

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(78)184 final

Brussels, 28 April 1978

## MARINE POLLUTION ARISING FROM THE CARRIAGE OF OIL ("Amoco Cadiz")

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(Commission Communication to the Council)

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INTRODUCTION

The "Amoco Cadiz" disaster has emphasized the urgent need for the Community to take the necessary steps to contribute towards preventing such accidents and dealing with their consequences.

It should be noted that the Commission did not wait for this dramatic accident to happen before starting to consider the problems of preventing and combating accidental oil pollution. In particular, the Commission sent to the Council last year a communication on the prevention, control and reduction of pollution caused by accidental oil spills, with draft resolution annexed. Also, in the communication on reorganizing the shipbuilding sector, transmitted to the Council on 6 December 1977, the Commission reminded the Council of the need for stronger action, by appropriate measures, against ships not complying with the minimum social and safety standards.

Particularly in the recent past, Parliament has adopted several resolutions advocating a comprehensive and coherent policy. And two Memoranda from the French Government in 1975 and 1977 also called for joint action on the safety of shipping.

The ecological, social and economic consequences of the "Amoco Cadiz" accident have made the general public sharply aware of the absence of effective measures against marine pollution caused by oil tankers. At the meeting of the External Affairs Council on 4 April Mr Guiringaud, the French Minister, appealed to the Community to implement a number of practical measures.

At its meeting in Copenhagen on 7 and 8 April the European Council decided that the Community should make the prevention and combating of marine pollution, particularly by hydrocarbons, a major objective. In the words of its final communiqué the European Council "invites the Council, acting on proposals from the Commission, and the Member States forthwith to take appropriate measures within the Community and to adopt common attitudes in the competent international bodies concerning in particular:

- (a) the swift implementation of existing international rules, in particular those regarding minimum standards for the operation of ships;
- (b) the prevention of accidents through coordinated action by the Member States
  - with regard to a satisfactory functioning of the system of compulsory shipping lanes,
  - and with regard to more effective control over vessels which do not meet the standards;
- (c) the search for and implementation of effective measures to combat pollution".

The specific requests of the European Council, particularly regarding substandard ships, reflect a major change in the Community's attitude towards these problems. There are three major considerations:

- (a) Matters relating to safety at sea and combating pollution have for long been set in an international context

Yet at the moment one would think that the Community had only just realized how ineffective international action is.

- (b) So far the Community has not tackled all the problems raised by marine pollution due to oil.

This is chiefly due to the lack of a common policy for sea transport, the uncertainty and complexity of the law of the sea, and the inevitable implications of any unilateral Community action for its energy supplies.

- (c) The Council has not yet acted on those Commission proposals which already go some way towards meeting the objectives fixed at the Copenhagen summit.

In view of the complexity of the corpus of problems and the need for immediate action, the Commission's efforts were based on two general concepts:

- (i) Community action must relate to international action already taken. The Commission has therefore made a survey of action already taken which brought it to the conclusion that the ineffectiveness of international action is less the result of unsuitable solutions than of lack of effective application of existing agreements and conventions.
- (ii) The need for stronger Community action is based partly on a common attitude of the Member States towards the application of international rules but also in part on the immediate implementation of specifically Community measures.

This communication is primarily concerned with problems of preventing and combating accidental oil pollution, including safety and navigation rules. The Commission has not therefore dealt with related questions such as unfair competition.

PART ONE

SURVEY OF INTERNATIONAL AND COMMUNITY ACTION

I. INTERNATIONAL ACTION

A. Extensive regulation by convention

International rules and regulations on the subject are extremely complex and scattered. For the sake of clarity we shall distinguish between three types of international action:

- (a) Regulations on the prevention of pollution by tankers; for a long time these regulations tackled the problem from the point of view of combating pollution caused by discharges of oil but are now directed to its causes.
- (b) Regulations on the safety of ships and of navigation; these are therefore not limited to the specific problem of the carriage of oil;
- (c) Regulations on liability and compensation for damage caused by accidental pollution.

1. Prevention of pollution caused by ships

(a) Rules governing the discharging of oil

The first agreements were signed under the auspices of IMCO. The 1954 London convention (known as OILPOL), as amended in 1962 and 1969, regulates hydrocarbon discharges resulting from tankers degassing their tanks and discharging ballast which are totally prohibited in certain zones. Infringement depends on there having been an unmistakable discharge; the authorities cannot take action until after the event and then only if the infringement has been discovered and the connection between the ship and the discharge can be proved. The signatory States undertake to bring in domestic laws fixing penalties for ships under their jurisdiction where the provisions of these conventions are infringed.

The convention was quickly brought into force and has been ratified by the nine Member States. Its main faults are that it did not set up an international system for establishing infringements and that it reserved the right of prosecution to the flag State.

(b) Prevention of discharges

The OILPOL Convention has proved inadequate in so far as it did not really address the causes of discharges, namely the absence, or insufficient numbers, of on-board separators and scrubbing equipment for treating oil residues. The problem was taken into consideration in the third amendment to OILPOL in 1971 which lays down new rules on the arrangement and size of cargo tanks. This amendment is still not in force.

A further IMCO conference on the prevention of marine pollution by ships was held in London in 1973 the aim being - through a new convention known as MARPOL - to tighten up the current provisions on oil and extend them to other harmful substances and waste from ships. MARPOL lays down tougher construction standards for tankers, and designates special zones such as the Baltic and the Mediterranean in which no discharges are permitted. This Convention was amended at the IMCO conference in February 1978. New technical rules require segregated ballast tanks in new tankers of over 20 000 tonnes or the use of an on-board tank-washing system for existing tankers of over 40 000 tonnes. Neither the 1973 MARPOL Convention nor its latest amendments are yet in force.

What is new about MARPOL is the attempt to organize cooperation between States in the detection of infringements. It also provides that, whilst the flag State still issues safety certificates, the port State has a very limited right to check their validity.

2. Regulations on the safety of ships and of navigation

(a) Safety of ships

There is a body of international agreements and conventions aimed at enhancing the safety of ships by imposing construction standards and minimum social rules.

(i) Construction standards

Several conventions have been signed under the auspices of IMCO to strengthen safety measures applicable to ships and the safety of life at sea. These are the MARPOL and SOLAS Conventions.

The 1960 SOLAS Convention, as successively amended, will be replaced - when it finally comes into force - by the 1974 Convention (SOLAS 1974). It sets out rules on construction, stability, radio communications, lifesaving equipment, etc. This Convention, like MARPOL 1973 was tightened up at the February 1978 IMCO conference by the addition of rules for the inspection of instruments and gear, and the operation of ships in general. Some of these provisions apply particularly to tankers.

The SOLAS Convention also provides for a system of safety inspection based on safety certificates issued by the flag State and their examination by the port State. These texts, which are an advance in terms of technical requirements and checks, have not yet come into force.

It should also be noted that the 1966 International Convention on Load Lines which came into force in 1968 lays down various rules for the maximum loading of ships to ensure stability, together with the related checks, loading certificates and enquiries after an accident.

(ii) Minimum social rules

The International Labour Organization has had several conventions adopted chiefly concerning the situation as regards social provision, in particular the safety of the crew (competence of crew, social security, working conditions on board etc.) which may affect the ship's safety.

The most important one is Convention No 147 on Minimum Standards (merchant shipping) adopted in October 1976 which is an outline convention under which States undertake to bring in laws, or check that their laws require minimum social provision and safety standards equivalent to the rules already embodied in other international ILO conventions. These are conventions on:

- minimum age (Nos 138, 58 and 7);
- shipowners' obligations in the event of sickness and accident and in respect of sickness benefits (Nos 55, 56 and 130);
- medical examination of seafarers (No 73);
- prevention of accidents (seafarers) (No 134);
- accommodation and food for crews (Nos 92 and 68);
- certificates of competency for officers and seamen's articles of agreement (Nos 22 and 53);
- repatriation of seamen (No 23, etc.)



No State has yet ratified Convention No 147.

To ensure strict and uniform application of this Convention in the North Sea region, the maritime authorities of the eight riparian countries adopted an administrative agreement on 2 March 1978 by which they undertook to see to it that social standards are observed on board vessels calling at their ports.

(b) Safety of navigation

Various recommendations adopted by the IMCO in connection with the aforementioned conventions (SOLAS 74 and MARPOL 73) and the London Conventions of 1960 and 1972 on the prevention of collisions at sea provide for shipping lanes and safety zones in areas with heavy traffic and where shipping lanes converge\*. The IMCO adopted, in particular, a recommendation on compulsory channels for very large crude carriers.

It should be pointed out that the resulting routes can be made compulsory only in a country's territorial waters: a riparian State has no powers to check compliance with routes on the high seas or even in its economic zone.

One of the chief problems is that these routes have to be drawn having regard to distance from the coast, navigation requirements and operating costs. In view of this, the IMCO's committee on maritime safety recently moved the shipping lanes off Brittany which - for obvious reasons of economics - were too close to the coast.

In the absence of a proper system of surveillance and sanctions compliance with these routes is far from complete.

3. Rules on liability and compensation for damage caused by accidental pollution

Two conventions signed in Brussels on 29 November 1969 set out to lay down rules for action on the high seas in the event of an accident which causes, or is liable to cause, oil pollution and to introduce a system of compensation for damage caused by oil pollution. The first convention contains a highly important provision recognizing the right to take action on the high seas of the State threatened by such an accident. The coastal State must consult the flag State and other States concerned before taking the steps envisaged, except in an emergency.

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\* These IMCO resolutions have been supplemented in respect of zones with heavy traffic by bilateral agreements; e.g. Britain and France have established lanes in the Channel for traffic in each direction.

The second of these conventions makes the owner liable for any pollution damage. This is no-fault liability; but with a ceiling which is too low for compensation for damage caused by supertankers.

This convention was supplemented in 1971 and 1976, by two protocols setting up an international compensation fund for damage caused by oil pollution.

Since these supplementary provisions are not yet in force, private shipping companies have substituted their own agreements (TOVALOP, followed by CRISTAL) which ensure that the cost of cleaning up coasts is paid up to a limit of \$30 million.

## B. Ineffective rules and regulations

The ineffectiveness of this array of conventions is clear - witness the succession of tanker accidents and increasing marine pollution. Despite the IMCO's efforts, this ineffectiveness is due to the lack of actual enforcement of existing standards and the gaps in the rules and regulations themselves.

### 1. Lack of enforcement

#### (a) Lack or slowness of ratification

At the present time solutions worked out at international level are technical - a match for the problems of oil pollution. This is so, in particular, of the additional protocols to the MARPOL and SOLAS Conventions adopted in February 1978 at the IMCO Conference (one of the causes of the wreck of the "Amoco Cadiz", namely the lack of duplicated steering gear, would, it appears, have been avoided if these protocols had been in force).

The fact is that most of the conventions and agreements referred to earlier are not yet in force. Progress with the ratification of conventions by States, including Member States of the European Community, is far from satisfactory\*. One of the paradoxical features of the situation is that States which have flags of convenience are often the first to ratify conventions relating to the carriage of oil, without this being a guarantee of effective enforcement. And when

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\*See attached table of ratifications.

conventions finally come into force they have often been overtaken by developments in conditions of carriage. One example of this is the unsuitability of these conditions for carriage by supertanker.

(b) Lack of international cooperation in establishing and penalizing infringements

Under international law now in force there is no real collaboration in the spotting of infringements.

Experience shows that once a ship suspected of an infringement has left the territorial waters of a polluted State this State has extreme difficulty in proving guilt and taking proceedings.

States which are party to conventions on the prevention of pollution due to carriage of oil often write low penalties into their laws. As a result, shipping companies may be tempted in some cases to deliberately accept prosecution rather than waste time cleaning the tanks of their tankers in the places specially provided for the purpose in ports.

The introduction of real control machinery would be contingent upon a restriction of the jurisdiction of the flag State to the benefit of recognition of the jurisdiction of the State detecting the pollution. Progress towards this was achieved with the adoption of the amendments to the MARPOL and SOLAS Conventions, but it is still not enough.

And it must be emphasized that the institutional framework of the IMCO is still less than perfect. Revision of the IMCO's rules is under discussion, with a view to strengthening the machinery for the formulation and enforcement of its recommendations along the lines of the system employed by the International Civil Aviation Organization.

2. Gaps in the rules and regulations

(a) Combating accidental pollution

Recent accidents to supertankers have shown that the facilities available to deal with major oil spills bear no relation to the loads carried by tankers.

What is more, ways of dealing with oil slicks are not always effective, or they have serious ecological drawbacks. Their organization and application, too, have shown shortcomings.

There is no world-wide convention for organizing emergency facilities, but measures have been taken for cooperation at regional level.

The coastal States of the North Sea, for example, have the Bonn Agreement of 9 June 1969 for cooperation in dealing with pollution of the North Sea by oil and the Baltic States concluded, on 22 March 1974, the Helsinki Convention on the Protection of the Marine Environment of the Baltic Sea Area.

Also, the Barcelona Conference, 16 February 1976, organized cooperation to combat pollution of the Mediterranean Sea by oil and other harmful substances in emergencies.

(b) Enforcement of international standards

The fact that the flag State has responsibility for compliance of its ships with international standards results in shortcomings, either because of flags of convenience, or because of the inability of the State to carry out checks on compliance. Ratification of conventions provides no assurance as to certificating bodies. All that States undertake within the IMCO is mutual recognition of certificates of safety and seaworthiness issued by national bodies.

The present trend with the MARPOL and SOLAS Conventions, namely to transfer some of the responsibility for checks on compliance to the receiving State, will not provide a solution by itself (under the system, application of the rules might vary, causing distortions of traffic, and might foster the emergence of "ports of convenience"). This is one of the reasons why several Member States of the Community have not ratified the conventions in the absence of any joint action for their uniform application.

(c) Control of navigation

Although the IMCO has adopted a number of resolutions establishing maritime "routes" there is no system for the mutual supply of information which would enable coastal States to check on compliance with the requirement for ships - particularly tankers - to use them, and to require the services of pilots to be used in dangerous

areas. A system of this kind has been introduced internationally for air traffic control and should be taken as a model for shipping.

A requirement for ships to give their position and report their movements at all times would enable the coastal State to prevent possible hazards. This system should be backed up by international - or at least regional - cooperation on facilities for assistance (towage; maritime safety corps) as was proposed, moreover, by the IMCO Conference at its February 1978 session.

(d) Crew qualifications

Several recent accidents have highlighted problems with the standard of crew training and qualifications particularly - but not only - on flag-of-convenience ships. This is a field which international regulations neglect, although a convention on the training of seafarers and the issue of certificates is in preparation within IMCO.

II. COMMUNITY ACTION

A. The Commission's proposals

1. Combating pollution

On 9 June 1977, following the Ekofisk blowout, the Commission sent to the Council a communication on action to prevent, control and reduce marine pollution due to oil spills.

In it the Commission proposed, among other things, the introduction of a census and information system on the facilities available to deal with oil spills, a research programme on technologies required for the recovery and treatment of oil and its effects on marine flora and fauna.

The proposal for a resolution also recommended to the Council that the Community should accede to the 1969 Bonn Agreement for cooperation in dealing with pollution of the North Sea by oil and the Second Protocol to the Barcelona Convention concerning cooperation in combating pollution of the Mediterranean Sea by oil and other harmful substances in cases of emergency; this was with a view to coordinated action at Community level.

## 2. Substandard ships

In its Communication on the reorganization of the shipbuilding industry of 6 December 1977, the Commission took into consideration certain aspects of the problem of substandard ships. As was pointed out, the transfer of a major part of the world fleet to flags of convenience had caused ships to appear which both presented operating hazards (substandard ships) and were hazards to the marine environment, and were at the same time subject to social rules and regulations which were unacceptable from the angle of labour law in the Community. The Commission would emphasize the need for tougher action against ships which do not meet minimum safety standards and against non-compliance with minimum social standards by means of appropriate measures, be they unilateral or part of international action (e.g. prohibition of entry to Community ports in the event of non-compliance).

It should also be mentioned that in March 1977 the Commission sent the Working Party on Transport Questions a working paper intended as a basis for examination of what joint action could be taken with regard to flags of convenience.

### B. Progress through Council of the Commission's proposals

The Environment Council meeting on 14 June 1977 agreed to give the earliest possible consideration to the Commission communication on action to deal with pollution caused by oil spills. The Council has not returned to the matter since. The Working Party on the environment has discussed the communication once.

The Communication on the reorganization of the shipbuilding industry has been discussed once by an ad hoc group which reported in April 1978 that most delegations, with the exception of the French, had been "sceptical" of the short-term effects on shipbuilding of steps required to combat pollution and deal with ships which do not meet minimum social and safety standards.

It is also the case, however, that in September 1977 the Working Party on Transport Questions showed interest in the possibility of the measures agreed on by the Group of Eight North Sea countries (since enshrined in the Administrative Agreement of 2 March 1978) being extended to the entire Community.

PART TWO

THE NEED FOR TOUGHER ACTION BY THE COMMUNITY

The ineffectiveness of the international rules and regulations explains the present demand for national or regional protection against oil pollution hazards. Several countries have recently taken unilateral action. The United States, Canada and South Africa have either banned substandard ships from entering their ports or established areas along their coasts through which the passage of supertankers is banned. France is working on appropriate measures along these lines.

There are considerable economic and legal constraints on Community action to tighten up measures concerning safety at sea and the prevention of pollution.

These constraints ought not to stand in the way of a package of Community measures - which the public are expecting - on the basis of clear priorities enabling the objectives set by the European Council to be attained.

I. CONSTRAINTS

A. Economic constraints

The tightening-up and effective checking of compliance with the minimum standards set by international conventions would cause some increase in freight rates, and hence in the price of oil, in the medium term. This is because of the Community's very great dependence at present on outside oil supplies, which cover over 50% of requirements.

This oil is carried by ships of Member States of the Community and by foreign ships, in particular those flying flags of convenience. In addition, the Community oil-tanker fleet (about 20% of the world fleet) carries not only the Member States' supplies, but also those of certain foreign States (17% of the oil imported by the United States, 9% of that imported by Japan).

In these circumstances, unilateral Community action would obviously be liable to do serious damage to Community trade. It is therefore essential that Community action to tighten up the minimum standards should be taken either within the international organizations or in liaison with the other OECD members, in particular the United States and Japan, on the basis of work at international level. These two States are known to be in favour of new safety measures for tankers.

Lastly, it should be stressed that tightening up the minimum standards would also have an effect on surplus capacity: the market would be improved by the removal of substandard ships and demand stimulated in the shipbuilding industry.

B. Legal constraints

The effectiveness of action to control pollution by ships raises the question of the jurisdiction of riparian States recognized in this field by international law inside their territorial waters and outside them.

1. The solutions adopted by the Third Conference on the Law of the Sea

The informal single negotiating text prepared by this Conference at its preceding session, which is the basis for the negotiations under way in Geneva, provides that coastal States may make laws and regulations - relating to ships on innocent passage through their territorial sea - in respect of the safety of navigation and the control of maritime traffic, and conservation of the environment of the coastal State and the prevention, abatement and control of the pollution of that environment. This text also confers on coastal States a number of powers to enforce such laws and regulations.

However, these laws and regulations may not apply to the design, construction, manning or equipment of foreign ships save where they give effect to generally accepted international rules. It should be noted that the text does not rule out regulations relating to the product carried.



In addition, coastal States may require foreign ships, in particular tankers, exercising their right of innocent passage through their territorial sea to use special sea lanes.

As regards the economic zone extending 188 miles beyond the twelve miles of the territorial sea, coastal States are also allowed, under the informal single negotiating text, to make laws and regulations for the prevention, abatement and control of pollution from ships, provided that these laws and regulations are in accordance with, and give effect to, generally recognized international standards laid down by the competent international organizations, subject to derogations, at the discretion of these organizations, for special areas of the economic zone, the protection of which requires special measures.

In cooperation with the flag State, a coastal State has certain powers of control over ships infringing the laws and regulations thus enacted and, in the most serious cases (discharge liable to cause serious damage to the coast), may bring criminal proceedings in respect of these ships.

It should be added that in the event of grave and imminent danger of pollution or threat of pollution resulting from an accident at sea or an act connected with such an accident, all States have the right, under international law, to take action outside the limits of their territorial seas to protect coasts or interests, including fishing, affected by such a danger.

## 2. The position of the Member States and of the Community

Under the Resolutions of the Hague of November 1976, the Council of the European Communities decided that the Member States would establish a 200-mile fishing zone off their coasts. As it was limited to fishing, it was not entirely an economic zone within the meaning of the provisions adopted by the Conference on the Law of the Sea, in particular as regards the conservation of the marine environment. Only France, pursuant to these Council Resolutions, has established an economic zone with jurisdiction over pollution as well. In addition, it should be recalled that the Member States have not adopted a common breadth for their territorial waters (it varies from three to twelve miles).

In the present circumstances, therefore, with the exception of France, the Member States are unable to make use of their powers of regulation and control, as recognized by the text of the Conference on the Law of the Sea, as regards pollution control outside the limits of the territorial sea, except in the event of grave and imminent danger of pollution as a result of an accident. It should also be recalled that the Member States have adopted fairly reserved positions concerning too great an extension of the regulatory and policing powers of coastal States in the economic zone, as regards pollution control, for fear that the exercise by certain third countries of very wide powers in this sphere might give rise to unjustified obstacles to the freedom of navigation of their own ships in the zones under the jurisdiction of these third countries.

A delicate balance must therefore be struck between the necessity to preserve the freedom of navigation of Community ships in the waters of third countries and the need for the Community to have adequate means of combating the pollution hazards to its coasts.

## II. FIRST BATCH OF COMMUNITY MEASURES

The Commission, though it has deliberately stressed the constraints which limit the opportunities for unilateral Community action, regards it as essential that Council and Parliament should decide as soon as possible not only on the proposals the Commission has already submitted, but also on several new moves.

### A. Action against pollution caused by oil spills at sea

#### 1. Action programme

On 9 June 1977, the Commission sent the Council - in the wake of the Ekofisk blowout - a communication on actions to prevent, control and reduce pollution caused by accidental discharges of oil at sea, together with a draft resolution. In the meantime, the Commission has obtained information on how the actions proposed in that communication can be taken. Following the disaster caused by the wreck of the "Amoco Cadiz", the resolution was redrafted and an action programme was attached to the communication. This revolves around the actions to be taken to combat pollution caused by oil spills.

It provides for the following seven actions:

- Computer processing of the existing data, or data still to be collected, on ways of dealing with marine pollution by oil with a view to the immediate use of these data in the event of accidental pollution;
- Computer processing of relevant data on tankers liable to pollute the Community's waters or coasts and on man-made structures under the jurisdiction of Member States, with a view to the immediate use of these data if necessary;
- A set of measures to enhance the cooperation and effectiveness of the emergency teams which have been or are to be set up in the Member States;
- Study of a Community contribution to the design and development of clean-up vessels to which may be fitted the equipment needed for the effective treatment of oil spills;
- Examination of ways and means for a Community initiative to meet the qualitative and quantitative requirements for the towing of vessels in distress;
- Study of the amendments and improvements which may have to be made to the rules of law regarding systems of compensation for risks of accidental pollution by oil;
- Development of a research programme on chemical and mechanical methods of combating pollution by oil discharged at sea, what becomes of it and its effect on marine flora and fauna.

## 2. Community accession to international agreements

So that the Community as such may participate in efforts to reduce pollution of the North Sea and the Mediterranean by oil and so that it may collaborate with non-Community countries concerned by these matters, the Commission is submitting to the Council two draft decisions. The first is concerned with the negotiation by the European Economic Community of its accession to the Agreement of 9 June 1969 on cooperation in dealing with the pollution of the North Sea by oil. In the second, the Commission proposes that the Council conclude the Protocol to the Barcelona Convention for the protection of the Mediterranean Sea against pollution, concerning Cooperation in Combating Pollution by Oil and other Harmful Substances.

The Commission requests that the Council approve the action programme and these two decisions at its meeting on 30 May 1978.

B. MARPOL and SOLAS Conventions, including the 1978 additional protocols, and ILO Convention No 147

1. Ratification by the Member States

Application of these conventions must be the first step towards preventing accidents such as happened to the "Amoco Cadiz". Ratification of these conventions by the Member States must be simultaneous in order to avoid distortions of traffic and enable the Community to exert pressure at the international level to improve minimum standards.

In a month's time, the Commission will present to the Council the draft decisions defining the terms of coordinated action by the Member States for the swift ratification of all these international conventions.

At present the provisions of the MARPOL and SOLAS Conventions and the supplementary protocols of 1978 do not provide the necessary assurances as regards controls. The Commission will study the possibility of coupling the ratification by the Member States with reservations on this matter.

Ratification by the Member States will not of itself bring these conventions into force internationally; the Commission is accordingly examining the possibility of adopting at Community level the provisions of these conventions on minimum standards.

2. Improvement of controls

The Commission is to study the measures needed to improve and harmonize the control of present international and internal standards. It will also investigate the possibility of making the standards themselves tougher, either within the IMCO and ILO or at Community level, on the pattern of what was done with the administrative agreement reached by the North Sea group of countries.

C. Extension to 12 miles of the breadth of the territorial seas of all Member States

The effectiveness of regulatory measures and controls by the Member States, in respect of ships sailing their territorial seas, to prevent, reduce or clean up pollution those ships may cause is directly linked with the extent of the territorial seas in which such measures may be applied.

It is desirable in this connection that the breadth of the territorial seas of all Member States be fixed at 12 miles, this limit now being sanctioned by international law. The Commission, which shares the views expressed on this matter by Mr de Guiringaud at the Council meeting of 4 April 1978, accordingly proposes that the Council call on the Member States whose territorial seas are less than 12 miles wide to extend them to that limit.

On the other hand, the Commission cannot see its way to taking a stand at present - in view of the discussions under way at the Third United Nations Conference on the Law of the Sea - on the other suggestions from the French delegation regarding, in particular, regulation of the inoffensive passage of substandard vessels through territorial sea.

D. Extension to Community level of the Administrative Agreement of the eight North Sea countries

This Agreement, concluded on 2 March 1978, is concerned with the maintenance of standards and procedures to be applied in ports of the signatory states to all vessels, of whatever flag, below specific standards derived from international agreements in respect of the minimum age of seafarers, their certificates of competency, food, medical examinations, accommodation and the prevention of accidents on board.

After the required consultations with Norway and Sweden, the Commission will submit to the Council in two months' time a proposal for adopting the terms of this agreement at Community level.

E. Joint action by the Member States within IMCO

The Commission is studying the terms of joint action by the Member States on the following points.

1. Improving the system of shipping lanes

The proposed joint action would have as its priorities: to have routes fixed farther from coasts particularly threatened by accidental pollution, improved delineation of routes and compliance with them by ships. It is also necessary to study the introduction of a reporting and surveillance system for tanker movements and of an obligation to notify any damage or discrepancy without delay to the riparian State.

2. Enhancing the safety of navigation

The coastal State would have power to require the use of a pilot in dangerous zones and towage in the event of damage. The Commission will study the implications of such measures.

3. Mutual assistance

The Community could propose the establishment of an international system or regional systems facilitating mutual assistance when there is a threat of pollution arising from damage (towage, maritime safety corps, etc.).

4. Crew qualifications

Joint action by the Member States should expedite the adoption and entry into force of the convention on the training of seafarers and the issue of certificates at the IMCO Conference in June 1978.

RATIFICATION STATUS OF CONVENTIONS APPLICABLE TO THE CARRIAGE OF PASSENGERS AND BAGGAGE BY AIR

MEMBER STATE	OILPOL			MARPOL		SOLAS		INTERVENTION 1969	CIVIL LIABILITY		FUND
	1954/1962	Am. 1969	Am. 1971	1973	Am. 1978	1974	Am. 1978		1969	1976	
GERMANY	X							X	X		Am. 1976
BELGIUM	X	X						X	X		
DENMARK	X	X						X	X		
FRANCE	X	X						X	X		
IRELAND	X										
ITALY	X	X	X								
NETHERLANDS	X	X						X	X		
UNITED KINGDOM	X	X	X					X	X		
CONVENTION IN FORCE											

TEXTS TO BE SUBMITTED TO THE COUNCIL

- I. Draft Council Resolution setting up an action programme of the European Communities on the control and reduction of pollution caused by oil spills at sea.
  
- II. Proposal for a Council Decision concluding the Protocol to the Barcelona Convention of 16 February 1976 for the protection of the Mediterranean Sea against pollution, concerning Cooperation in Combating Pollution by Oil and other Harmful Substances in Cases of Emergency.
  
- III. Recommendation for a Council Decision concerning negotiations by the European Economic Community with a view to its accession to the Bonn Agreement of 9 June 1969 on Cooperation in dealing with Pollution of the North Sea by Oil.
  
- IV. Draft Council Resolution on the extension to 12 miles of the width of the territorial sea of all Member States.



Draft Council Resolution setting up an action programme of the European Communities on the control and reduction of pollution caused by oil spills at sea

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the <sup>draft</sup> proposal from the Commission,

Having regard to the Opinion of the European Parliament,

Having regard to the Opinion of the Economic and Social Committee,

Whereas the European Council at its meeting in Copenhagen on 7 and 8 April 1978 took the view that the Community should make the prevention and control of marine pollution, in particular by hydrocarbons, an important objective of its action;

Whereas the European Communities' Action Programmes on the Environment\* stressed the paramount importance to Western Europe that effective action be taken against the dangers inherent in the carriage of oil, including the threat of serious pollution of coastal areas from accidents on the high seas and specified that the protection of marine waters to ensure that ecological balances are preserved is a priority task;

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\* OJ No C 112, 20 December 1973, page 1, and OJ No C 139, 13 June 1977, page 1.

Whereas the authorities of the Member States whose responsibility it is to take action in the event of pollution of the sea by hydrocarbons must have very prompt access to information on the human and material resources which can be deployed for the control of such pollution;

Whereas, in order to gain rapid control of accidental pollution by hydrocarbons or even to prevent such pollution, these authorities must be able to discover the characteristics of the vessels and man-made structures liable to cause such pollution and must be informed of any violations which may have been committed by vessels in the territorial waters of the Member States;

Whereas these authorities must be able to call on the assistance, at very short notice, of specialists who are fully and suitably trained in the control of pollution of the sea by hydrocarbons; and whereas the equipment used for this purpose must be immediately available for use;

Whereas the Community should provide assistance for the design and development of clean-up vessels, since, owing to their cost, it is difficult to develop such vessels on a national scale and since the Community wishes to contribute to the reorganization of the shipbuilding industry;

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Whereas, if vessels in distress off Community coasts could call upon completely satisfactory towage services, the effects of accidents would be very considerably reduced;

Whereas the legal provisions on insurance against the risks of accidental pollution by hydrocarbons must guarantee adequate compensation for the victims of such pollution;

Whereas research should be carried out to improve mechanical and chemical methods of treating hydrocarbons discharged at sea and to further knowledge regarding the subsequent history of these hydrocarbons and their effects on marine flora and fauna;

Whereas the action to be taken pursuant to this Resolution may in no event relieve operators of their liability under civil or criminal law;

Whereas the Commission must have at its disposal the resources to prepare the detailed proposals provided for in the programme annexed hereto,

APPROVES the broad lines of approach laid down in the action programme contained in the Annex;

TAKES NOTE that the Commission will present appropriate proposals as soon as possible for the implementation of this programme;

UNDERTAKES to take a decision on those proposals within nine months from the date of their presentation by the Commission or, as the case may be, of the date of transmission of the opinions of the European Parliament and the Economic and Social Committee;

CALLS ON the Member States to provide the Commission, at its request, presented case by case, with all the information needed for the purpose of applying this Resolution.

ANNEX

The European Communities' action programme on the control and reduction of pollution caused by oil spills at sea

The Commission will place appropriate proposals before the Council with a view to the following measures:

1. Computer processing of the existing data, or data still to be collected, on ways of dealing with marine pollution by oil with a view to the immediate use of these data in the event of accidental pollution

This information could include:

- a list of teams of qualified personnel to combat marine pollution by oil, the specific qualifications of such teams and practical details for calling on their services;
- the availability of products and equipment for the chemical treatment of oil spills (dispersants, precipitating agents, aerator-agitators and dispersant spreading equipment);
- availability of equipment for the mechanical treatment of spills and the specifications of the ships and equipment from which these operations can be carried out (deployment speed and stability of vessels, equipment fitted) and their location;
- availability of the requisite resources to protect coastlines (oil slick containment equipment, oil absorbants or precipitating agents, gels enabling dispersants to be used on rocks or structures, aerator-agitator and recovery equipment for use in shallow waters and beach-cleaning equipment).

The data would be so stored as to be immediately retrievable in the event of accidents and in the form required by the users. The data would be obtained by means of periodic surveys among the Member States and organizations storing this type of information. The system would be computerized to facilitate data retrieval and regular up-dating.

2. Computer processing of relevant data on tankers liable to pollute the Community's waters or coast and on man-made structures under the jurisdiction of Member States, with a view to the immediate use of these data if necessary

This system would be built up on the same lines as the previous one. It would help Member States to bring any pollution rapidly under control and to monitor application of the OILPOL and MARPOL Conventions.

It would include:

- details of the structural features of the tankers and artificial structures in question and emergency plans for prompt intervention to limit the risks of marine pollution from oil spills and to facilitate implementation of the Conventions referred to above;
  - appropriate data on the vessels calling at European ports, to be used for an assessment of the possible pollution hazards of oil spills from these vessels; and, more specifically, information on any infringements they may have committed in the territorial waters of the Member States.
3. Measures to enhance the cooperation and effectiveness of the emergency teams which have been or are to be set up in the Member States

Effective pollution control implies the existence of fully and suitably trained specialist groups supplied with equipment which is easy to use and immediately available if required. A number of such groups have already been set up and others could be established at national or multi-national level.

The Commission will investigate the ways in which practical coordination of these teams can be assured at Community level, including joint exercises on "controlled pollution" to help with their training, comparisons of equipment and exchanges of information covering, among other things, training methods, so that coordinated operations can be planned at the scene of pollution.

The effectiveness of such operations may be severely compromised if there are incompatibilities in the technical design of the equipment used by the Member States to fight oil pollution. The Commission will put to the Council proposals to harmonize the technical specifications applicable in the Member States to the components of such equipment.

4. Study of a Community contribution to the design and development of clean-up vessels to which may be fitted the equipment needed for the effective treatment of oil spills

The treatment of oil spills requires the deployment of a range of equipment to be used as the circumstances dictate. It has been suggested that all this equipment be assembled on clean-up vessels fast enough to carry it promptly to the site of an emergency. A Community initiative is called for so that design and development costs of such vessels can be shared among the constructors concerned. An investigation should be made of the possibilities open to the Community for sharing in the financing of such a venture through investment premiums or interest-relief grants.

Apart from its value in attacking marine pollution from oil spills, such a contribution would also be in line with the efforts being made to promote reorganization in the shipbuilding industry. The Commission would point out that, in its communication to the Council of 6 December 1977 on the reorganization of the Community shipbuilding industry, it proposed among other things that "the Council should decide that shipyards must be enabled to achieve a satisfactory level of competitiveness ... by improving ... research"<sup>1</sup>.

5. Ways and means for a Community initiative to meet the qualitative and quantitative requirements for the towing of vessels in distress

The investigation of the circumstances in which the "Amoco Cadiz" went aground will help to determine whether the towing facilities offered to the vessel were adequate and should make it easier to evaluate the resources available.

If it were to be found that towing facilities were not at present sufficient along the European coastline, the Commission would propose that the Community do something about it. Action would be justified by the need to protect against oil pollution both the Community's coastline and marine resources, which are the subject of Community policies.

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<sup>1</sup>COM(77)542 final, p. 21.



6. Study of the amendments and improvements which may have to be made to the rules of law regarding insurance against the risks of accidental pollution from oil spills

On the subject of insurance against the risks of marine pollution by oil, the Commission will take steps to ensure a more efficient application of the "polluter pays" principle whereby any natural or legal person governed by public or private law who is responsible for an act of pollution must pay the cost of the measures needed to prevent or control such pollution, in accordance with the Commission's communication to the Council annexed to the Council Recommendation (75/436/Euratom, ECSC, EEC) of 3 March 1975 regarding cost allocation and action by public authorities on environmental matters<sup>1</sup>.

In applying this principle to the present case, the Commission will ensure in particular that, as far as possible, not only will insurance cover the expenditure arising directly from an accidental spillage, such as the cost of beach cleaning, but also that compensation takes reasonable account of all the injury suffered by those natural and legal persons whose livelihood depends on coastal and marine resources.

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<sup>1</sup>OJ No L 194, 25 July 1975, p.1.

7. Development of a research programme on chemical and mechanical means of combating pollution due to oil discharged at sea, what becomes of it and its effects on marine flora and fauna

The programme will include the following actions:

- development of remote-sensing techniques to locate and monitor incidents causing oil pollution and mathematical models for forecasting the movements and dispersion of slicks on the surface;
- practical evaluation of the performance and effectiveness of available technologies and research into new techniques for removing oil from the surface of the sea and from beaches. This would take in chemical dispersants, containment booms, and the following methods: precipitation, combustion, mechanical recovery and microbial degradation;
- research into the behaviour and the subsequent history of oil, in the sea dealing with the rate and extent of surface evaporation, the vertical distribution of oil and its biotic and abiotic degradation;
- research into the short and long-term effects of oil, dispersants and mixtures of oil and dispersants on marine organisms and ecosystems under laboratory conditions and in controlled on-site situations. This research would include examinations of living resources after oil spills.

1. The Commission intends to set up a group of national experts to advise it on the preparation of the detailed proposals envisaged in this programme

The group will work on the basis of the conclusions (hitherto or in the future) of enquiries into the circumstances and effects of recent accidents which caused major oil spills e.g. from the "Amoco Cadiz" and the Ekofisk rig. It will take full account of the liabilities of operators under the civil or criminal law.

ANNEX II

PROPOSAL FOR A COUNCIL DECISION

concluding the Protocol to the Barcelona Convention for the protection of the Mediterranean Sea against pollution, of 16 February 1976, concerning cooperation in combating pollution by oil and other harmful substances in cases of emergency

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament,

Whereas at its meeting in Copenhagen on 7 and 8 April the European Council decided that the Community should make the prevention and control of marine pollution, particularly by oil, one of its main objectives, and asked the Council (acting on a proposal from the Commission) and the Member States immediately to introduce appropriate measures within the Community and to adopt a common stand in the international bodies concerned, particularly as regards research and the implementation of effective pollution control measures;

Whereas the programmes of action of the European Communities on the environment\* emphasize how important it is for the Community to combat marine pollution in general, and provide inter alia for Community action to combat pollution caused by transport and shipping; and specify that the protection of sea water with a view to preserving vital ecological balances is a priority task;

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\* OJ No C 112, 20.12.1973, p.1, and OJ No C 139, 13.6.1977, p.1.

Whereas the Convention for the protection of the Mediterranean Sea against pollution of 16 February 1976 provides inter alia that the necessary measures are to be taken to ensure cooperation in combating pollution of the Mediterranean Sea by oil and other harmful substances in cases of emergency;

Whereas Article 24 of the Convention for the protection of the Mediterranean Sea against pollution states that the Convention and its Protocols shall be open for signature by the European Economic Community, and whereas the European Economic Community has already ratified the Convention and the Protocol on pollution by dumping;

Whereas the Protocol concerning cooperation in combating pollution of the Mediterranean Sea by oil and other harmful substances in cases of emergency provides for the Parties to cooperate in drawing up emergency plans, promoting methods of controlling marine pollution by oil, disseminating information on the organization of resources and on new methods to prevent and control pollution, and developing relevant research programmes;

Whereas it is necessary that the Community accede to the Protocol in accordance with Article 26 of the abovementioned Barcelona Convention if the common market machinery is to be used to achieve one of the Community's objectives in the protection of the environment and the quality of life, and whereas the Treaty makes no provision for powers to take such action,

HAS DECIDED AS FOLLOWS:

Article 1

Approval is hereby given to the accession of the European Economic Community to the Protocol concerning cooperation in combating pollution of the Mediterranean Sea by oil and other harmful substances in cases of emergency.

The text of the Protocol is annexed to this Decision.

- 3 -

Article 2

The President of the Council of the European Communities shall deposit the instrument of accession provided for in Article 26 of the Barcelona Convention.

RECOMMENDATION FOR A COUNCIL DECISION

concerning negotiations by the European Economic Community with a view to its accession to the Bonn Agreement of 9 June 1969 on cooperation in dealing with pollution of the North Sea by oil

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the recommendation from the Commission,

Whereas at its meeting in Copenhagen on 7 and 8 April the European Council decided that the Community should make the prevention and control of marine pollution, particularly by oil, one of its main objectives, and asked the Council (acting on a proposal from the Commission) and the Member States immediately to introduce appropriate measures within the Community and to adopt a common stand in the international bodies concerned, particularly as regards research and the implementation of effective pollution control measures;

Whereas the programmes of action of the European Communities on the environment\* emphasize how important it is for the Community to combat marine pollution in general, provide inter alia for Community action to combat pollution caused by transport and shipping and specify that the protection of sea water with a view to preserving vital ecological balances is a priority task;

Whereas the Bonn Agreement of 9 June 1969 on cooperation in dealing with pollution of the North Sea by oil provides for the reciprocal exchange

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\* OJ C 112, 20 December 1973, page 1 and  
OJ C 139, 13 June 1977, page 1

of information on the combating of marine pollution by oil; whereas the provisions of the Agreement are such as to permit the above objectives to be attained; whereas it would therefore be desirable for the Community to accede to this Agreement,

HAS DECIDED AS FOLLOWS:

Sole Article

The Commission is hereby authorized to open negotiations with the States party to the Bonn Agreement of 9 June 1969 on cooperation in dealing with pollution of the North Sea by oil, with a view to the Community's accession to that Agreement.

The Commission shall conduct the negotiations in consultation with the representatives of the Member States.

Done at

For the Council

The President



Draft Council Resolution on the extension to 12 miles of the breadth of  
the territorial seas of all Member States

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The Council,

Considering that the Community should make the prevention and combating of marine pollution, particularly by oil, a major objective;

Further considering that for this objective to be attained the Member States must be in a position to make full use of their regulatory and supervisory powers under international law, particularly in the exercise of their sovereignty over the territorial sea;

Stressing that the effectiveness of measures to these ends is related to the extent of the areas of sea, under the jurisdiction of States, in which they can be applied; and that, without prejudice to other considerations, this observation constitutes an argument for extending the breadth of the territorial sea of States to 12 miles, in accordance with the rules of international law and as provided for by these rules;

Accordingly calls on those Member States which have not yet done so to extend the breadth of their territorial seas to a 12-mile limit, measured from the base lines.

FINANCIAL MEMORANDA

- I. EGPS
- II. DG V (1)

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Summary financial memorandum on the preparation of the proposals provided for in the European Communities action programme on the control and reduction of pollution caused by oil spills at sea

1. Budget headings concerned: Article 101

Items 3540, 3541

2. Title of the operation

Preparation of the proposals provided for in the European Communities action programme on the control and reduction of pollution caused by oil spills at sea.

3. Legal basis

Adoption of the programme by the ministers for the environment meeting within the Council on 30 May 1978.

4. Objectives of the operation

The programme provides for the submission to the Council of detailed proposals on seven topics within one year. To prepare these proposals, a start should be made on the following projects:

- (a) design of a computerized information collection and dissemination system relating to methods of controlling marine pollution by oil spills,
- (b) design of a computerized system concerning oil tankers cruising off the coasts, or entering the ports, of the Community and concerning artificial structures under the jurisdiction of the Member States, with a view to avoiding the accidental pollution of the sea by oil,
- (c) study of possible technical measures concerning towing off the Community coasts,
- (d) study of changes which it might be necessary to make to the rules of law relating to systems of insurance against the risk of accidental pollution caused by oil spills,
- (e) the organizing of joint exercises for emergency stand-by teams,
- (f) study of the design of clean-up ships and Community contribution to their development.

5. Financial implications of the operation (in EUA at current prices)

5.0 Expenditure implications

5.00 Total cost throughout the proposed period: 580 000 EUA, excluding staff expenditure

5.000 Amount to be charged to the Community Budget: all the expenditure proposed under 5.00

5.01 Pluriannual schedule of appropriations: 580 000 EUA to be committed in 1978  
Staff expenditure to be effected as from 1978.

5.02 Method of calculation

Project (a): 150 000 EUA with the following breakdown:

Fees: 60 000 EUA (20 man/months)  
Travel: 7 000 EUA  
Equipment: 80 000 EUA  
Translation and reproduction: 3 000 EUA

Project (b): 150 000 EUA with the following breakdown:

Fees: 60 000 EUA (20 man/months)  
Travel: 7 000 EUA  
Equipment: 80 000 EUA  
Translation and reproduction: 3 000 EUA

Project (c): 40 000 EUA with the following breakdown:

Fees: 30 000 EUA (10 man/months)  
Travel: 5 000 EUA  
Equipment: 2 500 EUA  
Translation and reproduction: 2 500 EUA

Project (d): 40 000 EUA with the following breakdown:

Fees: 30 000 EUA (10 man/months)  
Travel: 5 000 EUA  
Equipment: 2 500 EUA  
Translation and reproduction: 2 500 EUA

Project (e): 100 000 EUA with the following breakdown:

Preparatory work: 20 000 EUA  
Travel by the teams: 40 000 EUA  
Contribution towards maintenance and organization expenses: 40 000 EUA

Project (f): 100 000 EUA with the following breakdown:

Fees: 75 000 EUA (25 man/months)  
Travel: 10 000 EUA  
Equipment: 8 000 EUA  
Translation and reproduction: 7 000 EUA

6.0 Financing possible by means of appropriations entered in the Chapter concerned in the current Budget:

None

6.1 Financing possible by means of transfer between Chapters in the current Budget:

580 000 EUA by means of a transfer from Chapter 101 to Chapter 35:

- (i) Item 3540: 480 000 EUA for projects (a), (b), (c), (d) and (f)
- (ii) Item 3541: 100 000 EUA for project (e).

6.2 Financing by appropriate means; staff expenditures:

- relating to 1 A5/A4 post
- 1 A7/A6 post
- 1 B3/B2 post
- 1 B5/B4 post
- 2 C5/C4 posts

These posts are described in the Annex.

ANNEX: Brief description of the posts referred to in 6.2

(i) 1 A5/A4 post:

The holder of this post would be responsible for preparing the proposals relating to the programme operations assigned to the Environment and Consumer Protection Service. He would liaise with the Directorate-General carrying out the other operations in this programme. He would chair the panel of experts responsible for advising the Commission in the preparation of its proposals. He would prepare the measures to tighten up cooperation between and efficiency of the emergency stand-by teams and would be responsible for the carrying out of these measures.

(ii) 1 A7/A6 post:

The holder of this post would be responsible for the studies to be carried out with a view to setting up the information systems provided for in Sections 1 and 2 of the programme. He would be responsible for developing the information-collection procedures and for information management. He would provide the channel of communication between the Commission and the users of the systems.

(iii) 1 B3/B2 post:

The holder of this post would help organize the meetings of the panel of experts referred to above and the contacts to be made with consultants under the programme operations assigned to the Environment and Consumer Protection Service. He would be responsible for the practical organization of the exercises for the emergency stand-by teams.

(iv) 1 B5/B4 post:

The holder of this post would help organize the contacts to be made, as part of programme operations 1 and 2, with consultants, the holders of the information to be fed into the systems and the users of these systems.

(v) 2 C5/C4 posts:

The holders of these posts would carry out the secretarial work involved in the programme operations assigned to the Environment and Consumer Protection Service.

ANNEX II

SUMMARY FINANCIAL MEMORANDUM CONCERNING THE PREPARATION OF THE PROPOSALS REFERRED TO IN THE COMMISSION COMMUNICATION TO THE COUNCIL ON THE PREVENTION OF POLLUTION BY THE CARRIAGE OF OIL BY SEA

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1. Budget headings concerned2. Title of the operation

Preparation of the proposals referred to in the Commission Communication to the Council on safety at sea and the prevention of pollution by the carriage of oil by sea.

3. Legal basis

Article 84(2); presentation of a communication to the Council on the basis of the Resolution of the European Summit, Copenhagen, Easter 1978, calling on "the Council, acting on proposals from the Commission, and the Member States forthwith to take appropriate measures within the Community and to adopt common attitudes in the competent international bodies concerning, in particular:

- (a) the swift implementation of existing international rules, in particular those regarding minimum standards for the operation of ships;
- (b) the prevention of accidents through cooperated action by the Member States with regard to a satisfactory functioning of the system of compulsory shipping lanes and with regard to more effective control over vessels which do not meet the standards."

4. Objectives of the operation

The programme provides for the examination, preparation, follow-up and implementation of the following measures:

- (a) tougher controls and sanctions under IMCO conventions, including SOLAS 74 and MARPOL 73 and the Additional Protocols thereto;
- (b) improvement, with the concurrence of the IMCO, of the system of shipping lanes and the introduction of an information and surveillance system for tanker movements, including the obligation to report their arrival and positions and to notify any damage or discrepancy to the nearest coastal States without delay;
- (c) an obligation requires that when the coasts of a riparian State are threatened tankers shall use towage and/or pilotage services;
- (d) adoption at Community level of the terms of the administrative agreement of the eight North Sea countries on minimum social conditions;
- (e) development of the Community position regarding the proficiency of seafarers and the issue of certificates within the framework of the IMCO.

5. Financial implications

- 6.2 Possible financing by means of a special supplementary budget for 1978  
staff expenditure relating to

ANNEX: Summary - description of the posts mentioned in point 6

1 A-grade post: proposal and implementation of measure 4(a). The holder would maintain liaison between the national maritime authorities responsible for controls in ports and establish mutual cooperation and assistance between them.

1 A-grade post: measures 4(a) and (b). - Formulation, in liaison with panels of experts, of a Community proposal to be advanced within IMCO.

1 A-grade post: preparation and implementation of measures 4(b) and (c) and monitoring of the application of agreements concluded in this field.

1 B-grade and 2 C-grade posts: administrative backup for measures 4(a), (b), (c), (d) and (e).