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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(83) 476 final

Brussels, 25 July 1983

RECOMMENDATION FOR A COUNCIL DECISION

concerning the signature of the Agreement for cooperation in dealing with
pollution of the North Sea by oil and other harmful substances

(submitted to the Council by the Commission)



COM(83) 476 final

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Explanatory Memorandum

In accordance with the Council Decision of 19 May 1981, the Commission has negotiated the accession of the European Economic Community to the Bonn Agreement of 9 June for cooperation in dealing with pollution of the North Sea by oil.

In accordance with the abovementioned decision, the negotiations were carried out by the Commission in consultation with the Member States' representatives.

The negotiations took place at the same time as the negotiations between the Contracting Parties relating to a new agreement which is intended to strengthen cooperation, adjust the geographical limits to which the agreement applies, and ensure cooperation in dealing with dangerous substances other than oil.

The negotiations have resulted in the attached texts which are scheduled to be signed at a Diplomatic Conference to be held in Bonn in early September 1983.

In order to enable the Community to sign the agreement with the other Contracting Parties at the Diplomatic Conference, it is necessary for the Council to authorize its President to designate the persons authorized to sign the Agreement on behalf of the Community.

In this communication the Commission recommends the Council to decide, as soon as possible, to sign the Agreement for cooperation in dealing with pollution of the North Sea by oil and other harmful substances, and to authorize the President of the Council to designate the persons authorized to sign the Agreement on behalf of the Community, subject to its adoption at the Diplomatic Conference to be held in Bonn in early September 1983.

Communication from the Commission to the Council

Outcome of the negotiations on the accession of the European Economic Community to the Bonn Agreement (1969) for cooperation in dealing with pollution of the North Sea by oil.

Recommendation to sign the Agreement for cooperation in dealing with pollution of the North Sea by oil and other harmful substances.

I. Introduction

On 19 May 1981 the Council adopted a decision authorizing the Commission to negotiate the accession of the European Economic Community to the Bonn Agreement of 9 June 1969 for cooperation in dealing with pollution of the North Sea by oil.

The negotiations on accession by the Community to the Bonn Agreement took place at the same time as the negotiation, by the contracting parties, of amendments to the Agreement in order to:

- develop mutual assistance and cooperation in dealing with pollution;
- adjust the geographical limits within which the Agreement applies;
- permit cooperation in dealing with pollution by dangerous substances other than oil.

In pursuance of the Council Decision, the Commission consulted the representatives of the Member States while conducting the negotiations.

II. The negotiations

It proved necessary during the negotiations to examine certain questions concerning the possibility of the accession of the Community to the Agreement, and in particular:

- voting rights,
- financial provisions,
- eligibility for the office of Chairman.

It seemed appropriate with regard to voting rights to comply with legal precedent on the matter (the wording of the Agreement is the same on this point as Article 19 of the Paris Convention). It was considered improbable that the contracting parties would use voting in order to implement the Agreement, which primarily concerned an exchange of information¹.

.../...

¹ See documents 7129/82 of 24 May 1982 and 7644/82 of 10 June 1982.

Under the financial arrangements the Community will contribute 2.5% towards ordinary expenditure¹.

As regards eligibility for the Chairmanship of the meetings of the Contracting Parties, the "Environment" Working Party agreed² that the following three declarations should be entered in the minutes of the Council meeting which would decide on conclusion of the Agreement:

- "the Council and the Commission consider that election to the Chairmanship under the Bonn Agreement will be by invitation and not by rotation of the various Contracting Parties".
- "the Council declares that any candidature of the Commission for the Chairmanship under the Bonn Agreement will be discussed within the Council, which will take a decision on it".
- the Commission declares that it does not intend to present the Community to the Contracting Parties to this Agreement as a candidate for the Chairmanship under the Bonn Agreement without the agreement of the Council."

III. Completion of the negotiations

At the meeting of the Contracting Parties to the Bonn Agreement held in The Hague from 26 to 29 April 1983, all of the Contracting Parties adopted the drafts of the new Agreement enclosed, which also covers other dangerous substances.

This text reflects the wishes of the Community as regards voting rights (art. 13) and financial arrangements^(art. 15). The meeting of the Contracting Parties accepted without discussion, in respect of eligibility for the Chairmanship, that the Chairman would be elected by invitation and not by rotation (art. 12 par. 2).

.../...

¹ See Council document 7644/82 of 10 June 1982.

² See Council document 9694/82 of 7 October 1982.

IV. Signature and conclusion of the Agreement (art. 18)

This Agreement will have to be signed at a diplomatic conference attended by the Contracting Parties to the Bonn Agreement which will be held in early September 1983.

In order to enable the Community to sign the Agreement with the other Contracting Parties during the above-mentioned diplomatic conference, it will be necessary for the Council to authorize the President of the Council to nominate the persons empowered to sign the Agreement on behalf of the Community.

The Commission reserves the right, after signing the Agreement at the diplomatic conference, to lay before the Council a proposal for a Council Decision on the conclusion of the Agreement.

V. Conclusions

The Commission recommends that the Council decide as soon as possible to sign the Agreement for cooperation in dealing with pollution of the North Sea by oil and other harmful substances and authorize the President of the Council to nominate the persons empowered to sign this Agreement on behalf of the Community, subject to its adoption at the diplomatic conference to be held in Bonn in early September 1983.

RECOMMENDATION FOR A COUNCIL DECISION

concerning the signature of the Agreement for cooperation in dealing with pollution of
the North Sea by oil and other harmful substances

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard recommendation from the Commission,

Whereas by its Decision of 19 May 1981 the Council authorized the Commission to negotiate the accession of the European Economic Community to the Bonn Agreement of 9 July 1969 for cooperation in dealing with pollution of the North Sea by oil;

Whereas the Community should sign the Agreement for cooperation in dealing with pollution of the North Sea by oil and other harmful substances which is due to be signed by the diplomatic conference in Bonn in September 1983,

HAS DECIDED AS FOLLOWS:

Sole Article

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement for cooperation in dealing with pollution of the North Sea by oil and other harmful substances and to confer on them the powers needed to bind the Community.

Done at

For the Council
The President

AGREEMENT FOR CO-OPERATION IN DEALING WITH POLLUTION OF THE NORTH SEA BY OIL AND OTHER HARMFUL SUBSTANCES

The Governments of and the European Economic Community,

Recognising that pollution of the sea by oil and other harmful substances in the North Sea area may threaten the marine environment and the interests of coastal States,

Noting that such pollution has many sources and that casualties and other incidents at sea are of great concern,

Convinced that an ability to combat such pollution as well as active co-operation and mutual assistance among States are necessary for the protection of their coasts and related interests,

Welcoming the progress that has already been achieved within the framework of the Agreement for Co-operation in Dealing with Pollution of the North Sea by Oil, signed at Bonn on 9 June 1969,

Wishing to develop further mutual assistance and co-operation in combating pollution,

Have agreed as follows:

ARTICLE 1

This Agreement shall apply whenever the presence or the prospective presence of oil or other harmful substances polluting or threatening to pollute the sea within the North Sea area, as defined in Article 2 of this Agreement, presents a grave and imminent danger to the coast or related interests of one or more Contracting Parties.

ARTICLE 2

For the purpose of this Agreement the North Sea area means the North Sea proper southwards of latitude 61°N, together with:

(a) the Skagerrak, the southern limit of which is determined east of the Skaw by the latitude 57°44',8 N;

(b) the English Channel and its approaches eastwards of a line drawn fifty nautical miles to the west of a line joining the Scilly Isles and Ushant.

ARTICLE 3

(1) The Contracting Parties consider that protection against pollution of the kind referred to in Article 1 of this Agreement is a matter which calls for active co-operation between them.

(2) The Contracting Parties shall jointly develop and establish guidelines for the practical, operational and technical aspects of joint action.

ARTICLE 4

Contracting Parties undertake to inform the other Contracting Parties about:

(a) their national organisation for dealing with pollution of the kind referred to in Article 1 of this Agreement;

(b) the competent authority responsible for receiving and dispatching reports of such pollution and for dealing with questions concerning measures of mutual assistance between Contracting Parties;

(c) their national means for avoiding or dealing with such pollution, which might be made available for international assistance;

(d) new ways in which such pollution may be avoided and about new effective measures to deal with it;

- (e) major pollution incidents of this kind dealt with.

ARTICLE 5

(1) Whenever a Contracting Party is aware of a casualty or the presence of oil or other harmful substances in the North Sea area likely to constitute a serious threat to the coast or related interests of any other Contracting Party, it shall inform that Party without delay through its competent authority.

(2) The Contracting Parties undertake to request the masters of all ships flying their flags and pilots of aircraft registered in their countries to report without delay through the channels which may be most practicable and adequate in the circumstances:

(a) all casualties causing or likely to cause pollution of the sea;

(b) the presence, nature and extent of oil or other harmful substances likely to constitute a serious threat to the coast or related interests of one or more Contracting Parties.

(3) The Contracting Parties shall establish a standard form for the reporting of pollution as required under paragraph 1 of this Article.

ARTICLE 6

(1) For the sole purpose of this Agreement the North Sea area is divided into the zones described in the Annex to this Agreement.

(2) The Contracting Party within whose zone a situation of the kind described in Article 1 of this Agreement occurs, shall make the necessary assessments of the nature and extent of any casualty or, as the case may be, of the type and approximate quantity of oil or other harmful substances and the direction and speed of movement thereof.

(3) The Contracting Party concerned shall immediately inform all the other Contracting Parties through their competent authorities of its assessments and

of any action which it has taken to deal with the oil or other harmful substances and shall keep these substances under observation as long as they are present in its zone.

(4) The obligations of the Contracting Parties under the provisions of this Article with respect to the zones of joint responsibility shall be the subject of special technical arrangements to be concluded between the Parties concerned. These arrangements shall be communicated to the other Contracting Parties.

ARTICLE 7

A Contracting Party requiring assistance to deal with pollution or the prospective presence of pollution at sea or on its coast may call on the help of the other Contracting Parties. Contracting Parties requesting assistance shall specify the kind of assistance they require. The Contracting Parties called upon for help in accordance with this Article shall use their best endeavours to bring such assistance as is within their power taking into account, particularly in the case of pollution by harmful substances other than oil, the technological means available to them.

ARTICLE 8

(1) The provisions of this Agreement shall not be interpreted as in any way prejudicing the rights and obligations of the Contracting Parties under international law, especially in the field of the prevention and combating of marine pollution.

(2) In no case shall the division into zones referred to in Article 6 of this Agreement be invoked as a precedent or argument in any matter concerning sovereignty or jurisdiction.

ARTICLE 9

(1) In the absence of an agreement concerning the financial arrangements governing actions of Contracting Parties to deal with pollution which might be

concluded on a bilateral or multilateral basis or on the occasion of a joint combating operation, Contracting Parties shall bear the costs of their respective actions in dealing with pollution in accordance with subparagraph (a) or subparagraph (b) below:

(a) if the action was taken by one Contracting Party at the express request of another Contracting Party, the Contracting Party requesting such assistance shall reimburse to the assisting Contracting Party the costs of its action;

(b) if the action was taken by a Contracting Party on its own initiative, this Contracting Party shall bear the costs of its action.

(2) The Contracting Party requesting assistance may cancel its request at any time, but in that case it shall bear the costs already incurred or committed by the assisting Contracting Party.

ARTICLE 10

Unless otherwise agreed the costs of action taken by a Contracting Party at the request of another Contracting Party shall be calculated according to the law and current practice in the assisting country concerning the reimbursement of such costs by a person or entity liable.

ARTICLE 11

Article 9 of this Agreement shall not be interpreted as in any way prejudicing the rights of Contracting Parties to recover from third parties the costs of action to deal with pollution or the threat of pollution under other applicable provisions and rules of national and international law.

ARTICLE 12

(1) Meetings of the Contracting Parties shall be held at regular intervals and at any time when, due to special circumstances, it is so decided in accordance with the Rules of Procedure.

(2) The Contracting Parties at their first meeting shall draw up Rules of Procedure and Financial Rules, which shall be adopted by unanimous vote.

(3) The Depositary Government shall convene the first meeting of Contracting Parties as soon as possible after the entry into force of this Agreement.

ARTICLE 13

Within the areas of its competence, the European Economic Community is entitled to a number of votes equal to the number of its Member States which are Contracting Parties to the present Agreement. The European Economic Community shall not exercise its right to vote in cases where its Member States exercise theirs and conversely.

ARTICLE 14

It shall be the duty of meetings of the Contracting Parties:

(a) to exercise overall supervision over the implementation of this Agreement;

(b) to review the effectiveness of the measures taken under this Agreement;

(c) to carry out such other functions as may be necessary under the terms of this Agreement.

ARTICLE 15

(1) The Contracting Parties shall make provision for the performance of secretariat duties in relation to this Agreement, taking into account existing arrangements in the framework of other international agreements on the prevention of marine pollution in force for the same region as this Agreement.

(2) Each Contracting Party shall contribute 2.5% towards the annual

expenditure of the Agreement. The balance of the Agreement's expenditure shall be divided among Contracting Parties other than the EEC in proportion to their Gross National Product in accordance with the scale of assessment adopted regularly by the United Nations General Assembly. In no case shall the contribution of a Contracting Party to this balance exceed 20% of the balance.

ARTICLE 16

(1) Without prejudice to Article 17 of this Agreement, a proposal by a Contracting Party for the amendment of this Agreement or its Annex shall be considered at a meeting of the Contracting Parties. Following adoption of the proposal by unanimous vote the amendment shall be communicated by the Depositary Government to the Contracting Parties.

(2) Such an amendment shall enter into force on the first day of the second month following the date on which the Depositary Government has received notifications of approval from all Contracting Parties.

ARTICLE 17

(1) Two or more Contracting Parties may modify the common boundaries of their zones described in the Annex to this Agreement.

(2) Such a modification shall enter into force for all Contracting Parties on the first day of the sixth month following the date of its communication by the Depositary Government unless, within a period of three months following that communication, a Contracting Party has expressed an objection or has requested consultation on the matter.

ARTICLE 18

(1) This Agreement shall be open for signature by the Governments of the States invited to participate in the Conference on dealing with pollution, held at Bonn from to , and by the European Economic Community.

(2) These States and the European Economic Community may become parties to this Agreement either by signature without reservation as to ratification,

acceptance or approval or by signature subject to ratification, acceptance or approval followed by ratification, acceptance or approval.

(3) Instruments of ratification, acceptance or approval shall be deposited with the Government of the Federal Republic of Germany.

ARTICLE 19

(1) This Agreement shall enter into force on the first day of the second month following the date on which the Governments of all the States mentioned in Article 18 of this Agreement and the European Economic Community have signed the Agreement without reservation as to ratification, acceptance or approval or have deposited an instrument of ratification, acceptance or approval.

(2) Upon the entry into force of this Agreement the Agreement for Co-operation in dealing with Pollution of the North Sea by Oil, done at Bonn on 9 June 1969, shall cease to be in force.

ARTICLE 20

(1) The Contracting Parties may unanimously invite any other coastal State of the North East Atlantic area to accede to this Agreement.

(2) In such a case Article 2 of this Agreement and its Annex shall be amended as necessary. The amendments shall be adopted by unanimous vote at a meeting of the Contracting Parties and shall take effect upon the entry into force of this Agreement for the acceding State.

ARTICLE 21

(1) For each State acceding to this Agreement, the Agreement shall enter into force on the first day of the second month following the date of deposit by such State of its instrument of accession.

(2) Instruments of accession shall be deposited with the Government of the Federal Republic of Germany.

ARTICLE 22

- (1) After this Agreement has been in force for five years it may be denounced by any Contracting Party.
- (2) Denunciation shall be effected by a notification in writing addressed to the Depositary Government which shall notify all the other Contracting Parties of any denunciation received and of the date of its receipt.
- (3) A denunciation shall take effect one year after its receipt by the Depositary Government.

ARTICLE 23

The Depositary Government shall inform the Contracting Parties and those referred to in Article 18 of this Agreement of:

- (a) any signature of this Agreement;
- (b) the deposit of any instrument of ratification, acceptance, approval or accession and of the receipt of any notice of denunciation;
- (c) the date of entry into force of this Agreement;
- (d) the receipt of any notification of approval relating to amendments to this Agreement or its Annex and of the date of entry into force of such amendments.

ARTICLE 24

The original of this Agreement, of which the English, French and German texts are equally authentic, shall be deposited with the Government of the Federal Republic of Germany, which shall send certified copies thereof to the Contracting Parties and which shall transmit a certified copy to the Secretary-General of the United Nations for registration and publication in

accordance with Article 102 of the Charter of the United Nations.

In witness whereof

Done at

ANNEX

Description of the zones referred to in Article 6 of this Agreement

The zones, with the exception of the zones of joint responsibility, are limited by lines joining the following points:

<i>Denmark</i>		<i>Norway</i>	
55°03'00",0 N	8°22'00",0 E	61°00'00",0 N	4°30'00",0 E
55°10'00",0 N	7°30'00",0 E	61°00'00",0 N	2°00'00",0 E
55°10'00",0 N	2°15'00",0 E	57°00'00",0 N	1°30'00",0 E
57°00'00",0 N	1°30'00",0 E	57°00'00",0 N	2°25'04",6 E
57°00'00",0 N	2°25'04",6 E	56°35'42",0 N	2°36'48",0 E
56°35'42",0 N	2°36'48",0 E	56°05'12",0 N	3°15'00",0 E
56°05'12",0 N	3°15'00",0 E	56°35'30",0 N	5°02'00",0 E
56°35'30",0 N	5°02'00",0 E	57°10'30",0 N	6°56'12",0 E
57°10'30",0 N	6°56'12",0 E	57°29'54",0 N	7°59'00",0 E
57°29'54",0 N	7°59'00",0 E	57°37'06",0 N	8°27'30",0 E
57°37'06",0 N	8°27'30",0 E	57°41'48",0 N	8°53'18",0 E
57°41'48",0 N	8°53'18",0 E	57°59'18",0 N	9°23'00",0 E
57°59'18",0 N	9°23'00",0 E	58°15'41",2 N	10°01'48",1 E
58°15'41",2 N	10°01'48",1 E	58°10'00",0 N	10°00'00",0 E
58°10'00",0 N	10°00'00",0 N	58°54'00",0 N	10°43'00",0 E
57°48'00",0 N	10°57'00",0 E	To be continued along the	
57°44'48",0 N	10°38'00",0 E	Norwegian-Swedish border	

Federal Republic of Germany

53°34' N	6°38' E
54°00' N	5°30' E
54°00' N	2°40' E
55°10' N	2°15' E
55°10' N	7°30' E
55°03' N	8°22' E

Sweden

57°54' N	11°28' E
57°48' N	10°57' E
58°10' N	10°00' E
58°54' N	10°43' E
To be continued along the	
Norwegian-Swedish border	

Netherlands

51°32' N	3°18' E
51°32' N	2°06' E
52°30' N	3°10' E
54°00' N	2°40' E
54°00' N	5°30' E
53°34' N	6°38' E

United Kingdom

61°00' N	0°50' W
61°00' N	2°00' E
57°00' N	1°30' E
52°30' N	3°10' E
51°32' N	2°06' E

The zones of joint responsibility are as follows:

- (1) *Belgium, France and United Kingdom*
Sea area between parallels 51°32' N and 51°06' N.
- (2) *France and United Kingdom*
The English Channel south-west of parallel 51°06' N to a line drawn between the points 49°52' N 07°44' W and 48°27' N 06°25' W.
- (3) *Denmark and Sweden*
Sea area between the lines in Skagerrak joining the points
57°54' N 11°28' E
57°44',8 N 10°38' E
57°44',8 N 11°28' E