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REPORT

drawn up on behalf of the Committee on the Environment,
Public Health and Consumer Protection
on the combating of pollution in the North Sea

Rapporteur: Mrs J. MAIJ-WEGGEN

At its sitting of 17 June 1981, the European Parliament referred the motion for a resolution tabled by Mr Bangemann on behalf of the Liberal and Democratic Group on the combating of pollution in the North Sea (Doc. 1-298/81) pursuant to Rule 47 of the Rules of Procedure to the Committee on the Environment, Public Health and Consumer Protection as the committee responsible and to the Committee on Budgets for an opinion. By letter of 9 November 1982, the Committee on Agriculture asked to deliver an opinion on the motion for a resolution.

At its meeting of 20 October 1981, the committee decided to draw up a report and appointed Mrs Maij-Weggen rapporteur.

It also decided that the report should cover petitions Nos 72/82, 73/82, 78/82, and 1/83 and the motion for a resolution tabled by Mr Seeler and Mrs Seibel-Emmerling on the Convention on the protection of the North Sea from pollution (Doc. 1-10/83), which was referred to the Committee on the Environment, Public Health and Consumer Protection as the committee responsible and to the Committee on Energy, Research and Technology and the Legal Affairs Committee for an opinion on 11 April 1983.

The committee considered the draft report at its meetings of 1 October 1982, 22 September 1983, 29 September 1983, 18 October 1983, and 1 December 1983. At the last meeting it adopted the motion for a resolution by 13 votes to 4 with 1 abstention.

The following took part in the vote: Mr Collins, chairman; Mr Ryan, vice-chairman; Miss Hooper, vice-chairman; Mrs Weber, vice-chairman; Mrs Maij-Weggen, rapporteur; Mr Bombard, Mr Chanterie (deputizing for Mr Del Duca), Mr Enright (deputizing for Mrs Van Hemeldonck), Mr Forth, Mr Ghergo, Mrs Lentz-Cornette, Mr Muntingh, Mr Protopapadakis (deputizing for Mr Alber), Mrs Pruvot (deputizing for Mrs Scrivener), Mr Sherlock, Mrs Spaak, Mrs Squarcialupi and Sjr Peter Vanneck (deputizing for Mr Johnson).

The opinions of the Committee on Agriculture and the Legal Affairs Committee are attached. The Committee on Budgets decided not to deliver an opinion and the opinion of the Committee on Energy, Research and Technology will be published separately.

The report was tabled on 12 December 1983.

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

MOTION FOR A RESOLUTION

on the combating of pollution in the North Sea

The European Parliament,

- having regard to the motion for a resolution tabled by Mr Bangemann on behalf of the Liberal and Democratic Group (Doc. 1-298/81),
 - having regard to the motion for a resolution tabled by Mr Seeler and Mrs Seibel-Emmerling (Doc. 1-10/83),
 - having regard to petitions Nos. 72/82, 73/82, 78/82 and 1/83,
 - having regard to the report by the Committee on the Environment, Public Health and Consumer Protection and the opinions of the Committee on Agriculture, the Committee on Energy, Research and Technology and the Legal Affairs Committee (Doc. 1-1173/83),
- A. whereas the North Sea is of great importance for the ecosystem of North West Europe,
- B. whereas the North Sea is also of major economic importance to the surrounding states,
- C. whereas it is therefore particularly important that a careful balance be maintained between ecological and economic interests in the North Sea to prevent economic activities causing fundamental damage to the North Sea environment,
- D. whereas, however, the pollution of the North Sea, particularly in estuaries and coastal areas but also in some parts of the open sea, justifies continuing concern at the state of the marine environment,
- E. whereas it is the responsibility of the governments to define the limits, both nationally and internationally, of our economic activity with respect to the use of the North Sea area,
- F. convinced that the governments of the Member States have so far failed to discharge their responsibilities with regard to marine pollution, since they have still not adopted directives which are vitally important for this problem and which have been before the Council since 1976,

- G. whereas the European Parliament and the Commission of the European Communities have already on various occasions considered aspects of the pollution of the North Sea and the rivers flowing into it,
- H. whereas a number of Council directives and decisions have been adopted which have led to some improvement in the protection of the North Sea and some of the rivers flowing into it,
- I. whereas the numerous international conventions and national laws concerning the North Sea exhibit a number of overlaps and gaps, which, when coupled with the lack of political will displayed by a number of States especially in regard to the full and proper implementation, observance and enforcement of the conventions, creates a situation where full and effective protection of the North Sea environment is not guaranteed,
1. Calls on the Commission, in preparation for the forthcoming Conference on the North Sea, to study whether Community action to combine and harmonize existing international, Community and national legislation to combat North Sea pollution in order to create a single and effective central convention on the protection of the North Sea could provide an alternative to the approach adopted hitherto of adopting specific conventions and laws for individual problems and regions;
 2. Calls on the Commission to draw up a summary of
 - (a) existing loopholes in conventions which have already been adopted and implemented,
 - (b) conventions and laws which already exist but have not yet been ratified,
 - (c) conventions and laws in preparation,pinpointing those areas in which, in its opinion, legislation is urgently needed:
 3. Calls on the Commission to ensure that this central convention defines the limits and responsibilities of human activity in the North Sea in the areas of fishing, shipping, oil and gas exploitation, mining of sea-floor deposits, land reclamation, recreation, and military activities by means of provisions for
 - a. in the fishing sector - protecting traditional fish stocks by actively pursuing current policy under which catch quotas are fixed for each species of fish following ICES/ACFM recommendations, and especially by tightening the monitoring of compliance with these quotas,

- b. compelling the shipping industry to abide by international standards on ship safety and, in order to prevent pollution by shipping, not only detaining such ships in the North Sea ports in the event of proven shortcomings or violations, but also banning them from entering North Sea ports for a number of years; for this purpose, adequate supervisory measures must be adopted both on board ships and by means of an appropriate surveillance of sea traffic, both on the water and from the air;
 - c. tightening the conditions laid down for drilling rigs and safety precautions by the North Sea states concerned when issuing licences to various oil and gas companies for oil and gas exploration and exploitation,
 - d. improving national regulations governing the living safety and working conditions of personnel on off-shore installations and harmonizing them at the European level
 - e. laying down compensation rules for fishermen who have their nets damaged by waste material dumped at sea by the offshore oil and gas industry,
 - f. drawing up a catalogue of scientific standards applicable to the exploitation of deposits in the North Sea,
 - g. controlling the siting of offshore industrial installations in the North Sea according to a scientific assessment of the level of danger they represent to the environment and fixing a ceiling above which siting is banned,
 - h. restricting military activity in tidal flats as far as possible,
 - i. setting aside certain areas which possess particularly abundant fish stocks and are rich in marine flora, and areas bordering on the above, where all experimentation and industrial activity would be prohibited,
4. Calls on the Commission to pay special attention to the effects of direct and indirect dumping of harmful waste in the North Sea and, where necessary, to present proposals minimizing the environmental impact of such dumping by:

- a. immediately implementing the directives currently before the Council,
- b. imposing a deadline to be negotiated for a halt to the production of dangerous organic substances such as DDT, dieldrin and aldrin and PCBs and placing a ban on any form of dumping on land or sea,
- c. revising forthwith the directives covering the 129 substances in List I of Council Directive 76/464/EEC,
- d. imposing stringent controls on the production of dangerous inorganic substances, particularly cadmium, mercury, zinc and lead, and also by placing a total ban on any form of dumping both on land and at sea,
- e. levying an environment tax and/or repayable deposit on these substances, and products containing them, and ensuring central collection and destruction after use,
- f. making the direct discharge into the North Sea and the rivers flowing into it of possibly harmful inorganic substances such as iron, zinc, manganese, copper, chrome and nickel, subject to strict authorization and ensuring adequate controls,
- g. reviewing the effectiveness of the 'waste oil' directive and possibly improving it so as to put a stop to all discharges of oil and waste into the sewerage system. Instead, the utilization of special collection and destruction facilities provided by the local refuse disposal services should be made compulsory,
- h. countering the illicit flushing of oil tanks in the entire North Sea area, not just by imposing prohibitions but also by tightening up controls and organizing special cleaning facilities for tankers in the North Sea ports,
- i. demanding improvements to nuclear plants that have direct or indirect contact with the North Sea, with the aim of reducing emissions of tritium, strontium, caesium and plutonium to an acceptable minimum,
- j. ensuring that domestic affluent is no longer discharged untreated into the North Sea, or the rivers flowing into it, and that the discharge points are dispersed in such a way that discharges no longer cause nuisance or harm to tourist centres, fish hatcheries, shellfish nurseries and nesting sites for birds,
- k. ensuring that rubble and excavated earth are used as much as possible, after treatment, for land-based projects, e.g. parks, with dumping at sea only allowed outside the North Sea area,
- l. ensuring that ships used for the incineration of dangerous chemicals are also located outside the vulnerable North Sea area, for example at a number of fixed sites in the Atlantic Ocean;

5. Calls on the Commission to pay special consideration to the possibility and feasibility of having a single North Sea Convention under the supervision of a central body, replacing the existing conventions and bodies, and charged with the coordination of existing conventions and laws, monitoring the implementation of European legislation, issuing authorizations for dumping and discharge operations and laying down and enforcing sanctions in the event of violations;
6. Calls on the Commission also to consider the creation of a central advisory board for the protection of the North Sea, in which all interested parties, such as industry, the fishing sector, the scientific community, and the environmental organizations are represented. Such an advisory board could operate along the lines of the 'North Sea forum' held in 1979 and meet once a year to consider specific problems and make recommendations to the relevant authorities;
7. Calls on the Commission to coordinate these activities at Community level, and also to involve the North Sea states not in the Community,
8. Invites the Commission to prepare within the near future a memorandum on a European North Sea policy containing concrete proposals in line with the wishes expressed in this resolution;
9. Instructs its President to forward this resolution to the Commission and the Council.

EXPLANATORY STATEMENT1. Introduction (References 1, 2, 5, 11 and 22)

1.1 The North Sea is a relatively shallow water mass lying between Great Britain and Norway (Shetland Isles to Bergen), Sweden and Germany (Malmo to Lubeck) and France and Great Britain (Calais to Dover). It is a part of the Atlantic Ocean and has a surface area of about 600,000 sq km. Most of the water flowing into the North Sea comes from the Atlantic Ocean via the English Channel or Northern Scotland and it remains in the North Sea for about two years before flowing northwards to the Arctic Ocean.

1.2 The North Sea also receives large quantities of water from a number of rivers entering it from the bordering countries. The most important of these are the Rhine and Meuse (Netherlands), the Scheldt (Belgium), the Elbe and Weser (West Germany) and the Trent, Humber and Tyne (United Kingdom).

1.3 The North Sea is used in many ways by the peoples of the surrounding countries. The most important activities are:

- shipping
- fishing
- extraction of oil and gas
- seabed excavation
- recreation
- land reclamation
- military activities
- disposal of waste.

In some cases the uses to which the North Sea is put conflict. Waste disposal, for instance, can cause problems for fishing and the tourist industry.

1.4 Commercial activities in and around the North Sea can also disturb the ecosystem of the North Sea itself. Its position, its characteristic coastal areas and its intensive biological life make the North Sea a valuable but vulnerable entity.

2. The North Sea as a natural system (References 2, 5, 11 and 22)

2.1 The North Sea has a rich flora and fauna, both free-swimming and attached to the seafloor. The flora consists primarily of algae, seaweeds and, of prime importance, phytoplankton, microscopic plants that form the basis for all forms of life in the sea. The first step in the food chain is the consumption of phytoplankton by zooplankton, microscopic animals. These organisms are eaten by larger ones which provide the food for the various species of lobsters, crabs, shellfish and fish. The chain is completed by the ingestion of fish by birds and marine mammals. All of the living organic material eventually decomposes following death of the organisms. The decomposition releases the nutrients in a form once more suitable for the phytoplankton.

2.2 There are many different symbiotic systems present in the North Sea but they are concentrated mainly in the coastal areas. This is because the flora is restricted to those parts of the sea floor which receive sufficient light for photosynthesis, while the bottom fauna is concentrated on areas with muddy floors. The richest coastal areas are the narrow strip along the Dutch coast, the Danish/Dutch/German Wadden Sea area and the estuaries, yet it is these very areas that are most polluted (see 4).

2.3 Thanks partly to these rich coastal areas, the whole North Sea is populated by fish. Herring and smelt spawn on gravel beds along the English coast, and the Dutch coast and Wadden Sea are an important area for sole, plaice and herring. Most fish species in the North Sea have an annual migratory pattern. Some species live in the open waters of the North Sea migrating to coastal waters to breed. The young remain in the sheltered areas for some time before they migrate back to the open sea to complete maturity. Other fish species migrate in the summer to coastal waters where the temperature is higher, returning to the open sea in the winter. Pollution of the coastal waters may have an adverse effect on the vital migration patterns of various species of fish and may in turn lead to the disappearance of some of them. However, industrial fishing has a greater effect as regards adverse fluctuations of fish stocks (see 3).

2.4 The North Sea is generally considered an area of international importance for several sea-bird species and an important sanctuary for many others. Some species are resident and live on the open sea throughout

the year coming to land only to breed. It is the richly varied coastal regions which are so important for the North Sea as a breeding area. Other species migrate to the North Sea specifically to breed whilst a further group uses the coastal areas as a resting-place on the long North-South migration routes. A threat to the survival of the sea-bird species in the North Sea area is posed both by the pollution of coastal areas affecting resting and breeding grounds and the pollution of the surface water out at sea, e.g. by oil. Of particular significance in this connection is the existence of special welfare centres at a number of places on the North Sea coast where sick sea-birds and other sick sea animals are taken care of, cleaned and treated before being returned to the sea.

2.5 Together with sea-birds, marine mammals form the last link in the food chain in the North Sea. In recent years marine mammals have drastically decreased in numbers which is an indication of the increasing dislocation of the ecosystem. The grey whale was still breeding in the North Sea recently but now, like the baleen whale, seems to have disappeared completely. Porpoises and dolphins are sometimes sighted in the northern part but are no longer found in the southern North Sea. Seals can still be found although local populations, e.g. in the Dutch Wadden Sea, are under threat. In some places on the North Sea coast there are welfare centres not only for sick sea-birds but also for seals affected by pollution (e.g. Pieterburen, Netherlands).

2.6 Summing up, it can be said that the North Sea is rich in animal and plant life but that the different communities are coming under increasing pressure. The decline in the number of sea mammals, the large number of sick and dead sea-birds and the fluctuations of fish stocks are serious warning signs which cannot be ignored.

3. Man's activities in the North Sea and the consequences for the environment

3.1 Fishing (References 1, 4 and 11)

3.1.1 Catching fish from the North Sea is an activity that has taken place for hundreds of years and it has always been an important provider of food for the surrounding countries and of income for the coastal population. Since 1966 the average catch of fish has been about 3 million tonnes, with a record catch in 1974 of 3.44 million tonnes and a low of 2.72 million tonnes

in 1977. These annual amounts represent about 40% of the total amount of fish present in the North Sea. The EEC takes about 75% of the catch, and the remaining 25% goes mainly to Norway and Sweden.

3.1.2 The pattern of the fish species caught has changed gradually over the years. The most spectacular collapse has been that of herring stocks; in 1965 1.3 million tonnes were caught, but between 1966 and 1976 the amount taken decreased by 100,000 tonnes/year until in 1977 only 44,000 tonnes were caught. Indeed, between 1978-80 herring fishing was banned for this reason. In 1981 and 1982, herring fishing was re-introduced in certain areas but catches are now strictly controlled within catch limits. With the decrease in herring catches, smelt has been increasingly taken. In 1966 the catch was only 50,000 tonnes whilst in 1977 it reached 824,000 tonnes. Since then, however, the catch figures have gradually fallen as herring catches have recovered.

3.1.3 The development of small-scale fishing into large industrial fisheries has brought about a considerable change in the North Sea ecosystem. In the early sixties the total biomass of fish in the North Sea was 8 million tonnes, of which 5 million tonnes were herring and mackerel. Today, these two species account for only about 1 million tonnes although the total biomass has remained the same. Other species like sprat, sandeels, smelt and Norway pout have filled the gap. There has also been recruitment in cod, whiting and haddock.

Strict controls have now been introduced since the herring slump. One of the organizations concerned is the International Council for the Exploration of the Sea. This Council, which consists of internationally recognized biologists, draws up an annual report on fish stocks from a purely biological standpoint. This request is forwarded to the Advisory Committee on Fishery Management, which converts it into an opinion for the EC Commission.

3.1.4 There has also been a change in the pattern of the usage of the fish caught. In 1951, 1.7 million tonnes of fish (97% of the catch) were directly consumed by man. In 1974, although 1.3 million tonnes were still eaten by man, the amount represented only 39% of the fish caught in the North Sea. Of the remaining catch, about 95% was used for the production of fish-meal as a fodder additive in order to increase the meat yield from poultry and pigs, etc. The other 5% was used to produce oil for margarine and as food for fish farms. It is questionable whether this shift in the

consumption of valuable fish protein is a rational development in the long term considering, amongst other things, the growing lack of fish protein in the world.

3.1.5 Shellfish catches also come under fishing. About 350,000 tonnes of invertebrate seafood is taken from the North Sea each year, mainly mussels and oysters. In addition to this, about 190,000 tonnes of shellfish are farmed. The Dutch and the Danish are the principal catchers. The importance of clean sea-waters for the growth of shellfish is vital since these animals have remarkable powers of accumulating chemical pollutants, e.g. mercury, a characteristic shared, to a lesser extent, by various species of fish. In recent years an increasing number of shellfish and fish have been rejected for human consumption after being caught, particularly species of fish caught nearer the coast or in estuaries (e.g. the German Bight).

3.2 Shipping (References 1, 5, 17 and 18)

3.2.1 The North Sea is one of the busiest shipping areas in the world. Every year about 420,000 ships pass through the Dover Strait. These shipping activities are not evenly distributed over the North Sea. The ports of Antwerp and Rotterdam account for the greatest concentration (about 25%). Shipping accidents cause some pollution, but deliberate discharges represent a much bigger problem.

3.2.2 Of the accidents which result in marine pollution, only those involving supertankers become well publicised. The Torrey Canyon (1967, 117,000 tonnes of oil spilt) and the Amoco Cadiz (1978, 228,000 tonnes of oil spilt) disasters caused major damage to the environment in nearby coastal areas and were given great publicity. In the North Sea, however, smaller shipping accidents occur regularly. In 1980, for example, there were 201 collisions, strandings and shipwrecks, as a result of which some 35,000 tonnes of oil were released into the sea. The environmental damage caused by such accidents must not be underestimated.

3.2.3 However, deliberate operational discharges cause much more damage. This kind of discharge is mainly of ballast water with oil residue, and oil from ships washing out their tanks with sea water. Since 1978 there have been strict rules for the operational discharge of oil by tankers, under an amendment to the Oil Pollution Convention of 1969. Modern tankers

are now increasingly equipped with systems which cut down the need for such discharges. However, many antiquated vessels are still regular offenders. Some 35% of the oil pollution in the North Sea is caused by shipping. of this, 28% can be ascribed to involuntary operations and 72% to deliberate ones (see also 4.3).

3.2.4 Apart from oil pollution from shipping, whether deliberate or not, there is also dumping at sea. This is sometimes strictly controlled, although there is a strong suspicion that most of it is carried out illegally. It is particularly difficult to keep a check on this kind of practice and there are no systematic data. Drums containing chemical waste washed up on the shore or unexpectedly high concentrations of certain chemical substances in coastal areas are often the only indications of such illegal dumping (see also 4.1 and 4.2).

3.3 Extraction of oil and gas (References 21 and Doc. 1-493/80)

3.3.1 There are large reserves of both oil and gas under the floor of the North Sea. These have been put at 5,000 million tonnes of oil and 4,000,000 million cubic metres of gas. Since extraction started in the sixties the North Sea has produced 2,780,000 million tonnes of oil and 2,700,000 million cubic metres of gas. At the present time there are 24 oil rigs and 19 gas rigs in the North Sea area. It is estimated that in the 1980's the North Sea will provide Europe with about 30% of its energy. Reserves are, however, not limitless, and it is expected that supplies from the deposits already located will be exhausted in 25-40 years.

3.3.2 Although these off-shore activities are naturally of great importance for European industry and national budgets, the environmental aspects should not be overlooked. Each year minor accidents release about 3-5,000 tonnes of oil into the sea. There is also always the chance of larger disasters. The Bravo blow-out in the northern part of the North Sea released 28,000 tonnes of oil in one week. Examples from other parts of the world such as the disaster with the drilling vessel Ixtot I in the Gulf of Mexico in 1979, releasing 400,000 tonnes in nine months, and, more recently, the oil leak in the Persian Gulf show that the Bravo disaster was only a modest one. The Parliament has already given considerable attention, in 1981, to the risks inherent in oil and gas extraction for the marine environment. Various recommendations were put forward which have not been followed up by the Commission.

3.4 Seabed excavation (Reference 5)

3.4.1 The floor of the North Sea is composed primarily of sand, gravel and clay. The sand and gravel have been extracted since the sixties using special excavators. The richest deposits are mainly on the British continental shelf but also on the Dutch continental shelf. Sand and gravel are used for making concrete, asphalt, mortar, bricks, etc. Sand is also used in road construction and preparing sites for housing and industries: it is therefore an important product for various branches of industry.

3.4.2 Little has been ascertained as yet of the consequences of soil excavation for the environment. It is known that certain species of fish, for example herring, spawn on the layers of gravel along the coast and gravel excavation will therefore certainly not help to restore herring stocks. It is also known that excavation work makes the water muddy and changes the soil structure, but very little is known about the extent to which this disturbs animal life at the bottom of the sea.

The third aspect is the danger of erosion as sea currents move fresh soil into the excavated areas. A much-cited example is the subsidence and disappearance of the village of Hallsands (UK) after 650,000 tonnes of gravel had been removed from an adjacent sea area. Better ecological supervision of excavation work would, by and large, not seem to be a superfluous luxury.

3.5 Land reclamation (References 2 and 5)

3.5.1 While soil is being excavated in one part of the North Sea, elsewhere land is being reclaimed. The aim of such reclamation projects has generally been to provide extra land for agricultural, industrial and sometimes housing purposes. In most cases the sea area is cordoned off by a series of dams and dykes and then pumped dry. In some cases, when the land is for industry or housing, sand is then heaped up on the reclaimed area. The West German and Danish parts of the Wadden area, have suffered badly from this type of scheme, the purpose of which has usually been to extend harbours. In the Netherlands there has been much land reclamation in the IJsselmeer, mainly for agriculture and housing. Although the economic utility of these projects is generally recognized, the environment is having to pay

a price. For example, 50 plant species, 6 fish species and 6 butterfly species have disappeared in the Dutch IJsselmeer area and 48 plant species have become rare. At the same time other plants and animals have reappeared.

3.5.2 Various projects have been proposed in recent years for the creation of industrial islands in the North Sea. The North Sea Island Group (consisting of about 30 companies) and a steering committee of civil servants brought out reports in 1976 and 1979 about the possibility of such an island. Although the plan has been shelved temporarily for economic reasons, it is clear that sooner or later industry will look at this challenge once again. When the time comes it will be of the greatest importance to include environmental aspects in the weighing-up of the various arguments, especially if such islands are to be used for environmentally hostile industries or even for dumping and storing dangerous substances.

3.6 Recreational activities (Reference 5)

3.6.1 The shores of the North Sea are used intensively for outdoor recreation. The main categories of recreational activity are swimming, sunbathing, fishing and water sports such as sailing and windsurfing. The dunes and the Wadden area are also used for hiking, cycling and horse-riding. In the Netherlands alone some 750,000 people go to the seaside on summer peak days and at least 10,000 pleasure boats take to sea from Dutch shores each year. These forms of recreation are very important for the population since they provide an attractive form of leisure activity and also support the tourist and leisure industry which employs some hundreds of thousands of persons in every North Sea town.

3.6.2 Recreational activities in the North Sea area could, however, encounter great difficulties if the water became too polluted. Patches of oil on beaches or heavy chemical or bacteriological pollution may make certain areas temporarily unsuitable for tourists. Excessive numbers of human beings can step up the bacteriological pollution of coastal waters considerably. Another problem arises if leisure-seekers cause too much disturbance in rest areas for brooding birds. The fencing-off of certain brooding areas may be necessary to prevent the disappearance of some species.

3.7 Military activities (Reference 22)

3.7.1 Certain areas of the North Sea are reserved for military activities such as naval and air force exercises, the testing of new weapon systems, etc. There are also specific activities such as hydrographic investigations, anti-mine operations, the detection and disposal of explosives and rescue activities. Most military activities take place in special restricted areas.

3.7.2 Most environmental damage is done by the disturbance of rest areas for birds and mammals. The large NATO exercise area to the north of the Dutch and German Wadden islands causes a nuisance over the whole extensive Wadden area.

There are many birds that breed in this area, which also harbours the last remaining seal communities. On the other hand, the Fleet Air Arm also carries out valuable work in the detection of oil slicks.

3.8 Waste disposal (References 1, 11, 14 and 16)

3.8.1 The water of the North Sea contains many natural substances, both in solution and suspension. They include salts, metals and organic materials. The greatest input of these materials into the North Sea is from the Atlantic Ocean and Baltic Sea (ca. 20 million tonnes) and from rivers (ca. 6 million tonnes). Erosion of the sea floor itself contributes a further 6 million tonnes. Added to this there is another 1.6 million tonnes of deposition from the air and ca. 1 million tonnes from land sources. A total of ca. 35 million tonnes of natural materials is thus absorbed every year by the North Sea in its natural balanced state.

3.8.2 Man's waste-dumping activities, however, add considerably to this burden. Part of the material dumped consists of natural substances, the quantity of which can lead to problems. A large proportion of the substances, however, is completely man-made, totally foreign to the environment, and consequently not easily broken down.

3.8.3 These substances mainly come from rivers flowing into the southern regions of the North Sea. Most of the waste comprises organic waste (domestic sewage), nutrients (phosphates and nitrates), agricultural run-off and industrial wastes including organohalogen compounds, sulphates, chlorides, heavy metals, oil, radioactive and cooling waters. The Rhine alone has been estimated to carry over 3,000 different substances.

3.8.4 However, direct dumping by ships at sea accounts for large amounts of waste. Figures for 1978 showed that 73 million tonnes of rubble, 62 million tonnes of dredging, 8 million tonnes of industrial waste and 9 million tonnes of sewage sludge were dumped by EEC countries. The amount of substances dumped in the sea by man is much greater than the amount of substances which reach the sea as part of the natural process.

3.8.5 Materials are also discharged from pipelines. This happens mainly in the vicinity of large towns and industrial centres adjacent to the coast. The major disadvantage of this kind of waste disposal is that much of the waste is deposited in shallow coastal regions, not only causing damage to flora and fauna, but also affecting coastal fishing and tourism.

3.8.6 Some waste substances also reach the North Sea from the atmosphere. By far the most important source of pollution from the atmosphere is that of lead from the combustion of petrol in cars. Other heavy metals such as copper, cadmium and chromium and the organohalogen compounds are also carried by the atmosphere. Mention should also be made of the special ships which are used for incinerating hazardous waste. This incineration takes place at temperatures up to 1200°C. However, incomplete combustion means that materials still end up in the sea.

4. The nature and extent of pollution

The pollutants deposited in the North Sea are generally divided into seven different categories:

- organic substances,
- inorganic substances,
- oil,
- radioactive waste,
- sewage,
- rubble and dredged materials,
- ash from incinerators.

4.1 Organic chemicals (References 6, 11, 14, 15 and 16)

4.1.1 The most well-known and notorious group of organic chemicals is the group of organochlorines which includes the insecticide DDT and aldrin, dieldrin and endrin. These chemical pesticides wash into rivers after application to the fields and then find their way to the sea. There they

are readily absorbed into particles and ultimately deposited to become part of the bottom sediment. Plankton, shellfish and crabs, etc., readily take these substances into their bodies so that the substances are accumulated along the foodchain. Even as late as 1970, Europe had at least 2 million tonnes of DDT in production. Annual production is now 60,000 tonnes, most of it intended for the Third World. In view of the enormous dangers, DDT is hardly used any more in the EEC itself. The slow breakdown of DDT has meant that large quantities have accumulated in the world's seas, including the North Sea. The concentration in the North Sea sediment ranges from 1-1,000 parts per 1,000 million, with the highest concentrations being found in the North Sea coastal regions.

4.1.2 Another important group of organic chemicals comprises the PCB's (polychlorobiphenyls) which are much used in transformers and as additives to oil, plastic, inks, etc. They are only very slightly soluble in water and do not evaporate or break down naturally. They are therefore very stable and difficult to destroy, remain in the environment for long periods of time and accumulate in the food chain. The PCB concentration in the North Sea is 8 parts per million in plankton, 37 in fish, 110 in birds and 160 in mammals.

4.1.3 It is now known that PCB's affect the hormone balance in mammals which has meant, for example, that in the Wadden Sea many baby seals are born either dead or sick. It is partly for this reason that only 15% of seals born in the Wadden Sea area survive.

It is also known that cod born in the southern part of the North Sea contain 4 - 7 times more PCB's than cod from the northern regions. Since the harmful effects of PCB's have been known, manufacture has stopped in most countries. There are still two factories producing these substances in the EEC (in West Germany and France), and the substances are still used in industry. As a result the PCB concentration in the North Sea has not yet shown any signs of diminishing in recent years.

4.1.4 There has already been a full debate on aldrin, dieldrin and endrin in the European Parliament on the basis of a Commission proposal for a directive on limit values for discharges of these substances¹.

¹ OJ No. C 175, 14 July 1980, p. 21

4.2 Inorganic chemicals (References 1, 2, 3, 7, 11, 12 and 16)

4.2.1 The most important group of inorganic chemicals includes the heavy metals mercury, lead and cadmium. All are found in the natural environment, but are being dumped as waste products in very large amounts. According to recent calculations the amounts entering the North Sea each year are:

iron	331,000 tonnes	chromium	6,000 tonnes
zinc	45,000 tonnes	nickel	4,000 tonnes
manganese	25,000 tonnes	cadmium	1,120 tonnes
lead	14,000 tonnes	mercury	1,000 tonnes
copper	10,000 tonnes		

(Reference 11)

4.2.2 Heavy metals mainly reach the North Sea via the rivers. The Rhine is the most notorious as regards its high concentration of dangerous metals such as mercury, zinc, lead and cadmium. Other substances such as lead and copper reach the sea via the atmosphere. Large amounts of inorganic waste materials are dumped straight into the North Sea, mixed with organic waste, by ships. The amounts for 1978 and 1979 were:

United Kingdom	2.5 - 2.9 million tonnes
France	1.4 - 1.7 million tonnes
West Germany	0.7 - 0.7 million tonnes
Netherlands	1.5 - 1.7 million tonnes
Belgium	0.7 - 0.7 million tonnes
Denmark	0.01 million tonnes

(Reference 16)

The total waste discharge in 1978 was 6.8 million tonnes and in 1979 7.71 million tonnes: these totals are known to have contained large amounts of inorganic chemicals.

4.2.3 Most inorganic chemicals are particularly damaging for the environment. For this reason existing international regulations forbid the dumping of cadmium and mercury in the sea. Despite this ban over 1,000 tonnes of each metal reach the North Sea every year, mainly from rivers. The EEC is working on the limitation of discharges of iron from the titanium dioxide industry. The iron from this industry is discharged

as a 3-10% solution of various sulphates in 6-23% sulphuric acid. The amount of waste produced by the industry and dumped into the North Sea in 1981 was over 5 million tonnes originating from West Germany, France, the United Kingdom, Belgium, the Netherlands and Norway.

4.2.4 More has been found out in recent years about the degree of toxicity of heavy metals. In particular they destroy the single-celled organisms, such as plankton, at the bottom of the food chain thus upsetting its delicate balance. As a result there is no longer any sign of life in strongly polluted rivers or harbour areas. Mercury is particularly notorious since it is converted by bacteria into organic methyl mercury which does no harm to some sea fauna (such as shellfish) but is fatal to man. Cadmium accumulates in the kidney causing Itai-Itai disease. Like mercury, copper sulphate is also absorbed by shellfish which are thereby made unsuitable and even dangerous for human consumption. As much waste is dumped together into the sea or reaches the sea through rivers, it is particularly difficult to establish a clear link between certain illnesses and diseases of organisms in the North Sea and certain types of waste.

4.2.5 Finally, it should be noted that some of the substances discharged are becoming scarcer and will no longer be available in future. This is particularly true of copper, nickel and cadmium. It will therefore probably be worth investigating the possibility of recycling many of these materials to give them a new economic value instead of dumping them at sea.

4.3 Oil (References 11, 17, 18, 19 and Doc. 1-473/80)

4.3.1 Oil is the collective name for a wide group of organic hydrocarbons ranging from crude oil to highly refined products. About 400,000 tonnes/year reach the North Sea. Of this 71% is land run-off, 25% from sea transport, 3% from the atmosphere, 1% from offshore oil rigs and 1% from natural seepage.

4.3.2 Thus the greatest input is from the land and caused by the flushing of used motor and industrial oils into drainage systems. However, the most publicised cases of oil pollution concern shipping disasters. In the 1970's there were 17 accidents in the North Sea area involving 9 ships greater than 100,000 tonnes. The largest spill was from the Amoco Cadiz disaster (1978, 228,000 tonnes). Although this sort of accident generally

makes the headlines it is the chronic pollution caused by ships illegally washing out their tanks at sea which is much greater and much more serious (see 3.2.3). Apart from blow-outs such as the one on the Bravo platform in 1977, pollution by the off-shore industry is relatively small. This is also true of oil pollution from the atmosphere and from natural seepage.

4.3.3 All the North Sea countries have special oil cleaning services which are regularly in action. The cost of this is far from small. In 1980 the OECD provided the following figures:

\$8-20 million/year	:	United Kingdom, France
\$3-8 million/year	:	Germany, Netherlands and Norway
\$1-3 million/year	:	Sweden
\$1 million/year	:	Denmark and Belgium

This amount only covers the cost of cleaning up the oil pollution itself. It does not include compensation for victims such as fishermen, oyster farmers, hotel keepers and tourists.

4.3.4 It is much more difficult to quantify damage to the environment. The first victims are generally birds since the oil floating on the surface interferes with the natural insulation and waterproofing qualities of a bird's feathers. It is estimated that some 25% of the birds in the North Sea area come to an early end due to oil pollution. Counts made on beaches between December 1980 and March 1981 produced the following figures for birds killed or near to death as a result of oil:

Norway/Sweden	45,000
Netherlands	30,000
Belgium/Northern France	6,000
United Kingdom	2,000
Wadden Sea	15,000

4.3.5 Other animals also suffer greatly from oil pollution. Mammals and in particular seals are very sensitive to oil as are shellfish which are generally unfit for consumption after they have been immersed in oil. Fish on the other hand tend to avoid oil-contaminated waters. Oil slicks can also cause particularly great damage near coasts, destroying animals and plants and badly affecting the tourist industry.

It can be concluded that together with pollution by organic and inorganic chemicals, oil pollution is the greatest problem of the North Sea environment.

4.4 Radioactive waste (References 10 and 11)

4.4.1 The input of radioactive waste material into the North Sea mainly comes from nuclear reprocessing plants at Windscale (UK) and Cap la Hague (France) and the cooling waters from conventional nuclear power plants e.g. Doel (Belgium). The nine Western German power stations on the Rhine together release an amount of tritium which exceeds the safety limit set by the World Health Organization.

4.4.2 The two plants for the reprocessing of spent fuel rods not only contribute the most radioactivity but also the most dangerous range of isotopes. Between 1972 and 1976, Windscale and Cap la Hague released, respectively, 902,000 and 102,000 curies of radioactivity including the isotopes strontium and caesium. Together the plants also released about 1,200 curies of plutonium, a particularly dangerous radiochemical of which about half a ton is already estimated to be present in the Irish Sea.

4.4.3 It is possible, using sea currents, to trace the flow of the radioactivity. From Windscale the flow is northwards around Scotland and then down the East Coast of England and into the central North Sea. From Cap la Hague the radioactive wastes simply hug the coastlines of Belgium, the Netherlands and West Germany before moving further northwards. Traces of these radioactive materials have been detected in the North Pole area.

4.4.4 The discharges from, inter alia, the nuclear power stations along the Rhine contain not only small amounts of caesium, strontium and plutonium but also a large amount of tritium (radioactive hydrogen). The nine West German power stations together release about 5,000 curies of tritium per year. Indeed, the concentration in Rhine water is now over half the safety limit of 1,000 pCi/l set by the World Health Organization.

4.4.5 Radioactive chemicals all decay naturally, at rates dependent on the chemical. Thus it takes caesium and strontium 30 years to lose 50% of their radioactivity and 60 years to lose 75%. The decay rates of other chemicals can be very much longer and these pollutants can therefore remain

in the environment for hundreds of years. As no adequate means have been found of neutralizing radioactive waste or disposing of it properly the sea continues to be used as a general waste disposal area. A general, absolute ban on the discharge of radioactive waste would perhaps encourage both industry and the public authorities to make more rapid progress on research into more responsible methods of disposal.

4.5 Domestic sewage (References 2, 11 and 16)

4.5.1 In the vicinity of high population areas sewage consists principally of domestic waste which contains mainly organic materials, e.g. undigested food and paper, and inorganic salts such as phosphates from soap powder, and generally a large amount of bacteria and viruses. Most countries discharge their sewage untreated directly into the North Sea by pipelines. Altogether more than 11 million cubic metres of sewage reach the North Sea daily. Some countries treat the sewage, dumping the remaining mud and sludge in the sea (UK and West Germany). A major problem is, however, that domestic sewage also contains much industrial waste which is thus disposed of without the usual permission. Undetermined industrial waste is much more complicated to treat than domestic sewage.

4.5.2 The natural breakdown of organic matter in seawater often disturbs the oxygen balance. In areas with a high discharge level the result is a chronic lack of oxygen leading to a slow but certain asphyxiation of plants and animals. The result is that in the course of time all signs of life disappear in the area. In the open sea domestic sewage, which contains many nutrients, can produce massive blooms of algae leading to localized anoxic conditions. As the algae die, the bacteria in the water will destroy them giving a second oxygen deficit. Observations in certain North Sea areas show that this usually happens in the spring. Groups of dead fish are a first warning sign.

4.5.3 Finally, mention must be made of the adverse effects of an excess of bacteria and viruses in seawater. Not only human beings (the tourist industry) but also sea mammals and above all shellfish (oyster and mussel farming) are very sensitive to infection by coli bacteria or salmonella.

4.6 Rubble and dredged spoils (References 2 and 16)

4.6.1 Rubble from the demolition of houses and other buildings is very regularly dumped in the North Sea. According to the most recent figures

the amount concerned in 1978 was 73 million tonnes. Of this 34 million were accounted for by France, 26 million by the Netherlands and 13 million by the United Kingdom. Apart from this a further 62 million tonnes of waste recovered during the dredging of harbours in the North Sea were also dumped, 30.5 million tonnes by Belgium, 17.5 million tonnes by the Netherlands, 12.1 million tonnes by the United Kingdom, 1.4 million tonnes by France and 200,000 tonnes by Denmark.

4.6.2 Little is known about the effects of dumping rubble. It is very probable that the plants and animals on the bottom of the sea will be upset for a time at least in the shallower dumping areas. This disturbance may be heightened if there is toxic chemical waste in the rubble and excavated soil from the harbours. In view of recent experiences with rubbish dumps on land where dangerous wastes are found more and more frequently, we should not be too optimistic about the purity of the rubble and dredged spoils deposited in the sea.

4.7 Ash from incinerators (References 2 and 11)

4.7.1 Some chemicals, e.g. organochlorines, cannot be dumped at sea because of international conventions (see 5.1) and are incinerated at very high temperatures (1,200°C) at sea. Special ships sailing in the central North Sea can reduce the waste with an efficiency of 99.99%, releasing it into the atmosphere as carbon dioxide and hydrochloric acid. The ash is deposited in the sea. About 100,000 tonnes of dangerous liquid waste is disposed of at sea each year by this method.

4.7.2 Although this incineration is intended to restrict the damage to the environment it is not totally effective. Hydrochloric acid, for example, may be carried by the wind and deposited on coasts or in the Wadden Sea area. At the same time about 0.01% of these very dangerous waste substances are not incinerated and escape into the marine environment. The amount involved comes to about ten tonnes of very dangerous material.

5. Legislation against pollution of the North Sea

The international character of the world's seas has meant that there is protective legislation at several levels. The North Sea area is governed by international conventions, European laws and regulations and national legislation.

5.1 International conventions (Reference 9)

5.1.1 One of the oldest international conventions is the International Convention for the Prevention of the Pollution of the Sea by Oil, also called 'Oilpol' or the 'London Convention'. This Convention, which dates from 1954 and was amended in 1962, 1969 and 1971, forbids the cleaning of oil tanks and other activities that may lead to pollution by oil within 50 miles of the North Sea coastline. All six EEC North Sea states have signed Oilpol.

5.1.2 In 1973 Oilpol was largely rewritten as the 'International Convention for the Prevention of Pollution by Ships' also known as 'Marpol' or again the 'London Convention'.

Marpol goes much further than Oilpol, redefining the term 'oil' to cover all mineral oil products including non-persistent oils. It also deals with the pollution of the sea by chemicals, packaged dangerous substances, sewage and other refuse and lays down specific rules about where and how each group of these substances may or may not be dumped. However, Marpol will only come into force when 15 states have signed the Convention. So far there are 13 signatures including France, Denmark, West Germany and the United Kingdom. For the time being therefore the much out-dated Oilpol is still in force.

5.1.3 Two other fairly old conventions are the 'Convention on the Continental Shelf' and the 'Convention on the High Seas' which were drawn up in 1958 by a special meeting of the United Nations in Geneva. These Conventions have currently been signed by 53 and 52 countries respectively and attempt to codify the rules of international law relating not only to the judicial but also to the technical, biological, economic and political aspects of problems relating to the sea. The Convention on the Continental Shelf lays down principles for the exploitation of the natural resources in areas outside national territorial limits. Articles 24 and 25 of the Convention on the High Seas state that signatory states shall draw up regulations to prevent pollution by the discharge of oil from ships or pipelines, from exploitation of the seabed or from the dumping of radioactive wastes.

5.1.4 Various agreements have been concluded specifically following accidents or other calamities at sea which have caused serious pollution. The North Sea coastal states of Belgium, the United Kingdom, the Netherlands, West Germany, Denmark, Sweden and Norway signed an 'Agreement on Cooperation in dealing with the Pollution of the North Sea by Oil' in 1969 which is better known as the Bonn Convention. In 1969 and 1971 the same countries concluded the following agreements in Brussels:

- a Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties (1969);
- an International Convention on Civil Liability for Oil Pollution Damage (1969);
- an International Convention for the Establishment of International Funds for Compensation of Damage by Oil Pollution (1971).

All these agreements were concluded as a result of the Torrey Canyon disaster.

5.1.5 To supplement Oilpol (and Marpol) the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter was drawn up in London in 1972. This Convention, better known as the London Dumping Convention, recognizes marine dumping as a legitimate form of waste disposal but also that such deliberate dumping of waste may be harmful to the marine environment. Regulations are therefore laid down to prevent pollution. Annex I to the Convention is a 'black list' of substances, the dumping of which is forbidden. They include organohalogen, mercury, cadmium, plastics, oil and high-level radioactive wastes. Annex II, the 'grey list', contains materials which may only be dumped with a special permit. This list includes arsenic, lead, copper, zinc, some organic compounds, other radioactive matter and other bulky wastes. Permits may be required for the dumping of Annex III substances, which may be disposed of only at certain places. To date 48 states have signed the Convention including all the EEC North Sea states except Belgium.

5.1.6 Also in 1972, shortly before the London Dumping Convention, the Oslo Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft came into force. This applies only to the North Sea

and north-east Atlantic and overlaps with the London Dumping Convention. It does not, however, apply to oil or radioactive wastes, in contrast to the London Convention, but does encompass the incineration of waste at sea. Action can be taken more quickly under the Oslo Convention than under the London Convention. All the EEC North Sea states have ratified the Oslo Convention.

5.1.7 There are two very important conventions which deal with marine pollution from inland sources:

- the Convention for the Prevention of Marine Pollution from Land-based Sources (Paris, 1974) and
- the Convention for the Protection of the Rhine against Chemical Pollution (Bonn, 1976).

The Paris Convention overlaps in many places with the London dumping Convention and bans the dumping of a large number of materials. All the EEC states except Belgium have acceded to this Convention. The Bonn Convention is especially concerned with improving the quality of the water in the Rhine. The lists contained in the two annexes are by and large in line with the provisions of the Oslo Convention although they go somewhat further at times.

5.1.8 Mention should finally be made of the recently completed United Nations Convention on the Law of the Sea which has been open for signature in Jamaica since December 1982. This Convention, which can be regarded as a worthy successor to the UN Conventions on the Continental Shelf and the High Seas (1954), includes, along with many other subjects, important environmental clauses which are also of concern to the North Sea. The Convention on the Law of the Sea has now been signed by 119 countries including 5 EEC countries. There are still objections to signing by West Germany and the United Kingdom although these objections do not concern the environmental clauses of the Treaty (see also report).

5.2 European legislation and regulations (References 8 and 22)

5.2.1 In 1973 the European Council of Ministers passed the first action programme on the environment¹. This states, *inter alia*, that the Oslo and

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London Dumping Conventions call for the implementation within the Community of legislative and statutory provisions. In 1976 the Commission accordingly submitted to the Council a resolution by the European Parliament with a proposal for a directive on the dumping of wastes at sea¹. However, the Member States put forward so many objections that the Commission withdrew its proposal despite the fact that the proposal called for harmonization of national laws on the discharge of waste at sea in accordance with the Oslo Convention. Sea dumping today is therefore still covered entirely by national legislation which is often based on the Oslo and London Dumping Conventions, but shows some discrepancies.

5.2.2 After the disappointment of 1976 the Commission has relied somewhat more on ad hoc measures. In 1975, for example, a directive was drawn up on the removal of oil from domestic and industrial sources in inland and coastal waters. In 1976 a directive was passed on the quality of bathing water² and in 1979 a directive on the quality required of shellfish waters³. In 1979 a proposal for a directive was also submitted to the Council on limit values for discharges of aldrin, dieldrin and endrin into the aquatic environment⁴ as was a directive on limit values for discharges of cadmium into the aquatic environment in 1981. Despite positive opinions from the European Parliament both directives are still awaiting approval by the Council. On the other hand a directive was passed in 1982 concerning limit values applicable to discharges of mercury into the aquatic environment by the chlor-alkali electrolysis industry.

5.2.3 One specific type of waste disposal, from the production of titanium dioxide, is governed by a Council directive of 1978⁵. The aim is to produce a harmonized phasing out of titanium dioxide waste disposal although no final date has been set when dumping must end. The draft harmonization programme which was due in January 1981, to be approved by the Council by July 1981 ready for implementation by January 1982, has still not been published. A further directive on methods for the surveillance and monitoring of environments concerned by waste from the titanium dioxide industry has now been passed by the Council⁶.

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² OJ L 31, 5.2.1976, p. 1

³ OJ L 281, 10.11.1979, p. 47

⁴ OJ C 175, 14.7.1980, p. 21

⁵ OJ L 54, 25.2.1978, p. 19

⁶ OJ L 378, 31.12.1982, p. 1

5.2.4 The Community has also looked at the problem of radioactive waste. There is a plan of action in the field of radioactive waste which is concerned with the problems raised by waste from nuclear installations¹, and particularly research into the management and storage of high-activity waste. It runs from 1980 to 1992 and can be reviewed every 3 years. The only legislation relating to pollution by organic chemicals is the Council decision establishing a Community information system for the control and reduction of pollution caused by hydrocarbons discharged at sea². This legislation follows up a resolution with the same title for an action programme³ on discharges of hydrocarbons into the sea.

5.2.5 Pollution from inland sources is covered by several measures. In 1976 a framework directive was drawn up⁴ on the gradual removal of pollution caused by certain dangerous substances discharged into the aquatic environment of the Community. The substances were subdivided into two lists similar to those of the Paris Convention. This legislation followed the Community's signature of the Paris Convention⁵. Furthermore, the Bonn Convention and the follow-up Berne Agreement, both relating to the Rhine, were ratified by the Community in 1977⁶.

5.2.6 Finally, the Community followed up its first action programme on the environment (1977) with a second, and then a third action programme in 1982. As regards the marine environment the last programme deals particularly with the monitoring of pollution by dangerous substances, the monitoring of pollution from oil spills and monitoring to improve the quality of water and reduce pollution. There have been two positive developments recently: in December 1982 the Council adopted a resolution connected with the further implementation of the framework directive implementing the Paris Convention⁷ (see 5.2.5) and in March 1983 the West German delegation to the Council submitted a memorandum on the development of a European campaign against the pollution of the North Sea (see Annex IV).

¹ OJ C 51, 29.2.1980, p. 1

² OJ L 355, 10.12.1981, p. 52

³ OJ C 162, 8.7.1978, p. 1

⁴ OJ L 129, 18.5.1976, p. 23

⁵ OJ L 194, 25.7.1975, p. 5

⁶ OJ L 240, 19.9.1977, p. 1

⁷ OJ L 194, 25.7.1975, p. 5

5.3 National legislation in the North Sea States (References 9, 13 and 20)

The individual North Sea states each have a history of national legislation aimed at controlling pollution. In many cases this incorporates the provisions of international agreements. States have jurisdiction over land-based sources of marine pollution, pollution from vessels in territorial waters and ships flying their flag and aircraft. A summary of the most important laws for the relevant EEC states follows.

5.3.1 Belgium

- The Law on the prevention of marine pollution from dumping operations (1978) constitutes ratification of the Oslo Convention. However, no formal permits are granted for the dumping of List II substances although there are informal 'gentlemen's agreements'.
- The Law on the protection of surface waters against pollution (1971) forbids the discharge of polluted or polluting liquids in inland or coastal waters.
- The Law on hydrocarbon pollution of seawater (1978) is based on Oilpol as amended in 1962 and 1969.

5.3.2 Denmark

- In Denmark the Law on the marine environment (1981) is far-reaching. It incorporates the provisions of the Paris Convention on land-based sources of pollution, the Oslo and London Conventions on dumping at sea and Marpol on oil pollution. Dumping in Danish territorial waters or outside is only allowed with a special permit and subject to strict restrictions. Restrictions on oil dumping are even greater. No type of oil may be discharged in Danish waters at all.
- The Environmental Protection Act (1973) on the protection of surface waters relates to the restriction of discharges into waterways and lakes and the sea. No substances that may pollute surface waters can be discharged except with a special permit.

5.3.3 France

- Law No. 76.599 of 7 July 1976 concerns dumping on the high seas and in coastal waters. For the open seas the law follows the Oslo Convention whilst in coastal waters there is a total prohibition of dumping unless the waste material can be guaranteed to be harmless.
- Inland waterways are protected by the Law of 1964. Certain waste materials may not be dumped at all whilst others require a permit.
- The Decree of 7 October 1958 takes up the Oilpol provisions on oil pollution at sea.

5.3.4 Netherlands

- The Law on the pollution of the sea (1978) was originally based on the Oslo Convention. Under this Law it is forbidden to dump harmful substances deliberately into the North Sea or Atlantic Ocean. Specific exemptions are required for certain kinds of dumping which are subject to levies.
- The Law on the pollution of surface waters covers internal waters.
- The revised Law on the pollution of the sea by oil (1978) is based on the amended version of Oilpol but goes much further. No Dutch vessel is allowed to discharge oil anywhere at sea and no other ship may pollute within 50 miles of Dutch territorial waters.
- The Minister for the Environment also commissioned a report on a coordinated management programme for the North Sea. This report was published in 1982 and submitted to the government and parliament. A special commission on North Sea problems was also recently created.

5.3.5 United Kingdom

- The Control of Pollution Act (1974) is the principal legislation governing disposal of wastes in inland and coastal waterways and the sea. All discharges are forbidden subject to the control of regional water authorities.
- The Dumping at Sea Act (1974) follows the Oslo and London Dumping Convention.

- In 1971 an oil pollution law was passed which bans British ships from dumping anywhere at sea and other ships from dumping in UK territorial waters. It is based on Oilpol.

5.3.6 West Germany

- Prevention of marine pollution is covered by the High Seas Dumping Law which is based on the Oslo and London Dumping Conventions. Specific authorization is required for the dumping of harmful waste material.
- Under the German Water Supply Law regulations for coastal waters (3-mile limit) also apply to inland waters. This law makes the discharge of any waste material into surface waters subject to authorization.
- West Germany has no specific law governing oil pollution; Oilpol and all the amendments thereto have been ratified and form the basis for German legislation.

6. Conclusions and recommendations

6.1 The North Sea is of great importance for the ecosystem of the north-western part of Europe. The quality of the flora and fauna of the North Sea influence life in large areas of our continent. At the same time the North Sea is also of great importance for the economies of the countries around it. It is therefore particularly important to maintain a careful balance between the ecological and economic importance of the North Sea in the sense that economic activities should not be allowed to cause significant damage to the North Sea environment. It is for the public authorities at both national and international level to determine where to set a limit on man's activities affecting the North Sea area. Here the European Community has a particularly heavy responsibility since the North Sea lies almost exclusively within its borders.

6.2 All the various economic activities in the North Sea present their own specific possibilities and responsibilities. With regard to fishing it can be stated that the Community has taken on extensive responsibility. After the catastrophic over-fishing in the seventies the ICES now draws up an annual report on fish stocks which is converted by the ACFM into an opinion for the European Commission which then sets a catch quota for each species of fish and shares this quota out amongst the Member States concerned. The

recently concluded fishery agreement provides an even better guarantee for the proper functioning of this quota system.

6.3 An increasing problem for fishery is however formed by the pollution of the North Sea area. The water in the estuaries, along the coast and in the Wadden Sea area is so heavily polluted that it represents a real threat to the edibility of the fish and shellfish caught there. It is therefore of great importance for the ecological balance and for fishery that the dumping of harmful waste should be restricted or even banned not only in the North Sea but also in the rivers which flow into it.

6.4 Shipping is a vital interest of the North Sea states. Apart from the busy harbour areas it does not pose an unacceptable burden on the marine environment. The greatest problems with regard to shipping arise from deliberate discharges of oil and chemicals and from accidents involving oil spills. Accidents are unfortunately not always to be avoided although much damage could be prevented by a good preventive and curative policy. In this connection the Council directive on the compulsory implementation of international standards for shipping safety and for the prevention of pollution by shipping using Community harbours¹ and the Council decision establishing a Community information system for the control and reduction of pollution caused by hydrocarbons discharged at sea² are all steps in the right direction. But to come to terms with deliberate discharges, which cause much more damage than accidents, the best remedy would seem to be a complete ban on the discharge of oil and chemical pollutants in the North Sea area.

6.5 Oil and gas extraction are also very important activities for the EC States concerned. Fortunately, direct environmental damage has so far remained limited. The great danger in oil and gas extraction is however the possibility of blowouts such as the one on the Bravo platform in the northern part of the North Sea (28,000 tonnes of oil in 1977). Recent experience however shows that a catastrophe of this kind can attain much greater dimensions (the Ixtoc drilling ship in the Gulf of Mexico in 1979 and in 1983 the leakage in the Persian Gulf, both of which released hundreds of thousands of tonnes of oil). In January 1981 the Parliament called for a number of Community measures to prevent blowouts³. However, the Commission

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2 OJ L 355, 10.12.1981, p. 52

3 OJ C 28, 9.2.1981, p. 56

has so far failed to follow up these recommendations. A completely different problem arises when harmless waste material from the offshore oil and gas industry is dumped at sea and causes damage to fishing nets. Here consideration should be given to the creation of a claim fund for the whole offshore area to provide fishermen with compensation for destroyed nets.

6.6 The fact that badly supervised excavation of bottom deposits in the North Sea area can have dramatic consequences is shown by the drama of the village of Hallsands (UK). Land reclamation projects have also caused damage to the ecosystem of the North Sea. For this reason it would seem wise to have activities related to excavation and land reclamation in the North Sea area evaluated not only by the Member State concerned, whose main interest is usually the economic benefit, but by a larger group of interested parties so that a much broader view can be taken of the consequences. This applies particularly to the establishment of industrial islands in the North Sea. The creation of such islands for industries which present a threat to the environment or for the storage and processing of dangerous substances should be seriously discouraged.

6.7 With reference to recreation, the pollution it creates cannot be compared with the inconvenience other pollution causes to people indulging in recreation or to the damage such pollution inflicts on people who earn their livelihood in this sector. Recreation suffers most from oil pollution but is also seriously hindered by the results of discharged domestic and industrial waste especially in the case of recreation areas which are adjacent to certain industrial and residential areas.

6.8 Military activities have so far caused few problems for the North Sea environment. Consideration should be given to the possibility of moving the NATO exercise area northwest of the Wadden Sea further north so that incidental damage to the Wadden Sea is kept to a minimum. It would be extremely useful if the NATO detachments operating in the North Sea area were given a part in the surveillance of illegal pollution from ships; it would certainly be of the greatest importance to have early warning of oil pollution. Dutch naval aircraft already provide very useful services in this field. Consideration should be given to a more general use of NATO detachments in the North Sea area.

6.9 The most important organic wastes dumped in the North Sea are the insecticides DDT and aldrin, dieldrin and endrin and PCB's. These substances are all very dangerous to the environment and also for human

beings. The danger is inherent not only in their toxic or even very toxic effect but also in the slow decay rate of the materials. It is therefore recommended that production of these substances should be suspended or brought under strict control; joint efforts should be made to find substitute materials and to ban any form of dumping or discharge in the environment. Until substitute materials are found, an environment tax could be imposed on production which would have to be large enough to pay for the neutralization of the materials after use. Consideration should also be given to imposing a deposit in respect of certain products in which such materials are incorporated (PCB in TL tubes and transformers).

6.10 A similar position should be taken on the most dangerous inorganic materials, particularly cadmium, mercury, zinc and lead. It should be noted that lead reaches the North Sea from the atmosphere into which it is discharged by car exhausts. In this connection Parliament's campaign to introduce lead-free petrol throughout the EEC is of the greatest importance.

6.11 It is known that radioactive waste is very damaging and remains for a very long time in the environment. It is therefore of great importance that power stations directly (Cap la Hague, Windscale) or indirectly (West German Rhine power stations, Belgian power station at Doel) connected with the North Sea, should see that no waste is deposited in the water. Unfortunately leakages from various power stations have so far proved larger than acceptable. Much more serious is the practice of dumping radioactive waste. The Parliament has already given a very clear opinion on this point¹. There has, however, been no reaction so far from the Commission and the Council.

6.12 It still happens that domestic sewage, often mixed with industrial waste, is discharged untreated into the sea. Since it is quite possible to treat this sewage, albeit at considerable cost, it is recommended that the discharge of untreated sewage should simply be forbidden both into the North Sea and into the rivers flowing into the North Sea. As, however, the discharge of large amounts of treated sewage is not without problems, care must at the same time be taken to see that the discharge points are spread as far as possible throughout invulnerable areas. There should be a discharge

¹ OJ C 51, 29.2.1980, p. 1

ban in the vicinity of tourist centres, breeding grounds for young fish, breeding grounds for birds and shellfish farming areas.

6.13 The dumping of rubble and excavated earth in the North Sea must also be avoided. In the case of excavated earth and particularly excavated harbour mud, the dumping of untreated material must be avoided as with sewage. It would be better to find a land destination for treated mud, together with the rubble, for example as part of the construction of large parks. It goes without saying that strict controls on the quality of these large amounts of earth and other material would then be advisable. For the incineration of dangerous chemicals, which is now carried out by incinerator vessels on the North Sea, it would perhaps be better to find a less vulnerable location such as the Atlantic Ocean.

6.14 Although there is an impressive series of national, community and international laws to protect the North Sea and the rivers that flow into it, this abundance is a sign of weak rather than strong policy particularly at international level. The present report records 13 international conventions, 11 European directives and 17 national laws, although it should be noted that these national laws derive from the international conventions. However the chaos caused by this multitude of legislation is so great that it is not surprising that dumping and discharge of both a legal and illegal nature are simply carried on as before and that intervention is often particularly difficult especially in the case of illegal practices. In this connection there is an urgent need for a Community campaign to harmonize existing national, community and international legislation on the protection of the North Sea and to consolidate this legislation into an all-embracing central North Sea Convention which would stop up all the gaps in the present legislation.

6.15 This North Sea Convention should be supervised by a central body which could be accommodated within the structure of the European Community, perhaps with the cooperation of Norway and Sweden, and could operate in the same way as the United States Environmental Protection Agency. It would be mainly concerned with the development and supervision of central legislation, the granting of authorization for dumping, the imposition of levies, the determination of penalties for offences, etc.

6.16 It is also important that a central advisory body on the North Sea should be set up embracing all the interested parties (industry, science, environmental groups, etc.). The basis of such a body was provided by the North Sea Forum held in 1979. This was a particularly useful initiative and there should be a concrete follow-up to support the North Sea policy. The Forum should meet once a year to look at specific problems and to formulate opinions for the appropriate authorities.

REFERENCESGeneral

1. Der Rat von Sachverständigen für Umweltfragen. Umweltprobleme der Nordsee, published by Kohlhammer, Stuttgart 1980.
2. Eisma, D. De Noordzee, published by Spectrum, Utrecht 1981.
3. Feenstra, J.F. Phosphate Fertilisers, published by Instituut voor Milieuvraagstukken, Free University, Amsterdam, 1978.
4. Fisheries of the European Community in ICES Statistical Bulletin, Vol. 61
5. Inventarisatierapport Noordzee published by the Coördinatiecommissie voor Noordzeeaangelegenheden, The Hague, 1981.
6. Koenan, K. PCB's in mammals and birds in the Netherlands, PCB Conference II, p. 35, 1973
7. Krenkel, P.A. Heavy metals in the aquatic environment, published by Pergamon Press, 1977.
8. McLoughlin, J. The law and practice relating to pollution control in the Member States of the European Community: A comparative study, published by Graham & Trotman Ltd., 1982.
9. Milieuwetgeving 147-I & 147-I-A, Nederlandse staatswetten, published by Tjeen-Willink, 1981.
10. Political Ecology Research Group (PERG). An assessment of the hazards associated with the maritime shipment of spent nuclear fuel from Windscale, published by PERG, 1980.
11. Pickaver, A.H. The Pollution of the North Sea, published by Greenpeace, 1981.
12. Pickaver, A.H. Titanium Dioxide waste dumping at sea: time to call a halt, Marine Pollution Bulletin (in press), 1982.
13. Pollution control in Great Britain - How it works, published by the Department of the Environment, 1978.
14. Rapport over het onderzoek naar de kwaliteit van het Rijnwater in de 'Flieessende Welle' van Keulen tot Hoek van Holland op 23 en 24 april 1980, Rijncommissie Waterleiding bedrijven, 1980.
15. Reijnders, P. On the causes of the decrease in the harbour seal (*Phoca vitulina*) in the Dutch Wadden Sea, Agricultural University of Wageningen, 1-116, 1980.
16. Standing Advisory Committee for Scientific Advice - 8th Meeting, Antibes 24-28 November (Oslo Convention), SACSA VIII/4/2-E, 1980.
17. Smets, S. Some economic aspects of accidental oil spills, published by the Organization for Economic Cooperation and Development (OECD), 1980.
18. Smets, S. Assessing the risk of accidental oil spills in OECD member countries, published by OECD, 1981.
19. Standring, K. & Stowe, K. Ships of Doom, in Birds, Winter 1981, published by the Royal Society for the Protection of Birds.
20. The Law and practice relating to pollution control in West Germany, Belgium, France and Denmark, published by Environmental Resources Ltd, (4 volumes) 1980/1981.

21. Werkgroep Noordzee, Noordzee Energie, Published by Werkgroep Noordzee 1981.
22. Werkgroep Noordzee, The North Sea and its environment: uses and conflicts, Proceedings of a seminar on the necessity for a comprehensive policy for the North Sea, 1980.

European Community

- C 143/70 Resolution concerning the purity of inland waters, with particular reference to the pollution of the Rhine.
- C 2/72 Resolution concerning the pollution of the rivers and especially the Rhine.
- C 112/73 Declaration of the Council of the European Communities and of the representatives of the Governments of the Member States in the Council of 22.11.73 on the programme of action of the European Communities on the environment.
- C 153/75 Council resolution of 26.6.75 extending the powers of the Advisory Committee on Programme Management for 'Treatment and storage of radioactive waste' (direct action) and 'Management and storage of radioactive waste' (indirect action).
- L 194/75 Decision of the Council of 3.3.75 concluding the Convention for the Prevention of Marine Pollution from Land-based Sources.
- L 194/75 Directive of the Council of 16.6.75 concerning the disposal of waste oil.
- L 31/76 Council Directive of 8.12.75 concerning the quality of bathing water.
- C 40/76 Proposal for a Council Directive concerning the dumping of wastes at sea.
- L 139/76 Council Directive of 4.5.76 on pollution caused by certain dangerous substances discharged into the aquatic environment by the Communities.
- C 139/77 Resolution of the Council of the European Communities and of the representatives of the Governments of the Member States meeting within the Council of 17.5.77 on the continuation and implementation of a European Communities policy and action programme on the environment.
- L 240/77 Council Decision of 25.7.77 concluding the Convention for the protection of the Rhine against chemical pollution and an Additional Agreement to the Agreement, signed in Berne on 29.4.63, concerning the International Commission for the Protection of the Rhine against Pollution.
- L 54/78 Council Directive on waste from the titanium dioxide industry.
- L 84/78 Council Directive of 20.3.78 on toxic and dangerous waste.
- C 162/78 Council Resolution of 26.6.78 setting up an action programme of the European Communities on the control and reduction of pollution caused by hydrocarbons discharged at sea.
- C 146/79 Proposal for a Council Directive on the limit values for discharges of aldrin, dieldrin and endrin into the aquatic environment.
- L 281/79 Council Directive of 30.10.79 on the quality required of shellfish waters.

- C 4/80 Pollution of the Rhine (debate)
Resolution on pollution of the Rhine.
- C 51/80 Council Resolution of 18.2.80 on the implementation of a Community plan of action in the field of radioactive waste.
- C 356/80 Proposal for a Council Directive on methods for the surveillance and monitoring of the environments affected by wastes from the titanium dioxide industry.
- Doc. 1-473/80 Report on the prevention of accidents by the extraction of oil and gas in North West European waters.
- C 118/81 Proposal for a Council Directive concerning the limit values for discharges of cadmium into the aquatic environment and quality objectives for cadmium in the aquatic environment.
- L 355/81 Council Decision of 3.12.81 establishing a Community information system for the control and reduction of pollution caused by hydrocarbons discharged at sea.
- Doc. 1-1072/81 Report on the proposal from the Commission of the European Communities to the Council for a directive on methods for the surveillance and monitoring of the environments affected by wastes from the titanium dioxide industry.
- L 81/82 Council Directive of 22.3.82 on limit values and quality objectives for mercury discharges by the chlor-alkali industry.

EUROPEAN PARLIAMENT

Working Documents

1981 - 1982

16 JUNE 1981

DOCUMENT 1-298/81

MOTION FOR A RESOLUTION

tabled by Mr BANGEMANN

on behalf of the Liberal and Democratic Group

pursuant to Rule 47 of the Rules of Procedure

on the pollution of the North Sea

The European Parliament,

1. Notes the increase in the pollution of the North Sea by toxic substances
 - in quantitative terms, as a result of the implantation of exploration and production equipment in the North Sea itself, the disposal of sewage sludge and industrial waste and the input of pollutants from rivers and conduits, from the air, because of accidents or deliberate discharges by vessels carrying oil, chemicals or other products and from other sources; and
 - in terms of the nature of the pollutants, in particular heavy metals and halogenated hydrocarbons, with the result that in certain places the marine environment is already in acute danger and the ecological system of the North Sea as a whole is under threat; this situation also poses a serious danger to the livelihoods of fishermen and to the health of the consumer;
2. Is of the opinion that the bases for balanced and coordinated national measures to protect and improve the marine environment of the North Sea have been created by international agreements, regulations and directives;
3. Appreciates and welcomes all national measures to supplement and implement international agreements and regulations;
4. Welcomes in particular all the measures which have so far been taken by the Commission and Council of the European Communities to improve the North Sea's ecological situation;
5. Calls for the immediate adoption of the proposals for Community directives which have already been drafted and for the urgent preparation of further directives on particularly dangerous substances;
6. Calls for immediate action, despite the considerable number of regulations already in existence, to remedy the failures, to ratify and implement international agreements, Community directives and Community regulations on the protection of the sea, particularly the North Sea, and for measures to ensure supervision, enforcement and the composition of appropriate penalties, and expects the Commission, Council and all the coastal States to take the necessary steps;
7. Requests that the disposal of pollutants into the seas and rivers by burning or dumping industrial waste at sea be halted;
8. Points out that an investigation must be made of the problem of waste being transported to countries with less stringent approval procedures and that the Community should support the work already begun by the OECD on this matter;

.../...

9. Calls for coordinated measures by the coastal States to prevent and deal with the effects of accidents involving vessels carrying oil, chemicals or other products;
10. Is of the opinion that effective surveillance is necessary to enforce the ban on the disposal of radioactive substances in the North Sea;
11. Calls for international measures for adequate coastal protection, with special reference to the North European tidal flats ('Wattenmeer');
12. Calls for the creation of an environmental monitoring system for the North Sea, including international coordination of the coastal States' measurement programmes;
13. Calls upon the European Community to make available sufficient staff and material resources to be able to perform a coordinating role within the existing international bodies with a view to attainment of the aims of protecting the marine environment of the North Sea;
14. Suggests that an international 'North Sea Conference' of all the coastal States be convened to discuss and seek solutions to the North Sea's environmental problems;
15. Calls for a comprehensive 'Convention on the protection of the marine environment of the North Sea' and urges that, in preparation for this, a 'survey be made' of the measures taken on all the matters and in all the regions dealt with so far and of the progress achieved in their implementation.

European Communities

EUROPEAN PARLIAMENT

Working Documents

1983 - 1984

10 March 1982

DOCUMENT 1-10/83

MOTION FOR A RESOLUTION

tabled by Mr SEELER and Mrs SEIBEL-EMMERLING

pursuant to Rule 47 of the Rules of Procedure

on the Convention on the protection of the North Sea
from pollution

The European Parliament,

- A. aware of the increasing pollution of the North Sea, notably from oil,
 - B. conscious of the importance of a biologically intact sea for animal and plant life both in the sea and also on land, in particular in the coastal regions of the littoral states,
 - C. having regard to the research findings of various research centres, especially those of the Ornithological Research Institute on Heligoland,
 - D. having regard to Part XII of the United Nations Convention on the Law of the Sea, which lays down international law provisions for the protection and preservation of the marine environment throughout the world and imposes appropriate obligations on the member countries,
 - E. aware of the urgent need for action to prevent total destruction of the ecological balance of the North Sea and the irrevocable damage this would cause, with incalculable consequences for humans, animals and plants,
1. Calls on the Council and the Commission to draw up a convention for the protection of the North Sea, to be signed by the EEC Member States bordering the North Sea and by Norway;

the content and purpose of this convention should be:

- to prohibit the introduction of solid, liquid or gaseous waste or noxious substances into the North Sea;
- to elaborate with those responsible for the pollution, where this is not already being done, a programme for ending within a short time the introduction of solid, liquid or gaseous waste or noxious substances into the North Sea (processing, storage and destruction of waste on land, expansion of purification plant and other installations for keeping the rivers clean);
- to set up joint monitoring centres with power to take direct action (North Sea police);

- to agree common rules on sanctions and liability for implementing the protective measures for the North Sea;
 - to set up joint machinery for promptly and effectively dealing with ecological disasters, in particular oil pollution from oil rigs, shipping accidents and so on;
 - to promote research institutes and the exchange of information and findings;
2. Urges the Commission further to submit to it a report on the present state of the North Sea, showing in particular the extent of the threat to or destruction of the ecological balance, and to draw up, in conjunction with this report, proposals for emergency measures by which further deterioration in the condition of the North Sea can be stopped and action to reduce or eliminate the damage can be set in motion;
 3. Instructs its President to forward this resolution to the Commission and the Council.

Memorandum by the Government of the Federal Republic of Germany for the preparation of an International Conference on the Protection of the North Sea and on Oil Pollution of the North Sea

I.

During the first few months of this winter, a great number of oil-soaked sea birds was found on the German North Sea coast, and an evident rise in the death rate of birds against previous years was recorded. Experts point out that birds, being bioindicators, furnish visible evidence of profound damage to the environment in the quickest possible way; other species of marine fauna, they say, were also threatened by oil. Apart from oil pollution, the North Sea is ecologically endangered in particular by pollutants in waters and in the atmosphere, but also by the dumping of wastes.

The Federal Republic of Germany therefore considers that intensified efforts to combat pollution in the North Sea are urgently required. In the interest of all people living in the countries around the North Sea it cannot be allowed that one of the most important ecosystems of our habitat is exposed to irreparable damage.

It is the serious concern of the Federal Government that the regulations and procedures for fighting marine pollution such as those laid down in world-wide conventions or in international conventions relating to the North Sea will not, in practice, be sufficient in every respect for dealing effectively and in time with the many hazardous forms of pollution. Political decisions are therefore needed in addition in order to intensify the efforts made for reducing the pollution of the North Sea.

II.

The Federal Government considers that efforts to improve the protection of the North Sea can only be successful through internationally harmonized solidary action. It therefore intends to convene an International Conference

on the Protection of the North Sea to be held at ministerial level in the Federal Republic of Germany in the course of the year 1984, if possible. The aim of this conference should be to reach decisions on a noticeable further reduction of pollution in the North Sea through harmonized action.

The Conference will have to deal with :

- the discharge of harmful substances from land-based sources,
- the introduction of substances at sea,
- the significance of pollutant input through the atmosphere,
- the oil pollution of the North Sea,
- the analysis and monitoring of coastal waters and of the high sea.

Experts of the Federal Republic of Germany will establish contacts in the near future with the Commission of the European Communities and with States concerned in order to discuss the themes, objectives and the date of this International Conference on the Protection of the North Sea and the organisation of technical preparatory meetings. The Federal Government would be gratified if proposals regarding the above questions as well as prospective participants would be made during such consultations.

III.

The Federal Government attaches particular importance to the clearing up and control of oil pollution in the North Sea. It therefore considers that the following action is required already before the organisation of an International Conference on the Protection of the North Sea:

1. The origin of the oil found in the plumage of sea birds has to be determined at once. Moreover, analyses for determining the presence of oil in the marine water of the North Sea should be intensified at an international level. Within the Oslo and Paris Commissions, in particular, marine water analyzing and monitoring programmes concerning the pollutant "Oil" should be established, reviewed if necessary, standardized or made comparable, and intensified at short notice.
2. continuing the approaches already made in some riparian States, extensive

and visibility-independent aerial surveillance of the North Sea should be arranged as a particularly suitable means of controlling oil pollution.

For the purpose of coordination and in-depth strengthening of co-operation in this field, the bodies concerned, and especially the next meeting of the contracting parties to the Bonn Convention, should devote increased attention to this subject.

3. Technical requirements concerning oil rigs and oil pipelines should be reviewed by the responsible international bodies for possible improvements. In the interest of the conservation of the marine environment, efforts being made in the Conference on Safety and Pollution Safeguards in the Development of N-W European Offshore Mineral Resources should be intensified in particular.
4. After the coming into force of the MARPOL Convention on 2 October this year, a noticeable decrease of oil pollution caused by shipping in the North Sea is expected. In order to make it possible to take effective action against contraventions, agreement should be reached in due course of time on an improvement of penal prosecution and a raising of the degree of penalty.

IV.

Against the background of the above statements the German delegation requests that the following considerations be supported:

1. The Member States and the Commission express their concern about the increasing pollution of the North Sea.
2. They welcome the intention of the Government of the Federal Republic of Germany to convene an International Conference on the Protection of the North Sea to be held at ministerial level in the Federal Republic of Germany.
3. The Commission of the European Communities and the Member States will as far as possible take energetic measures, already during the preparatory

stage of the planned Conference on the Protection of the North Sea, in the appropriate bodies, especially in the Oslo and Paris Commissions, in the Conference of Contracting States to the Bonn Convention, in the Conference on Safety and Pollution Safeguards in the Development of N-W European Offshore Mineral Resources, and in the IMO and its working groups.

4. Reports on the results obtained are to be presented at the planned Conference on the protection of the North Sea.

February 1983

I. Introduction

The motion for a resolution on the pollution of the North Sea refers to the increase in pollution by toxic substances released inter alia as a result of the exploration of the North Sea, the disposal of sewage sludge and industrial waste which finds its way to the sea via the atmosphere or rivers, or as a result of accidents. It points out that the ecological system of the North Sea as a whole is threatened, with all the adverse effects this entails on the livelihoods of fishermen and health of the consumer.

In 1980 the Committee on Agriculture, in an opinion drawn up by Ms Quin, looked into the problem of North Sea pollution by hydrocarbons. That opinion deals at length with the reasons why pollution of the North Sea has reached such a scale. At the same time the opinion puts forward a number of suggestions, aimed on the one hand at preventing disasters and on the other at bringing the daily discharge of products into the North Sea under control.

The main problems affecting the North Sea are that the States bordering on it are highly industrialized, shipping is extremely heavy and it is used both illegally and legally for the dumping of industrial waste. Pollution has taken an increasingly sophisticated form. For instance, scientific research in laboratories and hospitals is in many cases no longer possible without the use of radioactivity, resulting in the dumping of growing quantities of nuclear waste. Unlike the Mediterranean, however, the waters of the North Sea are renewed more rapidly, with the result that the water can 'process' more waste than an enclosed sea.

The Committee on Agriculture intends to consider in this opinion the effect of pollution of the North Sea on fishery resources and on the fisheries sector in general.

II. Effects of the pollution of the North Sea on fishery resources and on fisheries

The contacts with experts (see Annex I) have given no clear indication of any direct relationship between pollution and the health of or level of toxic substances in fish, except in the case of major disasters (see data on the Amoco Cadiz disaster in 1978 in Annex II).

Nevertheless, a certain number of findings have already been made :

- local effects have been found in certain areas, which may be connected with the dumping of certain products at certain sites;

- the dumping of certain products can kill off plankton and lead to an exhaustion of oxygen in certain areas;
- in certain cases fish appear to move away from polluted areas.

If fish move away from heavily polluted waters, this naturally has a direct impact on the livelihood of certain fishing communities.

In addition to the economic impact on fishing there is also an effect on consumption. If consumers suspect that fish are affected by pollution they buy less fish and this can have an influence on the level of consumption and the level of prices.

For some time a number of research centres in the various Member States have been carrying out measurements of levels of pollutants in fish. Since it is impossible to give a complete picture of all the results of this research, we shall confine ourselves for the moment to a brief summary of the analyses conducted in Belgian laboratories (see Annex III).

Generally speaking it has been demonstrated by several studies that the effect of pollution on fish stocks is minimal when compared with the effects of over-fishing of certain species or in certain zones, which has caused serious depletion of fishery resources.

Another factor which needs to be taken into account is whether or not breeding conditions are favourable in a particular year, since this helps to determine the size of fish stocks.

Taking 1960-69 as equal to 100, the annual figures for sole vary from 100 to 468, for whiting from 60 to 324 and for plaice from 19 to 190.

One last important feature is the growth in fishing for industrial purposes as a percentage of total fishing, rising over the last twenty years from 14% to around 60%, partly as a result of the increased efficiency of fishing methods.

I. Role of the European Community

A great deal of waste finds its way into the sea. This sets in motion all kinds of processes which in the short, medium or long term lead to disturbances in the ecosystem. One must therefore adopt the basic principle that the disposal of waste into the sea has to be avoided or very carefully controlled and monitored.

A large number of conventions and other agreements have already been concluded at international, European and regional level with the aim of combating marine pollution.

A brief summary of these is given in Annex IV.

What can be said, however, is that the enforcement of all these regulations leaves much to be desired, either because they have not been ratified by all parties concerned or because there is little or no supervision of their implementation.

The Community can play a very important role in this context. It should devise a general framework to deal with the problem of marine pollution within which all existing rules can be coordinated. The Community should also sign international conventions in its own right so that responsibility for observing the provisions of these conventions then becomes a Community matter.

The Community should coordinate research into the issues discussed here with non-member countries such as Norway and Sweden.

At the same time measures could be taken at Community level to monitor the implementation of these rules. Supervisory bodies already exist in certain countries, which in certain cases use aircraft to monitor the surface of the sea for pollution and which are able, when infringements are detected, to determine the source of the pollution and to call in the coastal authorities to take action against offenders. A similar system at European level, in conjunction with other countries concerned, could, if properly organized, be much more efficient and relatively less costly than individual or local systems.

Even more important than enforcing and monitoring the effect of existing regulations is the need to pursue an active anti-pollution policy which attempts to combat and prevent the pollution at source. However, modern industrialized society will continue to need to dispose of pollutants and because of this research, which at the present time tends to concentrate mostly on research methods, needs increasingly to address and find answers to the practical problems of waste disposal.

IV. Conclusion

The Commission should therefore bring forward early proposals for directives laying down Community rules governing the disposal of waste into the sea. At the same time it should examine the extent to which the provisions of the Oslo and London Conventions can serve as a basis for general Community legislative and administrative provisions which not only lay down rules but which provide

the means of ensuring that such rules are observed and that offenders are punished. Rules which exist but are not observed are in fact extremely dangerous, because they give the mistaken impression that something is being done.

The committee responsible is requested to incorporate the following conclusions in its report:

The Committee on Agriculture:

- notes that, while the pollution of the North sea has so far had no demonstrable adverse effects on the fitness of fish for human consumption, adverse local effects have been found in certain cases;
- takes the view, however, that it is imperative for the Community to ensure that fish catches and, by extension, the consumer are not adversely affected by the growing pollution of the North Sea;
- takes the view that, in the absence of suitable control measures, it is impossible to ascertain the extent to which the quantity of waste dumped in the sea increases or diminishes, despite the conclusion of a growing number of conventions to monitor the situation;
- therefore requests the Commission to investigate the extent to which existing international conventions can be adapted to enact Community statutory and administrative provisions which not only lay down rules, but also provide the means for enforcing those rules and for punishing offenders;
- calls on the Commission, in collaboration with the existing international fisheries organizations, such as the ICES, closely to monitor trends in fishery resources with regard to their fitness for consumption and, where appropriate, to propose measures to ensure that the consumers and fishermen do not suffer adverse effects as a result of marine pollution;
- requests the Commission to draw up a report on marine pollution and fisheries;
- lastly urges all the Member States to adopt a unanimous stance in international conferences, such as the IMCO conference in 1984 which is to discuss compensation for damage due to pollution by oil and other toxic substances.

List of experts contacted

- Mr TAMBS-LYCHE, Secretary-General of ICES;
- Mr DE CLERCQ, biologist at the Belgian National Sea Fisheries Centre in Ostend;
- Dr D.J. LANGSTRAAT, Secretary of the Fisheries Trade Organization at The Hague;
- Mr G. PHILLIPS, Deputy Mayor of Brest;
- Mr WILLEMSSEN, Director of the National Fisheries Research Institute in IJmuiden.

- - - -

List of documents received

- Observations on the working document on 'the pollution of the North Sea' by Professor R.B. CLARK, University of Newcastle-upon-Tyne, Department of Zoology, 17.5.1983
- 'The effects of acid deposition on surface waters and fisheries in Norway and Sweden', The Royal Society, Press release, 5.9.83.
- 'The Dutch West Coast, a new Waddensea', by R. BODDEKE, NIFI, IJmuiden, 1983.

Effects of the Amoco Cadiz disaster of 16 March 1978 on fishery resources¹

As a result of the sinking of the oil tanker, Amoco Cadiz, 220,000 tonnes of crude oil were released into the sea over a period of two weeks resulting in the pollution of 380 km of coastline and the destruction of some 260,000 tonnes of biomass.

Apart from the financial losses due to the loss of tourist revenue and the financial problems caused by the cost of cleaning up the pollution, an evaluation was made of the damage to the natural marine resources.

The damage to algae was found to be only slight. On the other hand, long-term effects are expected in the case of flat-fish (sole, plaice and dab), and these effects were calculated.

In May/June 1978, 563 tonnes of oysters were denatured. From October 1978 to January 1979, 4,600 tonnes of oysters were slightly affected and rendered unsaleable.

Many parts of the coast are still black and certain varieties of flat-fish such as plaice and turbot are still not breeding in those areas. Whole scallop populations and small shellfish have been wiped out from beaches and sandy coasts.

Only 50% of the herbivorous populations on the coast have survived and signs of undernourishment have been found in inshore fish. On beaches which have been cleared disturbances of the ecological balance have been noted.

¹These statistics are from a document drawn up by Mr G. PHILLIPS, Deputy Mayor of Brest, for the conference on marine pollution organized by the Council of European Municipalities on 26-27 September 1983 in Rotterdam.

Summary of analyses performed in Belgian laboratories¹

Analyses carried out over a number of years by several laboratories at various sites have produced the following findings :

- PCB and pesticide levels in marine organisms are low. PCB levels in muscle tissue in shellfish vary from 39.5 ppb (= microgram per kilogram of muscle tissue) for shrimps to 262.1 ppb for mussels. Mussels are extremely susceptible to pollution, presumably because of their feeding habits;
- After seven years of measurements of heavy metal levels in certain fish varieties, it is impossible to establish any kind of clear trend. Average values range from 0.12 to 0.15 mg/kg for mercury, from 7.3 to 23.6 mg/kg for zinc and from 0.72 to 1.32 mg/kg for copper. The respective levels in the case of shrimps were 0.09, 29.6 and 15.5 mg/kg.

Cadmium and chrome levels were very low and in approximately 30% of cases lower than the detection thresholds of 0.01 and 0.1 mg/kg. Moreover, no correlation was established between the different heavy metals.

In the case of whiting and plaice, mercury levels of 0.07 and 0.09 mg/kg were recorded. As a general conclusion it can be said that heavy metal levels in fish off the Belgian coast are slightly higher than levels detected in the open sea;

- measurements in the southern part of the North Sea and in the Channel have shown relatively low levels of mercury and cadmium in herrings: 0.04 mg/kg and less than 0.01 mg/kg;
- measurements of mercury levels in sole from the North Sea carried out between 1973 and 1977 gave average annual values ranging from 0.19 to 0.31 mg/kg;
- An interesting feature revealed by this research was the relationship between mercury levels and the age of the fish. At the same time a comparative study of the North Sea and the eastern part of the Irish Sea (Liverpool Bay), established that in the latter zone mercury levels in fish were appreciably higher, averaging 0.45 mg/kg. This is attributable to the large quantity of industrial effluent discharged in this zone and the relatively enclosed situation of the bay.

¹ Source: Articles in 'Landbouwtijdschrift' (farming periodical) No. 2-1978, No. 3-1979, No. 4-1979, No. 5-1981 and No. 2-1982, Ministry of Agriculture, Brussels

Major international, European and regional conventions**1. International**

The United Nations is the most important organization in this field, having three agencies in which conventions can be framed. They are :

- (a) IMCO (Intergovernmental Maritime Consultative Organization), a specialized agency which was set up to implement the first Convention of London for the 'Prevention of Pollution of the Sea by Oil in 1954 (OILPOL) and subsequent conventions;
 - the Convention of London of 1973 (MARPOL) which deals with the discharge of oil and other harmful substances, and
 - the protocols of 1978 which relate not only to discharges but also to other causes of pollution;
- (b) International Labour Office (ILO), which has drawn up a number of agreements on improving crew standards, such as ILO Convention No. 147 on minimum standards for merchant shipping;
- (c) the Third Conference on the Law of the Sea which deals with the comprehensive codification of existing rules and the drawing up of new rules on all aspects of the sea, marine resources and the protection of the marine environment.

2. Regional**(a) North Sea****(i) National**

After the 'Torrey Canyon' disaster, the North Sea states signed an 'agreement for cooperation in dealing with pollution of the North Sea by oil' on 9 June 1969.

Representatives of the signatory states meet regularly to discuss pollution control and recently also examined mechanical anti-pollution methods;

(ii) Administrative

The Hague Convention of 2 June 1978 is particularly important : the North Sea port authorities enforce ILO Convention No. 147 on a regional basis. The governments of eight states set minimum

standards for crews and exchange information on the extent to which vessels comply with safety and other standards;

(b) The northern part of the Atlantic Ocean

In the Convention of Oslo for the prevention of marine pollution by dumping from ships and aircraft, signed in 1972, the states of the north-eastern part of the Atlantic Ocean agreed, *inter alia*, to establish complementary or joint programmes of scientific and technical research, including research on alternative methods of disposal of harmful substances, and to transmit to each other the information so obtained. In so doing they will have regard to the work carried out by the appropriate international organizations and agencies.' (Article 12) and 'pledge themselves to promote, within the competent specialized agencies and other international bodies, measures concerning the protection of the marine environment against pollution caused by oil and oily wastes, ...' (Article 14).

After rules had been drawn up in 1973 within the framework of an IMCO convention for reducing discharges of oil into the sea from ships and drilling platforms, the states of the North Atlantic met in 1974 in Paris to discuss ways of limiting oil pollution from land-based sources. They decided 'to establish complementary or joint programmes of scientific and technical research, including research into the best methods of eliminating or replacing noxious substances so as to reduce marine pollution from land-based sources, ...' (Article 10);

(c) Mediterranean Sea

Oil is the most common form of pollution in the Mediterranean, since it carries 48% of world oil transport.

After 1970 numerous observations by experts culminated in the setting up of an extensive cooperation programme for the Mediterranean which came into force in 1974 once the United Nations Environment Programme (UNEP) had been generally recognized as a coordinating body.

In collaboration with the Mediterranean states the UNEP drew up a wide-ranging programme of measures for the protection of the Mediterranean area, which was adopted by 16 Mediterranean countries in Barcelona in 1975;

(d) The Baltic Sea

The Convention of Helsinki for the protection of the marine environment makes provision for the coordination of measures in the case of disasters in the Baltic Sea area.

3. EEC

- Directive 76/464/EEC on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community (OJ No. L 129 of 18.5.1976);
- Directive 76/160/EEC concerning the quality of bathing water (OJ No. L 131 of 5.2.1976);
- Directive 79/923/EEC on the quality required of shellfish waters (OJ No. L 281 of 10.11.1979);
- Directive 78/176/EEC on waste from the titanium dioxide industry (OJ No. L 54 of 25.2.1978);
- Council Resolution of 26.6.1978 setting up an action programme of the European Communities on the control and reduction of pollution caused by hydrocarbons discharged at sea (OJ No. C 162 of 8.7.1978);
- Council Decision of 3.12.1981 establishing a Community information system for the control and reduction of pollution caused by hydrocarbons discharged at sea (OJ No. L 355 of 10.12.1981).

OPINION

by the Legal Affairs Committee
for the Committee on the Environment, Public Health and Consumer Protection
Draftsman: Mr H. SIEGLERSCHMIDT

The Legal Affairs Committee appointed Mr Sieglerschmidt draftsman of an opinion on the motion for a resolution Doc. 1-909/82 on 28.1.1983, and on the motion for a resolution Doc. 1-10/83 on 26.5.1983.

The committee considered the draft opinion at its meeting of 28/29 September 1983. It approved the conclusions contained therein on 19 October 1983 by 9 votes to 2.

The following took part in the vote: Mr TURNER, acting chairman;
Mr D'ANGELOSANTE, Mr DEL DUCA, Mr DONNEZ, Mr JANSSEN van RAAY, Mr GOPPEL,
Mr MEGAHY, Mr PROUT, Mr TYRRELL, Mrs VAYSSADE and Mr VETTER, deputizing for the draftsman.

1. Introduction

1. There are numerous international agreements covering marine pollution resulting from the discharge of noxious substances. The European Community itself has adopted legislation to combat marine pollution within the area of its jurisdiction. There are also a whole series of Commission proposals and in particular European Parliament resolutions on the subject, some dating back years, which have not yet led to Community legislation. In the light of this international activity and the actions of the legislative organs of the Community aimed at reducing marine pollution, it has to be asked whether there is any point in fresh initiatives on the subject. On the other hand, the number of motions tabled in Parliament since direct elections are proof that the provisions applying in this field have failed to produce a satisfactory state of affairs. It must also be borne in mind that the increase in marine pollution has resulted in greater awareness of the danger to mankind it involves. Many of the environmental standards embodied in legislation from the Sixties and Seventies are therefore justifiably no longer regarded as adequate to meet these dangers.

2. The motion for a resolution tabled by Mrs Le Roux and Mrs Poirier (Doc. 1-909/82) (1) relates to the dumping from ships of chemical waste in the Atlantic, and criticises the practice of some EEC Member States and one other member State of the Council of Europe in discharging such wastes in areas threatening the coastal waters of Brittany. It is obvious that the counter measures proposed in the motion cannot be restricted to this geographical area and are therefore logically being demanded at least for the high seas area of the Atlantic adjoining the Member States, and to a certain extent even beyond.

3. The motion for a resolution tabled by Mr Seeler and Mrs SeibelEmmerling (Doc. 1-10/83) (2) calls for a Convention for the Protection of the North Sea to be drawn up. However the convention they advocate would go much further than the proposals contained in Doc. 1-909/82 in respect of both the form of discharge into the sea and of the substances covered. While

(1) Annex I

(2) Annex II

Doc. 1-909/82 refers only to dumping from ships, Doc. 1-10/83 refers to discharges in general into the North Sea, e.g from effluent outfalls from the shore or from oil platforms. Mrs Le Roux and Mrs Poirier refer to 'any toxic substances - whether chemical or radioactive'; Mr Seeler and Mrs Seibel-Emmerling have chosen a much wider form of words, wishing to prohibit the introduction of 'solid, liquid or gaseous waste or noxious substances' into the North Sea. The inclusion of all kinds of waste substantially increases the scope of any convention.

4. In a convention it would of course be easier to delimit action against marine pollution in the North Sea than in the high seas off the coast of Brittany. One reason is that there is already an Agreement for cooperation of 9 June 1969 in dealing with pollution of the North Sea by oil, which is awaiting consideration. But in both cases a satisfactory state of affairs will be possible only in relation to the existing, more or less worldwide agreements in this field. This calls for coordinated action by the Community and its Member States to ensure the uniform and effective application of these agreements, and improvements and additions to their provisions as required. The Legal Affairs Committee therefore believes that it should consider Docs. 1-909/82 and 1-10/83 in one and the same opinion, prefaced by a number of remarks on the international agreements. This will be followed by comments on the proposal for a Convention on the Protection of the North Sea and then on matters relating to existing or desirable Community legislation.

II. International agreements

5. The two most important international agreements to combat marine pollution are the Conventions of Oslo and London.
 - (a) The Convention for the prevention of marine pollution by dumping from ships and aircraft, opened for signature and ratification on 15 February 1972 in Oslo, governs the discharge of certain substances listed in its Annexes I and II into the North Sea and the European sector of the Atlantic. Dumping of the substances in Annex I, e.g. mercury and cadmium, is prohibited. Above certain quantities, substances in Annex II may be dumped only by special permit issued by the competent national authorities. Dumping of substances not

mentioned in the Annexes requires a general permit. Implementation of the convention, i.e. the issue of permits and action in the event of infringements, would be the responsibility of each contracting State. Each contracting State would have jurisdiction over ships registered in its territory, loading material in its territory for dumping, and vessels believed to be dumping in its territorial sea. However, the contracting States undertook to develop cooperative procedures for the application of the Convention, especially on the high seas, thus outside territorial zones. A general supervisory commission was set up to supervise the implementation of the Convention, but without executive powers. The Convention was signed and ratified by all EEC Member States concerned other than Ireland.

- (b) The London Convention on the prevention of marine pollution by dumping of wastes and other matter, opened for signature from 29 December 1972, relates to all maritime waters throughout the world and therefore has been signed by non-European states. In content it largely coincides with the Oslo Convention; it completely prohibits the dumping of certain types of waste (Annex I), makes it subject to special permit (Annex II) or a general permit (Annex III). The contracting States also undertake to take measures to prevent and punish conduct in contravention of the Convention. The parties also agree to cooperate in the application of the Convention on the high seas in order to achieve the object of the Convention, the prevention of marine pollution.

The Convention also contains a number of very generally worded undertakings by the contracting parties, the implementation of which would require detailed provisions, all relating to action against marine pollution. The Convention has been signed by all the EEC Member States concerned and ratified by all of them other than Belgium, Luxembourg and Italy.

6. Neither of these conventions has been signed by the European Community, as its capacity to do so to them in international law was disputed. At the moment the Community, represented by the Commission, only has observer

status under these conventions. The Commission attends the meetings of the bodies concerned in that capacity. We shall not be considering the reasons for this decision in detail. However it is possible to argue that in law a different decision in respect of both conventions would have been perfectly possible. Although the content is not fully comparable, the Legal Affairs Committee would refer here to Parliament's affirmative opinion on Community accession to the United Nations Convention on the Law of the Sea. It is to be hoped that the Community will overcome objections to its accession to such conventions, whether raised by non-Community contracting parties or by its own Member States.

7. However, the fact that the Community only has observer status under the Oslo and London Conventions makes it extraordinarily difficult to have them uniformly applied by the Member States. As we have seen, the conventions are worded in very general terms and embody commitments capable of widely varying interpretation. They therefore require national implementing provisions which have been formulated and applied very differently by the various Member States of the EEC. Some are relatively liberal in permitting the dumping at sea of harmful substances, while others make greater attempts to restrict it. This legal and practical situation, which contravenes the spirit if not the letter of the Community Treaties, should be overturned to be reversed by coordinated action by the Community and its Member States. We shall be returning to this question later.

III. A Convention for the Protection of the North Sea

8. As already mentioned, the Convention on the protection of the North Sea from pollution called for in Doc. 1-10/83 has a predecessor, but the regulatory provisions it contains fall far short of the demands of the authors of this motion. That is perhaps why this Agreement for cooperation in dealing with pollution of the North Sea by oil is not even mentioned in the recitals of the resolution. The Legal Affairs Committee believes that this agreement offers at least a useful basis for the convention proposed in Doc. 1-10/83. Moreover, the Agreement for cooperation in dealing with pollution of the North Sea by oil has been supplemented by an agreement opened for signature and ratification on 13 September 1983.

This convention on cooperation in combating pollution of the North Sea by oil and other noxious substances is intended, as is clear from its title, also to cover the protection of the North Sea against pollution by other noxious substances. Such an agreement is doubtless to be welcomed if it increases cooperation between contracting states. At present such cooperation is insufficient to satisfy the authors of motion for a resolution Doc. 1-10/83, as paragraph 3 makes clear. Nevertheless we should first wait to see how this widened cooperation works and how far it goes to meet the goals set by the authors of this motion.

9. It is clear from the above that limiting the effort to protect the marine environment to the North Sea has proved successful. It would therefore seem reasonable to seek a convention taking matters further within the same area, concluded between the same Member States as its predecessor - Belgium, Denmark, Germany, France and the Netherlands, together with Norway and Sweden. However some of the demands by the authors of the motion may encounter substantial legal obstacles. This is true especially of the setting up of joint institutions by the contracting parties. This would not be easy among EEC Member States alone (e.g. setting up North Sea police with power to take direct action!). In the present case however two contracting States not belonging to the European Community would have to be included. Even agreement on common rules on sanctions and liability in the proposed convention would be a problem. However, it might be worth considering whether the convention, like comparable international conventions, might provide a framework for national legislation of this kind.

IV. Action against marine pollution by the Community and its Member States

10. Despite countless resolutions by the European Parliament and a whole series of Commission proposals for directives, the Council has so far adopted only two directives in any way related to marine pollution. One of them only covers waste from the manufacture of titanium dioxide, the other pollution from the discharge of certain hazardous substances into Community waters. The latter therefore refers only to territorial waters and not the high seas. The proposal for a directive submitted to the Council on 12 January 1976 on the dumping of waste at sea was based on the

Oslo and London Conventions. It was aimed at coordinating and harmonizing the national legal and administrative provisions required under the conventions. In particular it laid down a uniform system of permits, in order to protect effectively the marine environment. The Commission would supervise the application of the directive by the Member States. The proposal for a directive contained no measures on the prevention or punishment of infringements. Parliament called on the Council at the time to adopt the directive. In the face of the objections of certain Member States, which inter alia doubted whether the Community had jurisdiction, the directive was not adopted by the Council. The Commission is preparing a new draft directive with the same aims.

11. The Legal Affairs Committee regards the view taken by Parliament in its resolution on the proposal for a directive on the dumping of waste at sea of 19 November 1976(1), that such a directive would be in accordance with the EEC Treaty, to be as correct now as it was then. This opinion is based on its careful assessment of other directives concerning environmental protection. The actual need for arrangements of this kind established in paragraph 7 makes it urgently necessary for the Commission to submit the proposal for a directive as it is drawn up. The latter should contain effective sanctions against breaches of the directive.

However, should the directive again be halted by legal objections by Member States, the whole idea should not founder simply on the question of legal form. It is too important to be reduced to an interminable wrangle over legal principle. The Legal Affairs Committee believes, that if necessary an agreement between the EEC Member States should be considered, if this course offered a chance of introducing effective arrangements of the type proposed for the prevention of marine pollution.

V. Conclusions

12. The Legal Affairs Committee recommends, in view of the above considerations, that the committee responsible should call for:

- a. the Member States which have yet to ratify the Convention of 15 February 1972 for the prevention of marine pollution by dumping from ships and aircraft and/or the Convention of 29 December 1972 on the prevention of marine pollution by dumping of wastes and other matter, to do so at their earliest opportunity;
- b. steps to permit coordinated and effective action by the Community and its Member States to implement international agreements on the prevention of marine pollution, especially the Oslo and London Conventions;
- c. the Agreement of 13 September 1983 for cooperation in dealing with pollution of the North Sea by oil and other noxious substances to be ratified as soon as possible by the European Community and its Member States concerned;
- d. the Commission to submit its draft directive based on the proposal for a directive of 12 January 1976 on the dumping of wastes at sea at its earliest opportunity;
- e. this draft directive not to be watered down by comparison with the original proposal, and to take into account the demands of the European Parliament in its resolution of 19 November 1976, and contain effective sanctions against breaches of the directives;
- f. examination of the possibility of arrangements of the type suggested by the Commission and Parliament being implemented by way of an agreement between the Member States of the Community concerned;

(1) Annex III

- g. recalls that the European Parliament, on 18 April 1980, called for a code of conduct for oil tankers and vessels transporting noxious substances and, in paragraph 2(c) of the resolution, called for the establishment, with the aid of the maritime authorities of the Member States, of compulsory pilotage for oil tankers through congested waters adjacent to or between the coasts of Member States;
- h. recalls that on 16 January 1981 Parliament delivered an opinion on a Directive concerning the enforcement, in respect of shipping using Community ports, of international standards for shipping safety and pollution prevention and, in paragraph 18 of the resolution, stressed in particular its opinion twice given in 1980 that the presence of pilots should be compulsory on oil tankers in congested EEC waters;
- i. reinforces its demand that compulsory provision of pilots on board all oil tankers in congested waters of the Community, and in particular the North Sea, be provided, in order to lessen the danger of accidents by oil tankers leading to oil pollution;
- j. calls on the Commission to consult urgently with the maritime authorities of the Member States to speed the very slowly progressing ratification of Annex V of the MARPOL Convention which provides for control of general garbage jettisoned from ships at sea, in view of the greatly increasing amount of shore-line litter caused by shipborne refuse causing great offence to those who visit seaside resorts and areas of coastal natural beauty;
- k. calls on the Commission actively to consider the consequences for safety in the congested waters of the North Sea, and the danger of accidents involving oil tankers, liable to be caused by the proposal of the British maritime authorities to reduce the London District compulsory pilotage area by 360 square miles, removing cover from the busiest and most important sea lane crossings for all vessels leaving and entering the ports in Northern France, the Netherlands, Belgium, Germany, Denmark and the South East coast of Britain;
- l. calls on the Commission to consult urgently with the maritime authorities of Britain, Belgium, the Netherlands, France, Denmark and Germany who are directly affected by this proposal.

EUROPEAN PARLIAMENT

Working Documents

1982-1983

18 November 1982

DOCUMENT 1-909/82

MOTION FOR A RESOLUTION

tabled by Mrs LE ROUX and Mrs POIRIER

pursuant to Rule 47 of the Rules of Procedure
on the dumping of chemical wastes off the coast
of Brittany

The European Parliament,

- having regard to the Oslo Convention of 15 February 1972 on the prevention of marine pollution by the discharge of waste at sea by boats or aircraft,
 - having regard to the London Convention of 29 December 1972 on the prevention of marine pollution by dumping,
 - having regard to the Council Directive of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community,
 - having regard to the European Coastal Charter drawn up by the Conference on peripheral maritime regions (6-8 October 1981),
- A. Whereas the dumping of chemical or radioactive wastes off the coast of Brittany and in the Bay of Biscay seriously endangers the living resources of the sea and thus the economic life of these coastal regions,
- B. Whereas the United Kingdom, the Netherlands, Belgium and Switzerland in particular are responsible for these discharges, which have serious repercussions,
- C. Whereas the United Kingdom Minister for Agriculture, Fisheries and Food has authorized the dumping of chemical wastes in a maritime zone directly opposite Brittany for a six-month period,
1. Notes that the legal instruments provided for in the abovementioned international agreements do not adequately prevent such attacks on the marine environment;
 2. Notes that, despite the provisions of Article III of the London Convention of 29 December 1982, the contracting parties have not devised any procedure to prevent dumping in the high seas, in this case in the Atlantic;
 3. Takes a serious view of the decision of the United Kingdom Government to authorize the dumping of noxious chemical wastes despite the provisions of Article IV of the London Convention and its annexes;
 4. Calls for an end to the dumping of any toxic substances - whether chemical or radioactive - at sea;
 5. Calls on the countries whose vessels regularly use Atlantic shipping routes off the coast of Brittany and in the Bay of Biscay to forbid and combat the dumping of any chemical products in those waters,

6. Calls for the introduction of a surveillance system, for which the Community could take the initiative to protect the environment of the Atlantic Ocean from the high seas to the territorial waters of the Member States,
7. Calls on the Commission to assume the role of coordinator vis-à-vis existing international organizations with a view to reinforcing the legal instruments available for preventing and penalising pollution of the high seas by chemical products;
8. Calls on the Commission to submit to the next Environment Council proposals for bringing the marine environment of the Atlantic, under control.

European Communities

EUROPEAN PARLIAMENT

Working Documents

1983 - 1984

10 March 1982

DOCUMENT 1-10/83

MOTION FOR A RESOLUTION

tabled by Mr SEELER and Mrs SEIBEL-EMMERLING

pursuant to Rule 47 of the Rules of Procedure

on the Convention on the protection of the North Sea
from pollution

The European Parliament,

- A. aware of the increasing pollution of the North Sea, notably from oil,
 - B. conscious of the importance of a biologically intact sea for animal and plant life both in the sea and also on land, in particular in the coastal regions of the littoral states,
 - C. having regard to the research findings of various research centres, especially those of the Ornithological Research Institute on Heligoland,
 - D. having regard to Part XII of the United Nations Convention on the Law of the Sea, which lays down international law provisions for the protection and preservation of the marine environment throughout the world and imposes appropriate obligations on the member countries,
 - E. aware of the urgent need for action to prevent total destruction of the ecological balance of the North Sea and the irrevocable damage this would cause, with incalculable consequences for humans, animals and plants,
1. Calls on the Council and the Commission to draw up a convention for the protection of the North Sea, to be signed by the EEC Member States bordering the North Sea and by Norway;

the content and purpose of this convention should be:

- to prohibit the introduction of solid, liquid or gaseous waste or noxious substances into the North Sea;
- to elaborate with those responsible for the pollution, where this is not already being done, a programme for ending within a short time the introduction of solid, liquid or gaseous waste or noxious substances into the North Sea (processing, storage and destruction of waste on land, expansion of purification plant and other installations for keeping the rivers clean);
- to set up joint monitoring centres with power to take direct action (North Sea police);

- to agree common rules on sanctions and liability for implementing the protective measures for the North Sea;
 - to set up joint machinery for promptly and effectively dealing with ecological disasters, in particular oil pollution from oil rigs, shipping accidents and so on;
 - to promote research institutes and the exchange of information and findings;
2. Urges the Commission further to submit to it a report on the present state of the North Sea, showing in particular the extent of the threat to or destruction of the ecological balance, and to draw up, in conjunction with this report, proposals for emergency measures by which further deterioration in the condition of the North Sea can be stopped and action to reduce or eliminate the damage can be set in motion;
 3. Instructs its President to forward this resolution to the Commission and the Council.

RESOLUTION

adopting the opinion of the European Parliament on the proposal from the Commission of the European Communities to the Council for a Directive concerning the dumping of wastes at sea

The European Parliament,

- having regard to the proposal from the Commission of the European Communities to the Council (7) ...
- having been consulted by the Council pursuant to Article 100 of the EEC Treaty (Doc. 4977/75), ...
- having regard to the second report of the Committee on the Environment, Public Health and Consumer Protection (Doc. 375/76).

1. Recognizes that marine pollution remains a very important threat to the natural environment;
2. Notes that all Member States have signed the London Convention, the global agreement on the dumping of wastes at sea, but that not all of these Member States have ratified it;
3. Notes that various Member States have signed three other international agreements on the dumping of wastes at sea — the Oslo Convention, the Barcelona Convention and the Baltic Convention — but that not all of these Member States have ratified them;
4. Recognizes the need for every Member State to apply and enforce the rules and criteria for dumping, as laid down by the international convention appropriate to the sea area in question;
5. Recognizes that the provisions of various conventions may properly vary according to the different characteristics of the sea areas to which they apply;
6. Invites the Commission to amend Annexes I and II to its proposal so that the lists of substances for which dumping is restricted coincide exactly with the provisions in the international conventions appropriate to their various sea areas;
7. Invites the Commission to ensure in its proposal, that its own proposed enforcement procedures do not conflict with, or in any way duplicate, the enforcement procedures of the various international conventions;
8. Expresses the hope that the Community will sign and ratify the London, Oslo, Baltic and Barcelona Conventions;
9. Considers that, thus amended, the present directive provides a means of implementing these international conventions at Community level.

(7) OJ No. C 49, 22.2.1976, p. 3.

