea against Pollution.

5. Financial Impact on Intervention Appropriations

For 1981:

Permanent Inventory of Pollution-control Resources	280 000 EUA
Compendium of Hydrocarbon Properties	40 000 EUA
Oil-tanker File	280 000 EUA
Total	<u>600 000 EUA</u>

6. Financial Impact on Staff and Recurring Administrative Expenditure

6.1. Staff required solely to carry out this work and the appropriations required for this staff

1 A7/A6 official:	20 162 EUA
1 C5/C4 official:	11 958 EUA
Total	<u>32 120 EUA</u>

.../...

The implementation of this Information System will require the following operations:

- (i) regular contacts with the national authorities responsible for centralizing information (Article 4); organization of a Working Party to help the Commission manage the System;
- (ii) regular meetings with System users (local pollution-control officials, port authorities);
- (iii) management of study contracts relating to the System (acquisition of new information, harmonization of information, data processing back-up services, training of users);
- (iv) drafting of a two-yearly Report to be sent to the Council and the European Parliament (Article 6); preparing of additional proposals to put to the Council (Article 7).

6.2. Administrative Appropriations Required

These appropriations are to be included in the Commission's overall requests.

7. Financing Intervention Expenditure

These appropriations are to be entered in future Budgets.

8. Impact on Resources

This operation does not generate financial resources but helps to conserve natural resources.

.../...

9. Proposed Inspection Arrangements

The Commission will report to the Council and the European Parliament on the Operation of the System every two years.

Commission Decision setting up an
Advisory Committee on the Control and Reduction
of Pollution caused by hydrocarbons discharged
at sea

Summary

In the context of Community action to combat pollution caused by hydrocarbons discharged at sea, the need has arisen to set up a committee to obtain opinions from the Member States on all problems concerning the implementation of Community measures for the control and reduction of pollution caused by hydrocarbons discharged at sea.

Another reason for setting up such a committee is to collect existing information and experience gained in Member States on the measures for combating pollution by hydrocarbons at sea, thus facilitating the coordination of measures taken or planned at national, international or Community level.

Commission Decision setting up an
Advisory Committee on the Control and Reduction
of Pollution caused by hydrocarbons discharged
at sea

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic
Community,

Whereas, at its meetings in Copenhagen on 7 and 8 April 1978,
in Bremen on 6 and 7 July 1978 and in Luxembourg on 27 and 28
April 1980, the European Council took the view that preventing
and combating marine pollution, in particular by hydrocarbons,
should be one of the major objectives of action by the Community;

Whereas the European Communities 1973 Environment Action
Programme (1), supplemented by that of 1977 (2), stressed that it
was of paramount importance to Western Europe that effective
action be taken against the dangers inherent in the carriage of
hydrocarbons, including the threat of serious coastal pollution
as a result of accidents on the high seas, and specified that the
protection of sea water in order to ensure the maintenance of
ecological balances was a priority task;

Whereas on 26 June 1978 the Council adopted a Resolution setting
up an action programme of the European Communities on the control
and reduction of pollution caused by hydrocarbons discharged at
sea (3);

-
- (1) OJ No C 112, 20.12.1973, p. 1
 - (2) OJ No C 139, 13.6.1977, p. 1
 - (3) OJ No C 162, 8.7.1978, p. 1

.../...

Whereas the Commission needs to seek advice from highly qualified experts in the Member States concerning pollution caused by hydrocarbons discharged at sea;

Whereas the Community also needs to have a forum where experts can meet for the purpose of collecting existing information and experience gained in Member States, thus facilitating the coordination of measures taken or planned at national, international or Community level,

HAS DECIDED AS FOLLOWS:

Article 1

The Commission hereby sets up an Advisory Committee on the Control and Reduction of Pollution caused by hydrocarbons discharged at Sea, hereinafter referred to as the Committee.

Article 2

The terms of reference of the Committee shall be as follows:

1. to advise the Commission, at the request of the latter or on its own initiative on all problems concerning the implementation of Community measures for the control and reduction of pollution caused by hydrocarbons discharged at sea;
2. to allow the collection of existing information and experience gained in the Member States, on ways of controlling and reducing pollution caused by hydrocarbons discharged at sea, thus facilitating the coordination of measures taken or planned at national, international or Community level.

.../...

Article 3

1. The Committee shall consist of government experts with specialist knowledge of the areas referred to in Article 2 (three representatives per Member State);
2. Committee members shall be chosen by the Commission on the basis of nominations by the Member States;
3. Representatives of the departments of the Commission concerned will take part in the meetings of the Committee.

Article 4

An alternate shall be appointed by each Committee member. Without prejudice to Article 8, an alternate shall attend Committee meetings and take part in the work of the Committee only if the full member in question is prevented from attending.

Article 5

The Commission shall publish the membership list in the Official Journal of the European Communities for information.

Article 6

The Committee shall be chaired by a Commission representative.

Article 7

The Committee shall elect six Vice-Chairmen from among its members.

It shall set up a bureau consisting of the Chairman and the Vice-Chairmen.

.../...

Article 8

The departments of the Commission will provide the secretariat of the Committee and of the bureau.

Article 9

The Chairman may invite any person with expert knowledge of a subject on the agenda to take part in the work of the Committee referred to in Article 3.

Experts shall only take part in the discussions on the matter concerning which they have been invited to attend.

Article 10

The Committee shall draw up its Rules of Procedure.

Article 11

Without prejudice to Article 214 of the Treaty, Committee members shall be required not to disclose any information which has been acquired by them in the course of the work of the Committee or of the bureau where the Commission informs them that the opinion requested or the question raised concerns a confidential matter.

In such cases, only Committee members and Commission representatives shall be present at the meetings in question.

Article 12

This Decision shall enter into force on

Done at Brussels

For the Commission

L. Natali

FINANCIAL RECORD

for the project for a Commission Decision setting up
a Committee on the Control and Reduction of Pollution
caused by Hydrocarbons discharged at Sea

- 1. Budget heading concerned: Article 251
- 2. Title of the heading: Committees (4th Group)
- 3. Legal basis: Treaty of Rome, European Communities Environment Action Programme, European Communities Action Programme on the Control and Reduction of Pollution caused by Hydrocarbons discharged at Sea.
- 4. Description, objectives and reasons for the project:

The project for a Decision concerns the setting up, in the context of a Community policy relating to the combating of pollution caused by hydrocarbons discharged at sea, of a Committee of highly qualified experts. The intention is that such a Committee would advise the Commission on all problems concerning the implementation of Community measures for the control and reduction of pollution caused by hydrocarbons discharged at sea. It would also provide a forum for collecting existing information and experience gained in Member States, on ways of controlling and reducing pollution caused by hydrocarbons discharged at sea, and for the coordination of measures taken and planned at national, international or Community level.

5. 1980 appropriations

Committee meeting:	One plenary meeting
Duration:	Two days
Participants:	
Committee members:	Thirty* (three government experts per Member State)
Independent experts:	Three
Commission representatives:	Six (the Chairman, the Secretary and four representatives of the departments concerned)

* As Greece will shortly be joining the European Communities it would be reasonable and justifiable to invite Greek experts.

Expenses:

Committee members:	7.100 EUA
Independent experts:	1.000 EUA
	<hr/>
Total	8.100 EUA
	<hr/>

6. Appropriations in later budgets

1981

Plenary meeting:	Three
Duration of each meeting:	One or two days
Participants:	
Plenary meetings:	Thirty members + three independent experts

Expenses

Committee members:	$(7.100 \times 3) + 10\% \text{ (inflation)}$	= 23.430 EUA
Independent experts:	$(1.000 \times 3) + 10\% \text{ (inflation)}$	= 3.300 EUA
Total amount in the 1981 Budget:		<hr/> <u>= 26.730 EUA</u>

As it would be a Standing Committee, annual appropriations along the lines of the 1981 estimates would have to be provided for in later budgets.