



COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a Council Decision concerning the approval, on behalf of the Community, of the new Annex to the Convention for the protection of the marine environment of the North-East Atlantic on the protection and conservation of the ecosystems and biological diversity of the maritime area, the corresponding Appendix 3 and the Agreement on the meaning of certain concepts in the new Annex;

Proposal for a Council Decision concerning the approval, on behalf of the Community, of OSPAR Decision 98/2 on the dumping of radioactive waste at sea;

Proposal for a Council Decision concerning the approval, on behalf of the Community, of OSPAR Decision 98/3 on the disposal of disused off-shore installations;

Proposal for a Council Decision concerning the approval, on behalf of the Community, of OSPAR Decision 98/4 on emission and discharge limit values for the manufacture of vinyl chloride monomer, and OSPAR Decision 98/5 on emission and discharge limits in the vinyl chloride sector;

(presented by the Commission)

EXPLANATORY MEMORANDUM

INTRODUCTION

1. The Convention for the protection of the marine environment of the North-East Atlantic (the OSPAR Convention, which replaces the 1974 Paris Convention and the 1972 Oslo Convention) entered into force on 25 March 1998.
2. The Community is a Party to the Convention for the protection of the marine environment of the North-East Atlantic pursuant to Council Decision No 98/249/EC of 7 October 1997.¹ That Decision provides that the Community is represented within the Commission set up pursuant to Article 10 of the Convention (Oslo-Paris Commission or OSPAR Commission) by the European Commission as regards matters of Community competence.
3. The OSPAR Commission acts as a decision-making body for the Convention for the protection of the marine environment of the North-East Atlantic. Each year it discusses and may adopt unanimously (or by a three-quarters majority of the Contracting Parties if unanimity cannot be reached) decisions (which are binding on the Contracting Parties) and recommendations (which are not binding on the Contracting Parties) relating to the prevention and elimination of pollution and the control of activities which may, directly or indirectly, affect the maritime area.
4. The OSPAR Commission may therefore draw up guidelines on certain specific subjects and define strategies and an action plan to direct and plan its future work in order to achieve the objectives set.

¹ OJ L 104, 3.4.1998, p.1.

RESULTS OF THE MINISTERIAL MEETING IN SINTRA

5. On 22 and 23 July 1998 the first Ministerial meeting of the OSPAR Commission since the Convention entered into force was held in Sintra (Portugal).
6. The European Commission attended that meeting on behalf of the Community. It took part in the negotiation of the various decisions adopted by consensus, in accordance with the Council Conclusions of 16 December 1997 concerning negotiating directives for the Convention on the marine environment of the North-East Atlantic, and with the Council Conclusions of 11 June 1998 adopted with a view to negotiations concerning an OSPAR Decision on the disposal of disused off-shore installations.
7. At the Sintra meeting, the Contracting Parties, meeting within the OSPAR, adopted by consensus a new Annex V on the protection and conservation of the ecosystems and biological diversity of the maritime area and five decisions concerning the status of decisions, recommendations and other agreements adopted under the former Oslo and Paris Conventions, renouncing the possibility of dumping radioactive waste at sea, the disposal of disused off-shore installations, and emission and discharge limits for the manufacture of vinyl chloride monomer and in the vinyl chloride sector.
8. Furthermore, the OSPAR Commission adopted two recommendations (OSPAR Recommendation 98/1 concerning best available techniques and best environmental practice for the primary non-ferrous metal industry, and Recommendation 98/2 on emission and discharge limit values for existing aluminium electrolysis plants) and guidelines for the management of dredged material and the dumping of fish waste from land-based fish processing operations.
9. The OSPAR Commission also defined how it intends to direct its future work by approving four strategies (covering hazardous substances, radioactive substances, the combating of eutrophication and the protection and conservation of the ecosystems and biological diversity) which are the hub of the 1998-2003 OSPAR action plan, which was also adopted at the Sintra meeting.
10. At the end of the meeting, the Contracting Parties, represented at ministerial level, adopted a political final declaration setting out the main policy guidelines adopted at the Sintra meeting.
11. Under the terms of the Convention, only the new Annex and the five Decisions are binding on the Contracting Parties. The terms for the entry into force of a new Annex to the Convention and of the OSPAR Decision are different, however. A new Annex to the Convention enters into force, for the Contracting Parties which have approved it, on the thirtieth day following the receipt by the depository Government of the notification of its approval by at least seven Contracting Parties. On the other hand, the decisions are binding on the Contracting Parties after a period of two hundred days following their adoption, unless written notification is given within that period of an inability to accept the decision. Given that the five OSPAR Decisions were formally adopted on 24 July 1998, the period of two hundred days after which the decisions are binding on the Contracting Parties expired on 8 February 1999. In view of this, in December 1998 the

Commission therefore notified¹ the Executive Secretary of the OSPAR Convention in writing that the Community was unable to accept the decisions at that time. Indeed, any approval of the OSPAR Decisions by the Community would not be possible until the Community procedures required under the Treaty establishing the European Community have been accomplished. The latter require in particular the approval of the Decisions by the Council of the European Union in accordance with the relevant provisions of Article 228 of the EC Treaty. However, the Commission takes the view that the approval of these Decisions by the Community does not at this stage require any amendment of existing legislation or the adoption of any new legislation.

DECISIONS ADOPTED BY THE OSPAR COMMISSION

New Annex V

12. When it was drafted in 1992, the scope of the OSPAR Convention was limited to four main areas which were defined in four Annexes to the Convention (prevention and elimination of pollution from land-based sources, prevention and elimination of pollution by dumping or incineration, prevention and elimination of pollution from off-shore sources, assessment of the quality of the marine environment). However, it remained possible to add other Annexes at a later date in order to be able to deal with other areas of activity. To supplement the OSPAR Convention, a new Annex V on the protection and conservation of the ecosystems and biodiversity was been drawn up and approved by the 1998 OSPAR Commission. This new Annex stipulates that the Contracting Parties shall take the necessary measures to protect and conserve the ecosystems and biological diversity of the maritime area, and to restore, where practicable, marine areas which have been adversely affected. To this end, the Contracting Parties must cooperate in adopting programmes and measures for the control of human activities by applying the criteria in Appendix 3 (these criteria are the extent, the intensity and the duration of the human activity; the actual and potential adverse effects on specific species, communities, habitats, ecological processes; the irreversibility or durability of these effects).

13. On the basis of the Council Conclusions of 16 December 1997 concerning negotiating directives for the Convention on the marine environment of the North-East Atlantic, the European Commission played an active part in preparing the new Annex V to the OSPAR Convention, in particular by making sure that the proposed Annex is consistent with existing Community legislation (especially Directive 79/409/EEC on the conservation of wild birds and Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora).

14. In preparing the Annex, the complex question of relations between the provisions of the Annex and the activities of the Community (and other Contracting Parties) as regards the management of fisheries was tackled and resolved by means of a provision which states that no programme or measure concerning the management of fisheries may be adopted under the new Annex V. The Contracting Parties also agreed that references in Article 4 of Annex V to "questions relating to the management of fisheries" may not

¹ In accordance with point 6 of the Council conclusions of 16 December 1997 on the negotiating directives concerning the Convention for the protection of the marine environment of the North-East Atlantic.

presuppose that measures will be taken under the instruments of the common fisheries policy.

15. The Commission believes that the objectives stated in the new Annex V as regards the protection and conservation of the ecosystems are consistent with and complement the Community's objectives in this field. Furthermore, the Commission feels that Community approval and participation in the implementation of this new Annex will help to achieve the objectives defined in Article 130r of the Treaty. Consequently, the Commission proposes that the Council decide to approve, on behalf of the Community, the new Annex V to the OSPAR Convention, Appendix 3 concerning the criteria for identifying human activities, and the Agreement on the meaning of certain concepts included in that Annex.

OSPAR Decision 98/1

17. In 1994, the Oslo and Paris Commissions launched a re-examination of the measures adopted pursuant to the Oslo Convention (under which the Community has observer status) and the Paris Convention (to which the Community was a Party) in order to determine the status which each of these measures should have when the OSPAR 1992 Convention entered into force. It was also agreed that the first meeting of the OSPAR Commission would be invited to adopt a decision listing and revoking the obsolete measures, which would therefore cease to apply. OSPAR Decision 98/1 concerning the status of decisions, recommendations and other agreements adopted under the former Oslo Convention and the former Paris Convention within the framework of the OSPAR Convention is the result of this re-examination which was carried out in 1994 and is the instrument revoking the measures considered to be obsolete listed in the Appendix to the Decision. As such, OSPAR Decision 98/1 ensures the legal clarity needed in the context of the OSPAR Convention.

17. However, it should be pointed out that the Community was not a party to the Oslo Convention and has not approved the measures adopted in the framework of the Paris Convention which are covered by the revoking Decision OSPAR 98/1. Therefore, while it is in favour of revoking the OSCOM and PARCOM instruments that have become obsolete, the Commission believes that it is not necessary to submit OSPAR Decision 98/1 for Community approval.

OSPAR Decision 98/2

18. At the 1997 OSPAR Commission meeting, France and the United Kingdom stated that they no longer wished to preserve the possibility allowed them by Article 3(3)(b) of Annex II to the OSPAR Convention of an exemption from the permanent and complete prohibition of the dumping at sea of radioactive substances, including waste. France and the United Kingdom subsequently proposed a draft OSPAR decision pursuant to the provisions of Article 3(3)(c) of Annex II to the Convention. This proposal was studied and submitted to the 1998 OSPAR Commission. As a result, the Contracting Parties adopted OSPAR Decision 98/2 revoking the exemption provided for in Article 3(3)(b) of Annex II to the OSPAR Convention.

19. The Commission very warmly welcomed the declaration by the French and UK Governments and OSPAR Decision 98/2. The decision to renounce the exemptions from the permanent and complete prohibition on the dumping at sea of low-level and

intermediate-level radioactive substances represents major progress in terms of the prevention of maritime pollution by radioactive substances and waste and will help to improve the marine environment and reduce the risks to it. The Commission strongly supports this progress and expressed its support for Decision OSPAR 98/2, the effective application of which will help to achieve the objectives set out in Article 130r of the EC Treaty. The Commission therefore proposes that the Council should approve OSPAR Decision 98/2 on behalf of the Community.

OSPAR Decision 98/3

20. In its communication to the Council and the European Parliament on the removal and disposal of disused off-shore oil and gas installations (COM(98)49), the Commission explained in detail the environmental and other reasons which justified the negotiation and implementation by the Community of a policy on the removal and disposal of disused off-shore oil and gas installations by means of multilateral agreements concluded in international forums such as the OSPAR Convention. The Commission also explained the foundations of the Community legislation underlying any Community initiative in this field, the principles which must guide the Community in the negotiations, and the objectives which the latter must meet.

21. Based on the Commission's communication and a recommendation to the Council in order to obtain negotiating directives concerning an OSPAR decision on the disposal of disused off-shore installations (SEC(98)460), on 11 June 1998 the Council adopted conclusions concerning negotiating directives for the Convention for the protection of the marine environment of the North-East Atlantic. In these Conclusions, the Council welcomes the Commission Communication and recommends the adoption of an OSPAR decision on the disposal of disused off-shore installations which has the support of all the Contracting Parties to the OSPAR Convention. In accordance with these Conclusions, the Commission took part in the negotiations which led to OSPAR Decision 98/3, making every effort to promote a solution which was positive for the environment and, as the Council requested, was able to enjoy the unanimous support of the Parties to the Convention.

22. The Commission considers that the result achieved in Sintra meets the objectives set. OSPAR Decision 98/3 on the disposal of disused off-shore installations establishes the general principle of a prohibition on the dumping and the leaving in place, wholly or partly, of disused off-shore installations within the maritime area covered by the OSPAR Convention. Exceptions to this general principle are, however, provided for if the competent authority of the relevant Contracting Party is satisfied, after making an assessment in accordance with the provisions of Annex 2 to the decision, that there are significant reasons why an alternative disposal option (provided for in the decision) is preferable to re-use, recycling or final disposal on land. In this case, the competent authority of the relevant Contracting Party may issue a permit (which must comply with certain requirements set out in Annex 4 to the Decision), after first consulting the other Contracting Parties. OSPAR Decision 98/3 also provides for a revision mechanism under which, in the light of experience, relevant research and exchanges of information, the OSPAR Commission will endeavour to obtain unanimous support for amendments, with a view to reducing the likelihood of any exemptions as provided for in the current Decision. The OSPAR Commission will consider the preparation of such amendments for the first time at its 2003 meeting.

23. During the negotiation of OSPAR Decision 98/3, the Commission made sure that the Community's interest was fully taken into account, this being the prevention of direct and indirect pollution of the sea by hazardous and low-level radioactive substances, the disposal of waste, the protection of species and habitats, fisheries and safeguarding other uses of the sea and the sea beds. The Community's action within the OSPAR Convention is therefore fully within the framework defined in Article 130r of the Treaty, particularly as regards the pursuit of the objectives of preserving, protecting and improving the quality of the environment and promoting measures at international level to deal with regional environmental problems. OSPAR Decision 98/3 meets the aims and principles set out by the Commission in its communication on the removal and disposal of disused off-shore oil and gas installations and those defined by the Council in its Conclusions of 11 June 1998. The Commission therefore proposes that the Council should approve OSPAR Decision 98/3 on behalf of the Community.

OSPAR Decisions 98/4 and 98/5

24. The aim of OSPAR Decision 98/4 on emission and discharge limit values for the manufacture of vinyl chloride monomer (VCM), including the manufacture of 1,2-dichloroethane (EDC), is to protect the maritime area against the adverse effects of human activities due to the manufacture of VCM, including the manufacture of EDC. This Decision lays down limit values for the discharge and release of certain hazardous substances into water and air from the manufacturing process of VCM, including EDC from ethylene and chlorine and/or hydrochloric acid (HCl) as feedstock. The discharge limit values apply to plants from which discharges may reach the maritime area of the OSPAR Convention by waterborne routes. The emission limit values apply to all VCM manufacturing plants on the territories of the Contracting Parties. The annual averages of emissions to the air and of discharges into water from VCM manufacturing plants may not exceed the limit values laid down by the Decision. It is planned for OSPAR Decision 98/4 to enter into force on 9 February 1999 for new plants and in January 2006 for existing plants.

25. OSPAR Decision 98/5 lays down the emission and discharge limit values into water and air from the manufacturing process of suspension-polyvinyl chloride (PVC) from vinyl chloride monomer, i.e. polyvinyl chloride produced from VCM by the suspension process. The discharge limit values apply to single or combined plants from which discharges may reach the maritime area of the OSPAR Convention by waterborne routes. The emission limit values for atmospheric pollutants apply to all single or combined plants. The annual averages of emissions and discharges from plants producing s-PVC may not exceed the discharge limits laid down by the Decision. It is planned for OSPAR Decision 98/5 to enter into force on 9 February 1999 for new plants and on 1 January 2003 for existing plants.

26. The subject of OSPAR Decisions 98/4 and 98/5 is partly covered by existing Community legislation (in particular Directives 76/464/EEC and 86/280/EEC on discharges of certain hazardous substances) and will also be the subject of work in the framework of Directive 96/61/EC concerning integrated pollution prevention and control. However, the OSPAR measures differ from Community legislation in that they go further in terms of the parameters covered, but define the emission limit values in such a way that an exact comparison is not possible. Moreover, work in the framework of the IPPC Directive on the definition of best available techniques for the establishment of limit values for the sectors affected by the OSPAR Decisions will not start until this year.

Nonetheless, given that OSPAR Decisions 98/4 and 98/5 are based on a PARCOM Recommendation concerning the best available techniques for the manufacture of vinyl chloride monomer and a description of the best available techniques for the vinyl chloride sector, they should be compatible with the result of the IPPC process. The Commission therefore proposes that the Council should approve OSPAR Decisions 98/4 and 98/5. However, it takes the view that the OSPAR measures provided for under OSPAR Decisions 98/4 and 98/5 may be regarded as an interesting first step which increases environmental protection in the area covered by the Convention without prejudice to the subsequent adoption of more suitable measures at Community level.

OTHER MEASURES ADOPTED BY THE OSPAR COMMISSION

27. At the Sintra meeting, the OSPAR Commission adopted other measures (recommendations, guidelines). These measures, which are not binding on the Contracting Parties, may be of some benefit for the protection of the environment, provide ways of solving specific problems, or make a valid contribution to the organisation of future work to be undertaken by the OSPAR Commission. However, the Commission considers that the measures do not require the Community to take any specific action. The Commission is therefore submitting these measures to the Council and the European Parliament for them to take note of them.

OSPAR Recommendations 98/1 and 98/2

28. The Commission has tried to ensure that the recommendations are consistent with existing legislation and work in progress at Community level, in particular as regards the provisions relating to limit values for emissions and best available techniques for certain sectors referred to in Council Directive 96/61/EC. On this point, the Commission has advocated closer coordination between the work undertaken in the OSPAR framework and the Community programmes. The contents of the OSPAR Recommendations will be taken into account in the work carried out in the framework of the IPPC Directive.

29. OSPAR Recommendation 98/1 describes the best available techniques and best environmental practice for the primary, non-ferrous metal industry (zinc, copper, lead and nickel works). These techniques are applicable to new metallurgical plants as well as to existing plants that are going to be transformed significantly. In addition, it recommends that the national authorities establish reasonable periods of time for all existing plants to be modernised and thus brought up to the environmental standards which represent the state of the art.

30. OSPAR Recommendation 98/2 is concerned with emissions and discharges from existing aluminium electrolysis plants. It recommends that the Contracting Parties achieve the average emission limit values laid down by the Recommendation by 1 January 2007 and, if possible, aim to achieve them by 2005. It also recommends aiming to achieve certain target limit values for emissions to air by 1 January 2010. With respect to discharges to water, it is recommended that the Contracting Parties collaborate in preparing a measuring programme for Soederberg plants and an intercalibration exercise between these plants and descriptions of technologies used in the Soederberg plants for water cleaning of pot gas and ventilation

OSPAR guidelines

31. The guidelines are not expressly mentioned in the OSPAR Convention as being a lawful instrument for achieving the Convention's objectives. In addition, in OSPAR work, guidelines are generally an instrument for dealing with a specific matter. They can also be the first step in the drafting of a recommendation. The Commission has welcomed the guidelines adopted by the 1998 OSPAR Commission. Without introducing any additional legal obligation, both the guidelines on dredged materials and those on the dumping of fish waste provide the Contracting Parties with useful thinking which they are requested to take into account. However, this thinking cannot be applied to all national or local situations.

32. The guidelines for the management of dredged material are designed to assist the Contracting Parties in the management of dredged materials in ways that will prevent and eliminate pollution and thus protect the maritime area. They encourage the Contracting Parties to ensure better management of dredged materials by using best environmental practices so as to reduce the quantity of material disposed of and thus its environmental impact. The Contracting Parties are required to take these guidelines into consideration in their authorisation procedures for dredged material or their corresponding regulations.

33. The guidelines for the dumping of fish waste from land-based industrial fish processing operations set out the basic practical considerations required for determining the conditions under which such dumping might be carried out (prior assessment of other options, parameters to be considered when analysing waste characteristics, information desirable for the selection of dumpsites, the assessment of potential effects, the method of dumping, conditions for the issue of permits).

OSPAR strategies and 1998-2003 OSPAR action plan

34. At the Ministerial meeting of the 1998 OSPAR Commission, the Contracting Parties adopted four strategies concerning hazardous substances, radioactive substances, combating eutrophication and the protection and conservation of the ecosystems and biological diversity of the maritime area. These four strategies are the hub of the 1998-2003 OSPAR action plan, which was also adopted by the Contracting Parties at the Sintra meeting. The OSPAR strategies are intended to direct the future work of the OSPAR Commission and lay down the objectives, the guiding principles, an indicative timetable, and details regarding implementation and evaluation of the progress made. The action plan also defines the tasks of the various working groups. It is planned to carry out a five-yearly review of the strategies, the first of which will take place before the next meeting of the OSPAR Commission at ministerial level in 2003. The OSPAR Commission will also examine every year progress made under the action plan, updating it where necessary and adjusting the priorities of the annual work plans. It will supervise the implementation of the measures adopted and will adopt detailed annual work programmes for its standing working parties. In order to achieve the objectives of the strategies and action plan, specific measures will have to be defined for adoption by the OSPAR Commission.

a) Strategy to combat eutrophication

35. The strategy to combat eutrophication provides first of all for the application of a common procedure for the identification of the eutrophication status of the marine area to characterise the maritime area by dividing it into problem areas, potential problem areas and non-problem areas with regard to eutrophication. This first phase should be completed by 2002. Appropriate measures covering both recipient systems and sources will then be implemented in accordance with the status of each area. The aim of the strategy is to gradually achieve, by 2010, a healthy marine environment where eutrophication does not occur. It is proposed that this strategy will be implemented in the framework of the obligations and undertakings entered into by the contracting parties in this field, in particular Council Directives 91/271/EEC (urban waste water), 91/676/EEC (nitrates) and 96/61/EEC (IPPC) and Council Regulation 2078/92/EEC (agricultural production methods compatible with environmental protection).

36. While welcoming OSPAR's work in the field of combating eutrophication, in Sintra the Commission regretted the lack of ambition of the timetable of the activities proposed for this strategy. The proper application by the Community Member States of the above legislation should enable a large number of the strategy's aims to be achieved well before the deadline of 2010.

b) Strategy with regard to hazardous substances

37. The strategy with regard to hazardous substances is intended to prevent pollution of the maritime area by reducing discharges, emissions and losses of hazardous substances so as to achieve concentrations in the marine environment near background values for naturally occurring substances and close to zero for synthetic substances. To this end, it is planned that the OSPAR Commission will develop programmes and measures to identify, prioritise, monitor and control the emissions, discharges and losses of hazardous substances which reach, or could reach, the marine environment. The strategy reveals the limited experience which exists as regards the scientific assessment of the potential risks of hazardous substances in the marine environment and suggests the development of relevant scientific tools, in cooperation with the European Community, drawing upon Directive 93/67/EEC (principles for assessment of risks to man and the environment of substances notified in accordance with Directive 67/548/EEC) and Regulation 1488/94/EC (principles for the assessment of risks to man and the environment of existing substances). Furthermore, the strategy also reveals the need to implement a harmonised approach at international level and to avoid duplication. It also suggests using the criteria for the classification of hazardous substances given in Annex VI to Directive 67/548/EEC.

38. The Commission, which has carried out a review of its chemicals legislation and drafted an initial list of priority chemical substances in the context of the framework directive on water policy, believes that the OSPAR strategy is consistent with Community policy on chemical products and the proposal for a framework directive on water policy as discussions now stand in the Council and the European Parliament. Generally, the Commission takes the view that close coordination with OSPAR is needed in order to ensure coherent implementation of strategy and to avoid duplication.

c) Strategy with regard to radioactive substances

39. The strategy with regard to radioactive substances is intended to prevent pollution of the maritime area from ionising radiation through progressive and substantial reductions of discharges, emissions and losses of radioactive substances, the aim being to achieve concentrations in the environment near background values for naturally occurring radioactive substances and close to zero for artificial radioactive substances. This strategy provides for the identification of radioactive substances and/or human activities which give rise to concern about the impact of discharges, emissions or losses of radioactive substances, the prioritisation of such substances and activities and the development of programmes and measures suitable to ensure the application of best available techniques and best environmental practice. The strategy also insists on international cooperation for the development of scientific tools for measuring radiation exposure and assessing risks and provides for the development of environmental quality criteria to protect the marine environment from the harmful effects of radioactive substances.

40. The Commission has welcomed the OSPAR strategy with regard to radioactive substances which will contribute to the rehabilitation of the marine environment and to reducing the risks to it.

d) Strategy on the protection and conservation of the ecosystems and biological diversity

41. The strategy on the protection and conservation of the ecosystems and biological diversity of the maritime area is intended to protect and conserve the ecosystems and biological diversity which have been, or could be, affected as a result of human activities and to restore, where possible, marine areas which have been adversely affected. It provides for the development of criteria for the selection of species, habitats and ecological processes requiring protection, assessment of the impact of certain areas of human activity, the drawing up of an inventory of marine areas which are already protected, the assessment of marine areas which have been adversely affected, the introduction of measures to control human activities that have an adverse impact and the restoration of marine areas which have been adversely affected. It is also proposed to take account of relevant measures in the context of other forums (in particular the Council Directives on habitats and on wild birds and the measures taken under certain international agreements) and of international scientific cooperation.

42. As with the new Annex V to the Convention, the Commission believes that the objectives of the strategy on the protection and conservation of the ecosystems and biological diversity of the maritime area are consistent and complement the aims of Directive 79/409/EEC on the conservation of wild birds and Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora, which already provide a Community framework for the protection of habits and species.

43. The four areas chosen for the OSPAR strategies correspond to priorities shared by the Commission and to which it has also helped to give prominence. It is now necessary to ensure that these strategies and the new action plan are pursued in a way which improves the quality of the environment, in compliance with the principles, objectives, policies and legislation of the European Community, taking account of work, in particular scientific research, at Community level or in the context of other international forums.

GENERAL CONCLUSIONS:

44. In conclusion, and in the light of paragraphs 15, 19, 23 and 26 of this explanatory memorandum, the Commission proposes that the Council should approve, on behalf of the Community, the new Annex V to the OSPAR Convention and the decisions OSPAR 98/2, OSPAR 98/3, OSPAR 98/4 and OSPAR 98/5.

**Proposal for a
COUNCIL DECISION**

concerning the approval, on behalf of the Community, of the new Annex V to the Convention for the protection of the marine environment of the North-East Atlantic on the protection and conservation of the ecosystems and biological diversity of the maritime area, the corresponding Appendix 3 and the Agreement on the meaning of certain concepts in the new Annex

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 130r(4), the first sentence of Article 228(2) and the first subparagraph of Article 228(3) thereof,

Having regard to the Commission proposal,¹

Having regard to the Opinion of the European Parliament,²

Whereas the Community is a Contracting Party to the Convention for the protection of the marine environment of the North-East Atlantic (OSPAR Convention) pursuant to Council Decision 98/249/EC of 7 October 1997;³

Whereas the aim of the Convention is to prevent and eliminate pollution and to protect the maritime area against the harmful effects of human activities; whereas it entered into force on 25 March 1998;

Whereas the executive body of the OSPAR Convention (the OSPAR Commission) may adopt amendments to the Convention, including new annexes and appendices; whereas it has adopted a new Annex V on the protection and conservation of the ecosystems and biological diversity of the maritime area, the Appendix 3 which stems from it, and an Agreement on the meaning of certain concepts in the Annex V, all of which are referred to hereinafter as "Annex V";

Whereas the preservation, the protection and the improvement of the quality of the environment, including the conservation of natural habitats and of wild flora and fauna and the protection of biodiversity are an essential objective of general benefit which is being pursued by the Community as provided for in Article 130r of the Treaty; whereas the new Annex V to the OSPAR Convention may contribute to the achievement of that objective;

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³ OJ L 104, 3.4.1998, p. 1.

Whereas the Community has adopted measures in the field covered by Annex V; whereas it must enter into international commitments in this field;

Whereas the objectives of Annex V supplement the objectives of Directive 79/409/EEC on the conservation of wild birds and of Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora; whereas those Directives already provide a Community framework for the protection of habitats and species in the geographical area in which they apply; whereas the adoption of the Annex V by the Community does not prejudice the implementation of those Directives;

Whereas the Community took part in negotiating Annex V, in accordance with the Council Conclusions concerning negotiating directives for the Convention for the protection of the marine environment of the North-East Atlantic;

Whereas the Community should approve this Decision,

HAS DECIDED AS FOLLOWS:

Sole article

1. Annex V to the Convention for the protection of the marine environment of the North-East Atlantic (including the corresponding Appendix 3 and the Agreement on certain concepts in Annex V is hereby approved on behalf of the Community.

The text of the said Annex V is attached to this Decision.

2. The Commission is authorised to notify this approval to the OSPAR Commission.

Done at Brussels,

For the Council

The President

**THE PROTECTION AND CONSERVATION OF THE ECOSYSTEMS AND BIOLOGICAL
DIVERSITY OF THE MARITIME AREA**

RECALLING the welcome in the Final Declaration of the Ministerial Meeting of the Oslo and Paris Commissions, 21-22 September 1992, for the possibility under the 1992 OSPAR Convention of addressing matters relating to the protection of the marine environment other than those relating to the prevention and elimination of pollution, and for the possibility of taking any necessary measures on these matters by the adoption of new Annexes to that Convention in the future;

RECALLING the Recitals of the 1992 OSPAR Convention;

RECALLING Article 16 and 18 of that Convention, which provide the procedure for the proposal, adoption and entry into force of new Annexes and of new Appendixes to that Convention;

RECALLING the United Nations Convention on the Law of the Sea, in particular the provisions relating to navigation and the exploitation of natural resources;

RECALLING the provisions of other global and regional agreements on the protection and conservation of marine ecosystems and biological diversity;

RECALLING the importance of coordination and harmonisation of work in different forums for the protection of marine species and their habitats;

RECALLING the significant differences which exist between:

- a. the ecological conditions of the maritime area;
- b. the impacts of human activities affecting these conditions;

RECALLING the fact that certain Contracting Parties are not coastal states bordering the maritime area;

**THE CONTRACTING PARTIES TO THE CONVENTION FOR THE
PROTECTION OF THE MARINE ENVIRONMENT OF THE NORTH-EAST
ATLANTIC ADOPT ANNEX V AND APPENDIX 3 TO THE CONVENTION**

AND FURTHER DECIDE THAT:

- a. programmes or measures under this new Annex shall avoid duplicating action which is already prescribed by other international conventions and the subject of appropriate measures agreed by other international organisations; and
- b. before a programme or measure is adopted under this new Annex, consideration shall be given to whether action could be taken more appropriately under some other international convention or arrangement.

ANNEX V

ON THE PROTECTION AND CONSERVATION OF THE ECOSYSTEMS AND BIOLOGICAL DIVERSITY OF THE MARITIME AREA

ARTICLE 1

For the purposes of this Annex and of Appendix 3 the definitions of "biological diversity", "ecosystem" and "habitat" are those contained in the Convention on Biological Diversity of 5 June 1992.

ARTICLE 2

In fulfilling their obligation under the Convention to take, individually and jointly, the necessary measures to protect the maritime area against the adverse effects of human activities so as to safeguard human health and to conserve marine ecosystems and, when practicable, restore marine areas which have been adversely affected, as well as their obligation under the Convention on Biological Diversity of 5 June 1992 to develop strategies, plans or programmes for the conservation and sustainable use of biological diversity, Contracting Parties shall:

- a. take the necessary measures to protect and conserve the ecosystems and the biological diversity of the maritime area, and to restore, where practicable, marine areas which have been adversely affected; and
- b. cooperate in adopting programmes and measures for those purposes for the control of the human activities identified by the application of the criteria in Appendix 3.

ARTICLE 3

1. For the purposes of this Annex, it shall *inter alia* be the duty of the Commission:

- a. to draw up programmes and measures for the control of the human activities identified by the application of the criteria in Appendix 3;
- b. in doing so:
 - (i) to collect and review information on such activities and their effects on ecosystems and biological diversity;
 - (ii) to develop means, consistent with international law, for instituting protective, conservation, restorative or precautionary measures related to specific areas or sites or related to particular species or habitats;
 - (iii) subject to Article 4 of this Annex, to consider aspects of national strategies and guidelines on the sustainable use of components of biological diversity of the maritime area as they affect the various regions and sub-regions of that area;
 - (iv) subject to Article 4 of this Annex, to aim for the application of an integrated ecosystem approach.

- c. also in doing so, to take account of programmes and measures adopted by Contracting Parties for the protection and conservation of ecosystems within waters under their sovereignty or jurisdiction.

2. In the adoption of such programmes and measures, due consideration shall be given to the question whether any particular programme or measure should apply to all, or a specified part, of the maritime area.

ARTICLE 4

1. In accordance with the penultimate recital of the Convention, no programme or measure concerning a question relating to the management of fisheries shall be adopted under this Annex. However where the Commission considers that action is desirable in relation to such a question, it shall draw that question to the attention of the authority or international body competent for that question. Where action within the competence of the Commission is desirable to complement or support action by those authorities or bodies, the Commission shall endeavour to cooperate with them.

2. Where the Commission considers that action under this Annex is desirable in relation to a question concerning maritime transport, it shall draw that question to the attention of the International Maritime Organisation. The Contracting Parties who are members of the International Maritime Organisation shall endeavour to cooperate within that Organisation in order to achieve an appropriate response, including in relevant cases that Organisation's agreement to regional or local action, taking account of any guidelines developed by that Organisation on the designation of special areas, the identification of particularly sensitive areas or other matters.

APPENDIX 3

CRITERIA FOR IDENTIFYING HUMAN ACTIVITIES FOR THE PURPOSE OF ANNEX V

1. The criteria to be used, taking into account regional differences, for identifying human activities for the purposes of Annex V are:
 - a. the extent, intensity and duration of the human activity under consideration;
 - b. actual and potential adverse effects of the human activity on specific species, communities and habitats;
 - c. actual and potential adverse effects of the human activity on specific ecological processes;
 - d. irreversibility or durability of these effects.

2. These criteria are not necessarily exhaustive or of equal importance for the consideration of a particular activity.

**OSPAR AGREEMENT ON THE MEANING OF CERTAIN CONCEPTS IN ANNEX V TO THE
1992 OSPAR CONVENTION ON THE PROTECTION AND CONSERVATION OF THE
ECOSYSTEMS AND BIOLOGICAL DIVERSITY OF THE MARITIME AREA**

OSPAR agreed that references in Annex V to the 1992 OSPAR Convention on the Protection and Conservation of the Ecosystems and Biological Diversity of the Maritime Area to “questions relating to the management of fisheries” are references to the questions on which action can be taken under such instruments as those constituting:

- a. the Common Fisheries Policy of the European Community;
- b. the corresponding legislation of Contracting Parties which are not Member States of the European Union; or
- c. the corresponding legislation in force in the Faroe Islands, Greenland, the Channel Islands and the Isle of Man.
- d. the North East Atlantic Fisheries Commission and the North Atlantic Salmon Commission

whether or not such action has been taken.

For the avoidance of doubt, in the context of the OSPAR Convention, the management of fisheries includes the management of marine mammals.

99/0096 (CNS)

Proposal for a

COUNCIL DECISION

concerning the approval, on behalf of the Community, of OSPAR Decision 98/2 on the dumping at sea of radioactive waste

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 130r(4), the first sentence of Article 228(2) and the first subparagraph of Article 228(3) thereof,

Having regard to the Commission proposal,¹

Having regard to the Opinion of the European Parliament,²

Whereas the Community is a Contracting Party to the Convention for the protection of the marine environment of the North-East Atlantic (OSPAR Convention) pursuant to Council Decision 98/249/EC of 7 October 1997³; whereas the aim of that Convention, which entered into force on 25 March 1998, is to prevent and eliminate pollution and to protect the maritime area against the harmful effects of human activities;

Whereas Article 3 of Annex II to the OSPAR Convention prohibits the dumping at sea of waste and other substances, including low and intermediate level radioactive substances; whereas subparagraph b of paragraph 3 of that Article provides, as an exception, the possibility of an exemption for France and the United Kingdom from the permanent and complete prohibition from the dumping at sea of this type of substance or waste; whereas subparagraph (c) lays down the arrangements for extending this possibility;

Whereas the Government of the French Republic and the Government of the United Kingdom of Great Britain and Northern Ireland have respectively stated, at the 1997 OSPAR Commission meeting, that they have decided to renounce for good the possibility of resuming the dumping at sea of radioactive substances, including waste, and no longer wished to preserve the possibility of an exemption from the permanent and complete prohibition on the dumping at sea of radioactive substances, including waste;

Whereas the executive body of the OSPAR Convention (the OSPAR Commission) may adopt measures in the fields covered by the Convention; whereas it has adopted OSPAR Decision 98/2 on the dumping at sea of radioactive waste, which revokes the exception provided for in subparagraph (b) of paragraph 3 of Article 3 of Annex II to the OSPAR Convention;

1

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³ OJ L 104, 3.4.1998, p. 1.

HAS DECIDED AS FOLLOWS:

Sole article

1. OSPAR98/2 on the dumping at sea of radioactive waste is hereby approved on behalf of the Community.

The text of the said Decision is attached to this Decision.

2. The Commission is authorised to notify this approval to the OSPAR Commission.

Done at Brussels,

For the Council

The President

OSPAR Decision 98/2 on Dumping of Radioactive Waste¹

WELCOMING the statement by the Government of the French Republic at the 1997 meeting of the Oslo and Paris Commissions that it had agreed to renounce for good the possibility of resuming dumping at sea of radioactive substances, including waste,

WELCOMING equally the statement by the Government of the United Kingdom of Great Britain and Northern Ireland at the same meeting that it no longer wished to preserve the possibility of an exemption for the United Kingdom from the permanent and complete prohibition on the dumping at sea of radioactive substances, including waste, contained in the Convention for the Protection of the Marine Environment of the North-East Atlantic,

RECALLING the provisions of subparagraph 3(c) of Article 3 of Annex II to that Convention,

THE CONTRACTING PARTIES TO THE CONVENTION FOR THE PROTECTION OF THE MARINE ENVIRONMENT OF THE NORTH-EAST ATLANTIC DECIDE THAT:

The exception, provided in subparagraph (b) of paragraph 3 of Article 3 of Annex II to the OSPAR Convention, to the prohibition, in subparagraph (a) of that paragraph, on the dumping of low and intermediate level radioactive substances, including wastes, shall not be continued.

¹ **Secretariat note:**

In accordance with Article 13 of the 1992 OSPAR Convention, this Decision will enter into force and become binding on 9 February 1999.

99/0097(CNS)

**Proposal for a
COUNCIL DECISION**

**concerning the approval, on behalf of the Community, of OSPAR Decision 98/3 on
the disposal of disused off-shore installations**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 130r(4), the first sentence of Article 228(2) and the first subparagraph of Article 228(3) thereof,

Having regard to the Commission proposal,¹

Having regard to the Opinion of the European Parliament,²

Whereas the Community is a Contracting Party to the Convention for the protection of the marine environment of the North-East Atlantic (OSPAR Convention) pursuant to Council Decision 98/249/EC of 7 October 1997³; whereas the aim of that Convention, which entered into force on 25 March 1998, is to prevent and eliminate pollution and to protect the maritime area against the harmful effects of human activities;

Whereas the executive body of the OSPAR Convention (the OSPAR Commission) may adopt measures in the fields covered by the Convention; whereas it has adopted OSPAR Decision 98/3 on the disposal of disused off-shore installations;

Whereas the European Commission has presented a Communication to the Council and the European Parliament on the removal and disposal of disused off-shore oil and gas installations⁴; whereas the Council has welcomed that Communication and adopted Conclusions concerning negotiating directives for the Convention for the protection of the marine environment of the North-East Atlantic in which it recommends the adoption of an OSPAR Decision on the disposal of disused off-shore installations which has the unanimous support of all the Contracting Parties to the OSPAR Convention;

Whereas the Commission has taken part in negotiating OSPAR Decision 98/3 in accordance with the Council Conclusions concerning negotiating directives for the Convention for the protection on the marine environment of the North-East Atlantic;

1

2

³ OJ L 104, 3.4.1998, p. 1.

⁴ COM(98)49

Whereas OSPAR Decision 98/3 contributes to the attainment of the objectives defined in Article 130r of the Treaty; whereas the Community should therefore approve this Decision,

HAS DECIDED AS FOLLOWS:

Sole article

1. OSPAR Decision 98/3 on the disposal of disused off-shore installations is hereby approved on behalf of the Community.

The text of the said Decision is attached to this Decision.

2. The Commission is authorised to notify this approval to the OSPAR Commission.

Done at Brussels,

For the Council

The President

OSPAR Decision 98/3 on the Disposal of Disused Offshore Installations

RECALLING the Convention for the Protection of the Marine Environment of the North East Atlantic, in particular Articles 2 and 5 of that Convention,

RECALLING the relevant provisions of the United Nations Convention on the Law of the Sea,

RECOGNISING that an increasing number of offshore installations in the maritime area are approaching the end of their operational life-time,

AFFIRMING that the disposal of such installations should be governed by the precautionary principle, which takes account of potential effects on the environment,

RECOGNISING that reuse, recycling or final disposal on land will generally be the preferred option for the decommissioning of offshore installations in the maritime area,

ACKNOWLEDGING that the national legal and administrative systems of the relevant Contracting Parties need to make adequate provision for establishing and satisfying legal liabilities in respect of disused offshore installations,

THE CONTRACTING PARTIES TO THE CONVENTION FOR THE PROTECTION OF THE MARINE ENVIRONMENT OF THE NORTH EAST ATLANTIC DECIDE THAT

Définitions

1. For the purposes of this Decision,

"concrete installation" means a disused offshore installation constructed wholly or mainly of concrete;

"disused offshore installation" means an offshore installation, which is neither

- a. serving the purpose of offshore activities for which it was originally placed within the maritime area, nor
- b. serving another legitimate purpose in the maritime area authorised or regulated by the competent authority of the relevant Contracting Party;

but does not include:

- c. any part of an offshore installation which is located below the surface of the sea-bed, or
- d. any concrete anchor-base associated with a floating installation which does not, and is not likely to, result in interference with other legitimate uses of the sea;

"relevant Contracting Party" means the Contracting Party, which has jurisdiction over the offshore installation in question;

"steel installation" means a disused offshore installation, which is constructed wholly or mainly of steel;

"topsides" means those parts of an entire offshore installation which are not part of the substructure and includes modular support frames and decks where their removal would not endanger the structural stability of the substructure;

"footings" means those parts of a steel installation which:

- (i) are below the highest point of the piles which connect the installation to the sea bed;
- (ii) in the case of an installation built without piling, form the foundation of the installation and contain amounts of cement grouting similar to those found in footings as defined in sub-paragraph 3(a); or
- (iii) are so closely connected to the parts mentioned in subparagraphs (i) and (ii) of this definition as to present major engineering problems in severing them from those parts.

Programmes and Measures

2. The dumping, and the leaving wholly or partly in place, of disused offshore installations within the maritime area is prohibited.

3. By way of derogation from paragraph 2, if the competent authority of the relevant Contracting Party is satisfied that an assessment in accordance with Annex 2 shows that there are significant reasons why an alternative disposal mentioned below is preferable to reuse or recycling or final disposal on land, it may issue a permit for

- a. all or part of the footings of a steel installation in a category listed in Annex 1, placed in the maritime area before 9 February 1999, to be left in place;
- b. a concrete installation in a category listed in Annex 1 or constituting a concrete anchor base, to be dumped or left wholly or partly in place;
- c. any other disused offshore installation to be dumped or left wholly or partly in place, when exceptional and unforeseen circumstances resulting from structural damage or deterioration, or from some other cause presenting equivalent difficulties, can be demonstrated.

4. Before a decision is taken to issue a permit under paragraph 3, the relevant Contracting Party shall first consult the other Contracting Parties in accordance with Annex 3.

5. Any permit for a disused offshore installation to be dumped or permanently left wholly or partly in place shall accord with the requirements of Annex 4.

6. Contracting Parties shall report to the Commission by 31 December 1999 and every 2 years thereafter, relevant information on the offshore installations within their jurisdiction including, when appropriate, information on their disposal for inclusion in the inventory to be maintained by the Commission.

7. In the light of experience in decommissioning offshore installations, in particular those in categories listed in Annex 1, and in the light of relevant research and exchange of information, the Commission shall endeavour to achieve unanimous support for amendments to that Annex in order to reduce the scope of possible derogations under paragraph 3. The preparation of such amendments shall be considered by the Commission at its meeting in 2003 and at regular intervals thereafter.

Entry into force

8. This Decision enters into force on 9 February 1999, and shall then replace Decision 95/1 of the Oslo Commission concerning the Disposal of Offshore Installations.

Implementation Reports

9. If any Contracting Party decides to issue a permit for a disused offshore installation to be dumped or left wholly or partly in place within the maritime area, it shall submit to the Commission at the time of the issue of the permit a report in accordance with paragraph 3 of Annex 4.

10. If any disused offshore installation is dumped or left wholly or partly in place within the maritime area, the relevant Contracting Party shall submit to the Commission, within six months of the disposal, a report in accordance with paragraph 4 of Annex 4.

**CATEGORIES OF DISUSED OFFSHORE INSTALLATION WHERE
DEROGATIONS MAY BE CONSIDERED**

The following categories of disused offshore installations, excluding their topsides, are identified for the purpose of paragraph 3:

- a. steel installations weighing more than ten thousand tonnes in air;
- b. gravity based concrete installations;
- c. floating concrete installations;
- d. any concrete anchor-base which results, or is likely to result, in interference with other legitimate uses of the sea.

**FRAMEWORK FOR THE ASSESSMENT OF PROPOSALS FOR THE
DISPOSAL AT SEA OF DISUSED OFFSHORE INSTALLATIONS**

General Provisions

1. This framework shall apply to the assessment by the competent authority of the relevant Contracting Party of proposals for the issue of a permit under paragraph 3 of this Decision.
2. The assessment shall consider the potential impacts of the proposed disposal of the installation on the environment and on other legitimate uses of the sea. The assessment shall also consider the practical availability of reuse, recycling and disposal options for the decommissioning of the installation.

Information required

3. The assessment of a proposal for disposal at sea of a disused offshore installation shall be based on descriptions of:
 - a. the characteristics of the installation, including the substances contained within it; if the proposed disposal method includes the removal of hazardous substances from the installation, the removal process to be employed, and the results to be achieved, should also be described; the description should indicate the form in which the substances will be present and the extent to which they may escape from the installation during, or after, the disposal;
 - b. the proposed disposal site: for example, the physical and chemical nature of the sea bed and water column and the biological composition of their associated ecosystems; this information should be included even if the proposal is to leave the installation wholly or partly in place;
 - c. the proposed method and timing of the disposal.
4. The descriptions of the installation, the proposed disposal site and the proposed disposal method should be sufficient to assess the impacts of the proposed disposal, and how they would compare to the impacts of other options.

Assessment of disposal

5. The assessment of the proposal for disposal at sea of a disused offshore installation shall follow the broad approach set out below.

6. The assessment shall cover not only the proposed disposal, but also the practical availability and potential impacts of other options. The options to be considered shall include:

- a. re-use of all or part of the installation;
- b. recycling of all or part of the installation;
- c. final disposal on land of all or part of the installation;
- d. other options for disposal at sea.

Matters to be taken into account in assessing disposal options

7. The information collated in the assessment shall be sufficiently comprehensive to enable a reasoned judgement on the practicability of each of the disposal options, and to allow for an authoritative comparative evaluation. In particular, the assessment shall demonstrate how the requirements of paragraph 3 of this Decision are met.

8. The assessment of the disposal options shall take into account, but need not be restricted to:

- a. technical and engineering aspects of the option, including re-use and recycling and the impacts associated with cleaning, or removing chemicals from, the installation while it is offshore;
- b. the timing of the decommissioning;
- c. safety considerations associated with removal and disposal, taking into account methods for assessing health and safety at work;
- d. impacts on the marine environment, including exposure of biota to contaminants associated with the installation, other biological impacts arising from physical effects, conflicts with the conservation of species, with the protection of their habitats, or with mariculture, and interference with other legitimate uses of the sea;
- e. impacts on other environmental compartments, including emissions to the atmosphere, leaching to groundwater, discharges to surface fresh water and effects on the soil;
- f. consumption of natural resources and energy associated with re-use or recycling;
- g. other consequences to the physical environment which may be expected to result from the options;
- h. impacts on amenities, the activities of communities and on future uses of the environment; and
- i. economic aspects.

9. In assessing the energy and raw material consumption, as well as any discharges or emissions to the environmental compartments (air, land or water), from the decommissioning process through to the re-use, recycling or final disposal of the installation, the techniques developed for environmental life cycle assessment may be useful and, if so, should be applied. In doing so, internationally agreed principles for environmental life cycle assessments should be followed.

10. The assessment shall take into account the inherent uncertainties associated with each option, and shall be based upon conservative assumptions about potential impacts. Cumulative effects from the disposal of installations in the maritime area and existing stresses on the marine environment arising from other human activities shall also be taken into account.

11. The assessment shall also consider what management measures might be required to prevent or mitigate adverse consequences of the disposal at sea, and shall indicate the scope and scale of any monitoring that would be required after the disposal at sea.

Overall assessment

12. The assessment shall be sufficient to enable the competent authority of the relevant Contracting Party to draw reasoned conclusions on whether or not to issue a permit under paragraph 3 of this Decision and, if such a permit is thought justified, on what conditions to attach to it. These conclusions shall be recorded in a summary of the assessment which shall also contain a concise summary of the facts which underpin the conclusions, including a description of any significant expected or potential impacts from the disposal at sea of the installation on the marine environment or its uses. The conclusions shall be based on scientific principles and the summary shall enable the conclusions to be linked back to the supporting evidence and arguments. Documentation shall identify the origins of the data used, together with any relevant information on the quality assurance of that data.

CONSULTATION PROCEDURE

1. A relevant Contracting Party which is considering whether to issue a permit under paragraph 3 of this Decision shall start this consultation procedure at least 32 weeks before any planned date of a decision on that question by sending to the Executive Secretary a notification containing:
 - a. an assessment prepared in accordance with Annex 2 to this Decision, including the summary in accordance with paragraph 12 of that Annex;
 - b. an explanation why the relevant Contracting Party considers that the requirements of paragraph 3 of this Decision may be satisfied;
 - c. any further information necessary to enable other Contracting Parties to consider the impacts and practical availability of options for re-use, recycling and disposal.
2. The Executive Secretary shall immediately send copies of the notification to all Contracting Parties.
3. If a Contracting Party wishes to object to, or comment on, the issue of the permit, it shall inform the Contracting Party which is considering the issue of the permit not later than the end of 16 weeks from the date on which the Executive Secretary circulated the notification to the Contracting Parties, and shall send a copy of the objection or comment to the Executive Secretary. Any objection shall explain why the Contracting Party which is objecting considers that the case put forward fails to satisfy the requirements of paragraph 3 of this Decision. That explanation shall be supported by scientific and technical arguments. The Executive Secretary shall circulate any objection or comment to the other Contracting Parties.
4. Contracting Parties shall seek to resolve by mutual consultations any objections made under the previous paragraph. As soon as possible after such consultations, and in any event not later than the end of 22 weeks from the date on which the Executive Secretary circulated the notification to the Contracting Parties, the Contracting Party proposing to issue the permit shall inform the Executive Secretary of the outcome of the consultations. The Executive Secretary shall forward the information immediately to all other Contracting Parties.
5. If such consultations do not resolve the objection, the Contracting Party which objected may, with the support of at least two other Contracting Parties, request the Executive Secretary to arrange a special consultative meeting to discuss the objections raised. Such a request shall be made not later than the end of 24 weeks from the date on which the Executive Secretary circulated the notification to the Contracting Parties.
6. The Executive Secretary shall arrange for such a special consultative meeting to be held within 6 weeks of the request for it, unless the Contracting Party considering the issue of a permit agrees to an extension. The meeting shall be open to all Contracting Parties, the operator of the installation in question and all observers to the Commission. The meeting shall focus on the information provided in accordance with paragraphs 1 and

3 and during the consultations under paragraph 4. The chairman of the meeting shall be the Chairman of the Commission or a person appointed by the Chairman of the Commission. Any question about the arrangements for the meeting shall be resolved by the chairman of the meeting.

7. The chairman of the meeting shall prepare a report of the views expressed at the meeting and any conclusions reached. That report shall be sent to all Contracting Parties within two weeks of the meeting.

8. The competent authority of the relevant Contracting Party may take a decision to issue a permit at any time after:

- a. the end of 16 weeks from the date of despatch of the copies under paragraph 2, if there are no objections at the end of that period;
- b. the end of 22 weeks from the date of despatch of the copies under paragraph 2, if any objections have been settled by mutual consultation under paragraph 4;
- c. the end of 24 weeks from the date of despatch of the copies under paragraph 2, if there is no request for a special consultative meeting under paragraph 5;
- d. receiving the report of the special consultative meeting from the chairman of that meeting.

9. Before making a decision with regard to any permit under paragraph 3 of this Decision, the competent authority of the relevant Contracting Party shall consider both the views and any conclusions recorded in the report of the special consultative meeting, and any views expressed by Contracting Parties in the course of this procedure.

10. Copies of all the documents which are to be sent to all Contracting Parties in accordance with this procedure shall also be sent to those observers to the Commission who have made a standing request for this to the Executive Secretary.

PERMIT CONDITIONS AND REPORTS

1. Every permit issued in accordance with paragraph 3 of this Decision shall specify the terms and conditions under which the disposal at sea may take place, and shall provide a framework for assessing and ensuring compliance.

2. In particular, every permit shall:

- a. specify the procedures to be adopted for the disposal of the installation;
- b. require independent verification that the condition of the installation before the disposal operation starts is consistent both with the terms of the permit and with the information upon which the assessment of the proposed disposal was based;
- c. specify any management measures that are required to prevent or mitigate adverse consequences of the disposal at sea;
- d. require arrangements to be made, in accordance with any relevant international guidance, for indicating the presence of the installation on nautical charts, for advising mariners and appropriate hydrographic services of the change in the status of the installation, for marking the installation with any necessary aids to navigation and fisheries and for the maintenance of any such aids;
- e. require arrangements to be made for any necessary monitoring of the condition of the installation, of the outcome of any management measures and of the impact of its disposal on the marine environment and for the publication of the results of such monitoring;
- f. specify the responsibility for carrying out any management measures and monitoring activities required and for publishing reports on the results of any such monitoring;
- g. specify the owner of the parts of the installation remaining in the maritime area and the person liable for meeting claims for future damage caused by those parts (if different from the owner) and the arrangements under which such claims can be pursued against the person liable.

3. Every report under paragraph 9 of this Decision shall set out:

- a. the reasons for the decision to issue a permit under paragraph 3;
- b. the extent to which the views recorded in the report of the special consultative meeting under paragraph 7 of Annex 3 to this Decision, or expressed by other Contracting Parties during the procedure under that Annex, were accepted by the competent authority of the relevant Contracting Party;
- c. the permit issued.

4. Every report under paragraph 10 of this Decision shall set out:
- a. the steps by which the disposal at sea was carried out;
 - b. any immediate consequences of the disposal at sea which have been observed;
 - c. any further information available on how any management measures, monitoring or publication required by the permit will be carried out.

99/0098(CNS)

**Proposal for a
COUNCIL DECISION**

concerning the approval, on behalf of the Community, of OSPAR Decision 98/4 on emission and discharge limit values for the manufacture of vinyl chloride monomer (VCM), including the manufacture of 1,2-dichloroethane (EDC), and of OSPAR Decision 98/5 on emission and discharge limit values for the vinyl chloride sector, applying to the manufacture of suspension-PVC (s-PVC) from vinyl chloride monomer (VCM)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 130r(4), the first sentence of Article 228(2) and the first subparagraph of Article 228(3) thereof,

Having regard to the Commission proposal,¹

Having regard to the Opinion of the European Parliament,²

Whereas the Community is a Contracting Party to the Convention for the protection of the marine environment of the North-East Atlantic (OSPAR Convention) pursuant to Council Decision 98/249/EC of 7 October 1997;³ whereas the aim of that Convention, which entered into force on 25 March 1998, is to prevent and eliminate pollution and to protect the maritime area against the harmful effects of human activities;

Whereas the executive body of the OSPAR Convention (the OSPAR Commission) may adopt measures in the fields covered by the Convention; whereas it has adopted OSPAR Decisions 98/4 and 98/5 on emission and discharge limit values for the manufacture of vinyl chloride monomer (VCM), including the manufacture of 1,2-dichloroethane (EDC), and on emission and discharge limit values for the vinyl chloride sector, applying to the manufacture of suspension-PVC (s-PVC) from vinyl chloride monomer (VCM);

Whereas the Commission has taken part in the negotiations in accordance with the Council Conclusions concerning negotiating directives for the Convention for the protection of the marine environment of the North-East Atlantic;

Whereas the Council has adopted Directive 96/61/EC concerning integrated prevention and reduction of pollution, Directives 76/464/EEC and 86/280/EEC on discharges of certain dangerous substances and Directive 84/360/EEC on the combating of air pollution from industrial plants;

¹

²

³ OJ L 104, 3.4.1998, p. 1.

Whereas the Community should approve this Decision,

HAS DECIDED AS FOLLOWS:

Sole article

1. OSPAR Decision 98/4 on emission and discharge limit values for the manufacture of vinyl chloride monomer (VCM), including the manufacture of 1,2-dichloroethane (EDC), and OSPAR Decision 98/5 on emission and discharge limit values for the vinyl chloride sector, applying to the manufacture of suspension-PVC (s-PVC) from vinyl chloride monomer, are hereby approved on behalf of the Community.

The text of the said Decisions is attached to this Decision.

2. The Commission is authorised to notify this approval to the OSPAR Commission.

Done at Brussels,

For the Council

The President

OSPAR Decision 98/4

on Emission and Discharge Limit Values for the Manufacture of Vinyl Chloride Monomer (VCM) including the Manufacture of 1,2-dichloroethane (EDC)

RECALLING Article 2(1) of the Convention for the Protection of the Marine Environment of the North-East Atlantic ("OSPAR Convention");

RECALLING that the 1997/1998 Action Plan of the Oslo and Paris Commissions calls for the adoption of further measures, including the application of best available techniques (BAT) and best environmental practice (BEP), for the reduction or elimination of inputs to the maritime area from specific industrial sectors, and in considering these sectors, attention should be given in particular to activities which result in inputs of hazardous substances (especially organohalogen substances) and to the reduction of such inputs, with the aim of their elimination;

RECALLING that the Oslo and Paris Commissions published in 1996 a Description of BAT for the Vinyl Chloride Industry;

RECALLING PARCOM Recommendation 96/2 Concerning Best Available Techniques for the Manufacture Vinyl Chloride Monomer (VCM);

NOTING Council Directive 96/61/EC concerning integrated pollution prevention and control (IPPC Directive) and corresponding legislation of other Contracting Parties;

RECOGNISING that the vinyl chloride industry has the potential to release significant amounts of organohalogens to the environment;

RECOGNISING that the releases of chlorinated hydrocarbons arising in the manufacture of VCM can be minimised by applying BAT;

The Contracting Parties to the Convention for the Protection of the Marine Environment of the North-East Atlantic DECIDE:

1. Definitions

For the purposes of this Decision:

"Chlorinated hydrocarbons" means the sum of at least 1,2-dichloroethane (EDC), vinyl chloride monomer (VCM), chloroform, carbon tetrachloride, trichloroethane, methyl chloride and hexachlorobenzene.

"Existing plant" means plant the operation of which was authorised before 9 February 1999.

“New plant”	means plant the operation of which was authorised on or after 9 February 1999.
“VCM-plant”	means plant manufacturing VCM and/or EDC from ethylene and chlorine and/or hydrochloric acid (HCl) as feedstock.
“Dioxins”	means polychlorinated dibenzo-p-dioxins and polychlorinated dibenzofuranes, reported as Toxic Equivalents (TEQ)
“Fugitive emissions”	means releases into air due to leakages

2. Scope

- 2.1 The purpose of this Decision is to prevent and eliminate pollution and to take the necessary measures to protect the maritime area against the adverse effects of human activities due to the manufacture of VCM including the manufacture of EDC.
- 2.2 This Decision lays down limit values for releases of certain hazardous substances into water and air from the manufacturing process of VCM including EDC from ethylene and chlorine and/or HCl as feedstock.
- 2.3 The discharge limit values in table 3.2 apply only to VCM-plants from which discharges may reach the maritime area of the OSPAR Convention by waterborne routes.
- 2.4 The emission limit values in table 3.1 apply to all VCM-plants of Contracting Parties.

3. Programmes and Measures

3.1 General provisions

- 3.1.1 The annual averages of emissions from VCM-plants to the air shall not exceed the emission limit values in table 3.1.
- 3.1.2 The annual averages of discharges from VCM-plants to the water environment shall not exceed the discharge limit values in table 3.2.
- 3.1.3 The dilution of treated or untreated waste air or waste water streams for the purpose of compliance with limit values as set out in §§ 3.2 and 3.3 shall not be permitted.

3.2 Emissions to air:

- 3.2.1 Potential point sources of gas emissions from the installation/equipment shall be collected as far as possible for treatment in an incinerator or in equipment with comparable performance.

Table 3.1: Emission Limit Values

Substance	Limit value ¹⁾
VCM	5 mg/Nm ³
EDC	5 mg/Nm ³
Dioxins	0,1 ng/Nm ³ (TEQ)
HCl	30 mg/Nm ³

¹⁾ Standardised at the following conditions: temperature 273 °K, pressure 101,3 kPa and 11% O₂ dry gas.

Fugitive emissions to air shall be minimised as far as possible.

3.3 Discharges to water (total of aqueous waste streams)

Table 3.2: Discharge Limit Values

Substance	Sampling point	Limit values	
		concentration	releases in unit of weight per tonne
Chlorinated hydrocarbons	after stripper, before secondary treatment		0,7 g/tonne EDC purification capacity
Copper (total)	after final treatment		for plants with fixed bed reactors: 0,5 g/tonne of oxychlorination capacity for plants with fluidised bed reactors: 1,0 g/tonne of oxychlorination capacity
Dioxins	after final treatment		1 µg TEQ per tonne oxychlorination capacity
Chemical Oxygen Demand (COD)	after final treatment	250 mg/litre	

- 3.3.1 Adsorbable organic halogen compounds (AOX) or extractable organic halogen compounds (EOX) can be used as optional alternative parameters for chlorinated hydrocarbons, provided that a correlation, on a plant by plant basis, between AOX or EOX and chlorinated hydrocarbons has been established and will be reported in the reporting on implementation. On sites where no VCM is manufactured and EDC is not purified, the discharge limits for chlorinated hydrocarbons shall be defined in terms of EDC production capacity and not in terms of EDC purification capacity.
- 3.3.2 As copper discharges are related only to oxychlorination technology, their limits shall only be applied to discharges of the oxychlorination processes for VCM/EDC production.
- 3.3.3 On sites where no VCM is manufactured and oxychlorination processes are not used for VCM/EDC production, the discharge limits for dioxins shall be defined in terms of EDC production capacity. In this case, the limit value shall be 0,1 µg TEQ per tonne of EDC production capacity.
- 3.3.4 As an alternative to the discharge limit value of 250 mg/litre for COD, a 90% reduction of the load of COD may be applied.
- 3.3.5 As an alternative to COD as parameter, total organic carbon (TOC) may be used as a control parameter, provided a correlation factor between COD and TOC has been established.

3.4 Sampling

- 3.4.1 Samples shall be taken for analysis on the following bases:
- a. for emissions to the atmosphere, a sample, or a number of samples, representative of such emissions over a period of one hour;
 - b. for discharges to water, a sample, or a number of samples, representative of such discharges over a period of one day. Analysis of chlorinated hydrocarbons (or AOX or EOX) shall be performed on the basis of spot samples over a period of one day.
- 3.4.2 The frequency of analysis shall be determined by the competent authorities taking into account the results obtained.
- 3.4.3 For dioxins, one analysis per year can be sufficient, provided that the sampling procedure ensures representative samples.
- 3.4.4 Water samples shall be homogenised, unfiltered and undecanted, where this is compatible with the analytical methodology specified in table 3.3.

3.5 Analyses

- 3.5.1 The analytical methods set out in table 3.3, or methods yielding equivalent results, shall be used:

Table 3.3: Analytical Methods

COD	to be analysed by using potassium dichromate oxidation (See ISO 6060, second edition)
TOC	to be analysed in accordance with EN 1484
AOX, EOX	to be analysed according to ISO 9562 and EN 1485
Cu (total)	to be analysed by using flame atomic absorption spectrometry (See ISO 8288: Water Quality – determination of cobalt, nickel, copper, zinc, cadmium and lead. - Flame atomic absorption spectrometric methods)
EDC	to be analysed by gas chromatography
VCM	to be analysed by gas chromatography
Dioxins	to be analysed according to EN 1948 parts 1-3
Chlorinated hydrocarbons	to be analysed by gas chromatography
Fugitive emissions	to be quantified by using appropriate methods (e.g. by using a trace gas technique)

4. Entry into force

- 4.1 This Decision enters into force on 9 February 1999 for new plants and on 1 January 2006 for existing plants. The programmes and measures of this Decision shall be applied to:
- a. new plants from 9 February 1999;
 - b. existing plants from 1 January 2006.
- 4.2 In the case of technical modifications to an existing VCM-plant, the competent authorities shall decide whether the provisions for existing plants in this Decision still apply to the modified plant.

5. Implementation reports

- 5.1 Reports on the implementation of this Decision shall be submitted to the appropriate OSPAR working group in accordance with OSPAR's Standard Implementation Reporting and Assessment Procedure. In respect of existing plants this reporting shall commence in the intersessional period 2007/2008.
- 5.2 When reporting on implementation, the format as set out in the Appendix should be used to the extent possible.

Format for Implementation Reports of OSPAR Decision 98/4 on Emission and Discharge Limit Values for the Manufacture of Vinyl Chloride Monomer (VCM) (including Manufacture of 1,2-dichloroethane (EDC))

I. Implementation Report on Compliance

Country:

Reservation applies

Is measure applicable in your country?

If not applicable, then state why not (e.g. no relevant plant)

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Means of Implementation:	by legislation	by administrative action	by negotiated agreement
	yes/no ¹	yes/no ¹	yes/no ¹

¹ Delete as appropriate

Please provide information on:

- a. specific measures taken to give effect to this measure;
- b. any special difficulties encountered, such as practical or legal problems, in the implementation of this measure;
- c. the reasons for not having fully implemented this measure should be spelt out clearly and plans for full implementation should be reported.

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II. Implementation Report on Effectiveness

Contracting Parties should endeavour to report also the following items in accordance with the reporting format.

Emissions into the atmosphere

(annual averages, accompanied by appropriate statistical information)

Plant/site	Production ^a (tonnes)	EDC (mg/m ³)	VCM (mg/m ³)	HCl (mg/m ³)	Dioxins (ng/Nm ³ (TEQ))

Discharges into water

(annual averages, accompanied by appropriate statistical information)

Plant/site	Chlorinated hydrocarbons (g/tonne EDC purification capacity) ^b	Cu (total) (g/tonne of oxychlorination capacity) ^c		Dioxins (µg TEQ per tonne oxychlorination capacity) ^c	COD (mg/l) ^c
		fixed bed	fluidised bed		

- a Production in tonnes for the year of reporting can be given either as:
- Actual production of VCM or EDC (indicate as "A-VCM" or "A-EDC");
 - Production capacity of VCM (indicate as "PC-VCM");
 - Production capacity of EDC (indicate as "PC-EDC");
 - EDC purification capacity (indicate as "PU-EDC"); or
 - Oxychlorination capacity (indicate as "O-C").
- b Chlorinated hydrocarbons (to be sampled after stripper, before secondary treatment) may alternatively be calculated from AOX or EOX if a correlation, on a plant-by-plant basis, has been established. The application of those alternatives should be described in the implementation report.
- c To be sampled after final treatment.

OSPAR Decision 98/5

on Emission and Discharge Limit Values for the Vinyl Chloride Sector, Applying to the Manufacture of Suspension-PVC (s-PVC) from Vinyl Chloride Monomer (VCM)

RECALLING Article 2(1) of the Convention for the Protection of the Marine Environment of the North-East Atlantic ("OSPAR Convention");

RECALLING that the 1997/1998 Action Plan of Oslo and Paris Commissions calls for the adoption of further measures, including the application of best available techniques (BAT) and best environmental practice (BEP), for the reduction or elimination of inputs to the maritime area from specific industrial sectors, and in considering these sectors, attention should be given in particular to activities which result in inputs of hazardous substances (especially organohalogen substances) and to the reduction of such inputs, with the aim of their elimination;

RECALLING that the Oslo and Paris Commissions published in 1996 a Description of BAT for the Vinyl Chloride Industry;

RECALLING PARCOM Recommendation 96/3 concerning Best Available Techniques for the Manufacture of s-PVC from VCM;

NOTING Council Directive 96/61/EC concerning integrated pollution prevention and control (IPPC Directive) and corresponding legislation of other Contracting Parties;

RECOGNISING that the vinyl chloride industry has the potential to release significant amounts of organohalogenes to the environment;

RECOGNISING that the release of chlorinated hydrocarbons arising in the manufacture of s-PVC can be minimised by applying BAT and BEP;

The Contracting Parties to the Convention for the Protection of the Marine Environment of the North-East Atlantic DECIDE:

1. DEFINITIONS

For the purposes of this Decision:

"Existing plant" means plant the operation of which was authorised before 9 February 1999.

- “New plant” means plant the operation of which was authorised on or after 9 February 1999.
- “Single plant” means plant manufacturing suspension-polyvinyl chloride (s-PVC).
- “Combined plant” means plant manufacturing s-PVC and being part of an industrial site, where other chemical processes are being carried out.
- “Fugitive emissions” means releases into air due to leakages.

2. SCOPE

- 2.1 The purpose of this Decision is to prevent and eliminate pollution and to take the necessary measures to protect the maritime area against the adverse effects of human activities due to the manufacture of s-PVC from vinyl chloride monomer (VCM).
- 2.2 This Decision lays down limit values for releases of certain hazardous substances into water and air from the manufacturing process of s-PVC from VCM, i.e. polyvinyl chloride produced from VCM by the suspension process.
- 2.3 The discharge limit values in tables 3.2 and 3.3 apply only to single or combined plants from which discharges may reach the maritime area of the OSPAR Convention by waterborne routes.
- 2.4 The emission limit values in table 3.1 apply to all single or combined plants of Contracting Parties.

3. PROGRAMMES AND MEASURES

3.1 General provisions

- 3.1.1 The annual averages of emissions from plants producing s-PVC to the air shall not exceed the emission limit values in table 3.1.
- 3.1.2 The annual averages of discharges from plants producing s-PVC to the water environment shall not exceed the discharge limit values in tables 3.2 and 3.3.
- 3.1.3 The dilution of treated or untreated waste air or waste water streams for the purpose of compliance with limit values as set out in §§ 3.2. and 3.3 shall not be permitted.

3.2 Emissions to air from point sources

Table 3.1 Emission Limit Values

Substance	Limit value
VCM	80 g VCM per tonne s-PVC produced

3.2.1 Fugitive emissions shall be minimised as far as possible. They should be measured from the s-PVC production applying modern techniques.

3.3 Discharges to water

a. After effluent stripper, before secondary treatment

Table 3.2 Discharge Limit Values

Substance	Limit value
VCM	1 mg VCM per litre
	5 g VCM per tonne s-PVC produced

3.3.1 Adsorbable organic halogen compounds (AOX) or extractable organic halogen compounds (EOX) can be used as optional alternative parameters for VCM, provided that a correlation, on a plant by plant basis, between AOX or EOX and VCM has been established and will be reported in the reporting on implementation.

b. At outlet of effluent water treatment plant

Table 3.3 Discharge Limit Values

Substance	Limit value
Chemical Oxygen Demand (COD)	For single plants: 125 mg COD per litre
	For combined plants: 250 mg COD per litre
Suspended solids	30 mg suspended solids per litre

3.3.2 The main parts of the suspended solids referred to in table 3.3 are PVC particles. These suspended solids may be calculated from AOX if a correlation, on a plant by plant basis, between AOX and suspended solids has been established and will be reported in the reporting on implementation.

3.3.3 As an alternative to the discharge limit value of 250 mg/litre for chemical oxygen demand (COD), a 90 % reduction of the load of COD may be applied.

3.3.4 As an alternative to COD as parameter, total organic compounds (TOC) may be used as a control parameter, provided that a correlation factor between COD and TOC has been established.

3.4 Sampling

3.4.1 Samples shall be taken for analysis on the following bases:

- a. for emissions to the atmosphere, a sample, or a number of samples, representative of such emissions over a period of one hour;
- b. for discharges to water, a sample, or a number of samples, representative of such discharges over a period of one day. Analysis of chlorinated hydrocarbons (or AOX or EOX) shall be performed on the basis of spot samples over a period of one day.

3.4.2 The frequency of analysis shall be determined by competent authorities taking into account the results obtained.

3.4.3 Water samples shall be homogenised, unfiltered and undecanted, where this is compatible with the analytical methodology specified in table 3.4.

3.5 Analyses

3.5.1 The analytical methods set out in table 3.4, or methods yielding equivalent results, shall be used:

Table 3.4: Analytical Methods

VCM	to be analysed by gas chromatography
TOC	to be analysed in accordance with EN 1484
AOX, EOX	to be analysed according to ISO 9562 and EN 1485
COD	to be analysed by using potassium dichromate oxidation (See ISO 6060, second edition)
Suspended solids	to be determined in water effluent by filtration through glass fibre filters (see EN 872)
Fugitive emissions of VCM	to be quantified by using appropriate methods (e.g. by using a trace gas technique)

4. ENTRY INTO FORCE

4.1 This Decision enters into force on 9 February 1999 for new plants and on 1 January 2003 for existing plants. The programmes and measures of this Decision shall be applied to:

- a. new plants from 9 February 1999;
- b. existing plants from 1 January 2003.

- 4.2 In the case of technical modifications to an existing PVC-plant competent authorities shall decide whether the provisions for existing plants in this Decision still apply for the modified plant.

5. IMPLEMENTATION REPORTS

- 5.1 Reports on the implementation of this Decision shall be submitted to the appropriate OSPAR working group in accordance with OSPAR's Standard Implementation Reporting and Assessment Procedure. In respect of existing plants this reporting shall commence in the intersessional period 2004/2005.
- 5.2 When reporting on implementation, the format as set out in the Appendix should be used to the extent possible.

Format for Implementation Reports of OSPAR Decision 98/5 on Emission and Discharge Limit Values for the Vinyl Chloride Sector, Applying to the Manufacture of s-PVC from VCM

I. IMPLEMENTATION REPORT ON COMPLIANCE

Country:

Reservation applies

Is measure applicable in your country?

If not applicable, then state why not (e.g. no relevant plant)

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Means of Implementation :

by legislation	by administrative action	by negotiated agreement
yes/no ¹	yes/no ¹	yes/no ¹

Please provide information on:

- a. specific measures taken to give effect to this measure;
- b. any special difficulties encountered, such as practical or legal problems, in the implementation of this measure;
- c. the reasons for not having fully implemented this measure should be spelt out clearly and plans for full implementation should be reported.

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¹ Delete as appropriate

II. IMPLEMENTATION REPORT ON EFFECTIVENESS

Contracting Parties should endeavour to report also the following items in accordance with the reporting format.

Emissions into the atmosphere

(annual averages, accompanied by appropriate statistical information, including sampling frequencies)

Plant/site	Production ^{a)} (tonnes)	VCM (g/tonne s-PVC; point sources)	VCM (g/tonne s-PVC; fugitives)	Description of techniques to estimate fugitive emissions

- a) - Actual production of PVC (indicate as A-PVC)
 - Production capacity of PVC (indicate as P-PVC)

Discharges into water

(annual averages, accompanied by appropriate statistical information, including sampling frequencies)

Plant/site	VCM ^{a), c)} (mg/l)	VCM ^{a), c)} (g/tonne s-PVC)	COD ^{d)} (mg/l)		Suspended solids ^{b), d)} (mg/l)
			single plants	combined plants	

- a) Please state correlation when VCM data are based on AOX or EOX measurements.
 b) Please state correlation when suspended solids data are based on AOX measurements.
 c) after effluent stripper, before secondary treatment.
 d) at outlet of effluent water treatment plant.

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DOCUMENTS

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