Amended proposal for a European Parliament and Council Decision setting up a Community framework for cooperation in the field of accidental marine pollution (1)

(2000/C 177 E/06)

(Text with EEA relevance)

COM(1999) 641 final — 98/0350(COD)

(Submitted by the Commission pursuant to Article 189a(2) of the EC Treaty on 1 December 1999)


INITIAL PROPOSAL

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 130s (1) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

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

Having regard to the opinion of the Committee of the Regions,

(1) Whereas the actions taken by the Community in this field since 1978 have made it possible progressively to develop cooperation between the Member States within a Community Action Programme; whereas the resolution and decisions adopted since 1978 (1) constitute the basis for this cooperation.

(2) Whereas the Community Information System has served the purpose of making available to the competent authorities in the Member States the data required for the control and reduction of pollution caused by the spillage of hydrocarbons and other harmful substances at sea in large quantities; whereas the Information System will be simplified by the use of a modern automatic data processing system; whereas the need for rapid and efficient exchange of information requires an appropriate linguistic regime.

(3) Whereas the Community Task Force and other actions within the Community Action Programme have provided practical assistance to operational authorities during marine pollution emergencies and promoted cooperation and preparedness for efficient response to accidents.


AMENDED PROPOSAL

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175 (1) thereof,

Unchanged

Deleted

Unchanged

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

Unchanged
(4) Whereas the Community programme of policy and action in relation to the environment and sustainable development (1) presented by the Commission foresees that the Community’s activities will be stepped up in particular in the field of environmental emergencies which includes accidental marine pollution.

(5) Whereas the proposal for a directive on port reception facilities for ship-generated waste and cargo residues will play, once it is adopted, a major role in the context of operational spills.

(6) Whereas the Community cooperation in the field of accidental marine pollution, by taking action against the risks, helps to achieve the objectives of the Treaty by promoting solidarity between Member States and contributing, pursuant to Article 130r of the Treaty, to preserving and protecting the environment, including human health.

(7) Whereas ‘accidental marine pollution’ should be defined to include, but not be limited to, all releases of harmful substances into the marine environment, whether civilian or military, either directly at or into the sea, or from the shoreline, or river estuaries, or through releases from materials previously dumped at sea.

(8) Whereas ‘harmful substances’ should be defined to include but not be limited to all materials covered by the IMDG (International Maritime Dangerous Goods) code, and releases from dumped munitions.

(9) Whereas particular attention should be devoted to the relevant conventions and/or agreements covering European seas.

(10) Whereas the establishment of a Community framework for cooperation providing support measures will help to develop cooperation in the field of accidental marine pollution even more efficiently; whereas such a framework for cooperation should be based to a large extent on experience gained since 1978 in this field.

(11) Whereas a Community framework for cooperation will also increase transparency as well as consolidate and strengthen the different actions in continued pursuit of the objectives of the Treaty.


(2) OJ C 138, 17.5.1993, p. 5.
(12) Whereas action to provide information and prepare those responsible for and involved in dealing with accidental marine pollution in the Member States is important and increases the degree of preparedness for accidents and also contributes to lessening the risks.

(13) Whereas it is also important to undertake Community action to improve techniques and methods of response and rehabilitation after emergencies.

(14) Whereas the provision of operational support in emergency situations to Member States and facilitating the dissemination of experience from such situations among Member States has proved to be of significant value.

(15) Whereas an advisory committee on accidental marine pollution will assist the Commission in managing the framework for cooperation; whereas the Commission may also refer other matters relating to accidental marine pollution to this committee.

(16) Whereas the provisions of this Decision take over, in particular, the action programme set up through the Council Resolution of 26 June 1978 and the Community Information System established through Council Decision of 6 March 1986; whereas that Council Decision should therefore be repealed from the date on which this Decision enters into force,

HAVE ADOPTED THIS DECISION:

Article 1

1. A Community framework for cooperation in the field of accidental marine pollution (hereinafter called 'the framework for cooperation') is hereby established for the period 1 January 2000 to 31 December 2004.

2. The framework for cooperation is intended to support and supplement Member States' efforts at national, regional and local level for the protection of the marine environment, human health, and coastlines against the risks for accidental pollution at sea and operational spills.

'Accidental marine pollution' should be defined to include, but not be limited to, all releases of harmful substances into the marine environment, whether civilian or military, either directly at or into the sea, or from the shoreline, or river estuaries, or through releases from materials previously dumped at sea.
3. The aim of the framework for cooperation is to improve capabilities of the Member States for response in case of incidents involving spills or imminent threats of spills of oil or other harmful substances at sea and also to contribute to the prevention of the risks. The framework for cooperation is further intended to create the conditions for and facilitate efficient mutual assistance and cooperation between Member States in this field.

4. Within this framework for cooperation, a Community Information System with the purpose of exchanging data for the preparedness for and response to accidental marine pollution, including operational spills, is established. The system will consist of at least the components set out in Annex I.

Article 2

1. The Commission shall implement the actions under the framework for cooperation.

2. A three-year rolling plan to implement the actions under the framework for cooperation, to be reviewed annually, shall be adopted, in accordance with the procedure laid down in Article 4 and on the basis inter alia of the information supplied by Member States to the Commission. The Commission may, where necessary, arrange additional actions to those under the framework for cooperation. Such additional actions shall be assessed in the light of the priorities set and the financial resources available.

3. Actions under the framework for cooperation and financial arrangements for Community contribution are set out in Annex II.

Article 3

1. The rolling plan to implement the actions under the framework for cooperation shall contain the individual actions to be undertaken.

2. Individual actions shall be selected primarily on the basis of the following criteria:

(a) contribution to providing information and preparing those responsible for and involved in dealing with accidental marine pollution and operational spills, in the Member States, in order to increase the degree of preparedness and contribute to preventing the risks;

(b) contribution to improving techniques and methods of response and rehabilitation after emergencies;

(c) contribution to providing operational support, by mobilising experts mainly belonging to the Community Task Force, in emergency situations to Member States and to disseminating experience from such situations among Member States;

(b) contribution to improving techniques and methods of response and rehabilitation after emergencies, including exchange of information between port authorities;
3. Each individual action shall be implemented in close cooperation with the competent authorities at national, regional and local levels in the Member States.

**Article 4**

1. For the implementation of the actions under the framework for cooperation, the Commission shall be assisted by an advisory committee composed of representatives of the Member States and chaired by the representative of the Commission.

   The representative of the Commission shall submit to the committee a draft of the individual actions to be undertaken.

   The committee shall deliver its opinion on the draft, within a time limit, which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

   The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

   The Commission shall take the utmost account of the opinion delivered by the committee and shall inform the committee of the manner in which its opinion has been taken into account.

2. The Commission may also refer other matters relating to accidental marine pollution to the advisory committee.

**Article 5**

The Commission shall evaluate the implementation of the framework for cooperation at mid term and before its end, and report by 30 September 2002 and 31 March 2004 to the Council and the European Parliament.

**Article 6**

The Council Decision of 6 March 1986 establishing a Community Information System for the control and reduction of pollution caused by the spillage of hydrocarbons and other harmful substances at sea, as last amended, shall be repealed on the entry into force of this Decision.

**Article 7**

This Decision shall apply with effect from 1 January 2000.

**Article 8**

This Decision is addressed to the Member States.
## COMPONENTS OF THE COMMUNITY INFORMATION SYSTEM

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The Community Information System will use a modern automatic data processing system. On the Internet site, there will be general background information at Community level on a Community Home Page and, on National Home Pages, information related to the national intervention resources available.

Separately, a printed part of the system will be maintained in the form of a Community operational loose-leaf booklet with information on emergency management in each Member State.

1. Each Member State, within six months from the date the Decision enters into force, shall:
   - (a) appoint the authority or authorities responsible of the management of the national part of the system, and inform the Commission thereof,
   - (b) open a web site to be connected with the whole system through the Community general access page of the system.

2. The Commission will open a web site for the purpose of a general access page of the system and a Community page.

3. Each Member State shall fill, in its National Home Page and within six months from the date the Decision enters into force, at least, the following information:
   - (a) a concise view of national structures and of the links between national authorities in the field of accidental marine pollution, and operational spills areas,
   - (b) the inventory of main means for emergency response and clean-up from public and private sectors. This inventory will contain data on:
      - number and qualification of the specialist staff,
      - mechanical resources for recovering hydrocarbons discharged at sea and preventing or combating coastal pollution, as well as on the specialist staff that will utilise these resources,
      - chemical and biological resources for combating pollution at sea and cleaning up coasts, as well as on the specialist staff that utilise these resources,
      - strike teams,
      - ships and aircraft equipped for combating pollution,
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— mobile resources for temporary storage of recovered hydrocarbons and other harmful substances,
— systems for lightening oil-tankers,

(c) the location of stockpiles or equipment,
(d) the conditions for offering assistance to other Member States.

4. Each Member State shall up-date its National Home Page, specified in paragraph 3, as soon as changes have occurred or at least each year in January.

5. Each Member State shall provide the Commission with its information on operational emergency management to be included in the Community operational loose-leaf booklet, including operational procedures for mobilisation and operational contact points with their references, within 6 months from the date the Decision enters into force.

6. Each Member State shall notify to the Commission at the earliest opportunity any change related to the information contained in the loose-leaf booklet.

7. The Commission shall make available to each Member States a copy of the loose-leaf booklet and shall provide any updating to the Member States.

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— an emergency number for public use,

(ba) list of munitions dump sites,

Unchanged
## ANNEX II

**FINANCIAL ARRANGEMENTS FOR THE COMMUNITY CONTRIBUTION**

**ORIGINAL TABLE**

<table>
<thead>
<tr>
<th>Action</th>
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</thead>
<tbody>
<tr>
<td><strong>A. Action in training and information</strong></td>
<td></td>
</tr>
<tr>
<td>1. Courses and workshops (1)</td>
<td>Maximum Community financial contribution: 75 % of the total cost of the action with a ceiling of ECU 75 000 per action.</td>
</tr>
<tr>
<td>Organisation of courses and workshops for the national, regional and local officials in Member States and others involved to ensure that the competent services respond rapidly and efficiently.</td>
<td></td>
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<tr>
<td>2. Exchange of experts</td>
<td>Maximum Community financial contribution: 75 % of the experts’ travel and subsistence expenses and 100 % of the costs of coordinating the system.</td>
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<tr>
<td>Organisation of the secondment of experts to another Member State in order to allow the experts to gain experience or appraise different techniques used or to study the approaches taken within other emergency services or other relevant bodies.</td>
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<tr>
<td>Organisation of exchanges of Member States’ experts, specialists and technicians enabling them to present or follow short training courses or modules in another Member State.</td>
<td></td>
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<tr>
<td>3. Exercises</td>
<td>Maximum Community financial contribution: 50 % of the costs of participation of observers from other Member States and for organising associated workshops, preparing the exercise, producing a final report, etc.</td>
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<tr>
<td>The exercises are intended to compare methods, to stimulate cooperation between Member States and to back up progress in and to coordinate the national emergency services.</td>
<td></td>
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<td>4. Community Information System</td>
<td>100 % financing of the Commission part of the system.</td>
</tr>
<tr>
<td>Development and maintenance of a modern computerised information system to help the national authorities dealing with accidental marine pollution by providing the information needed for emergency management.</td>
<td></td>
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<td><strong>B. Action for improving techniques and methods of response and rehabilitation (pilot project) (2)</strong></td>
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<td>Projects designed to increase the Member States’ capacity for response and rehabilitation. These projects are aimed mainly at improving means, techniques and procedures. Their scope shall interest all or several Member States, and could include projects for the implementation of new technologies related to accidental marine pollution. Projects involving two or more Member States will be encouraged.</td>
<td>Maximum Community financial contribution 50 % of the total cost of each project with a ceiling of ECU 150 000.</td>
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<td><strong>C. Support and Information actions</strong></td>
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<td>Actions to support surveys of the environmental effects after an incident and to largely disseminate their results and the experience acquired to the other Member States.</td>
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<td>2. Conferences and events (1)</td>
<td>Conferences and other marine pollution events open to a large audience, in particular when they involve several Member States. Maximum Community financial contribution: 30 % of the total cost of the action with a ceiling of ECU 50 000.</td>
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<td>3. Other support actions (1)</td>
<td>Actions for defining the state of the art, for the development of principles and guidance for important aspects of the accidental marine pollution and operational spills and for the evaluations of the framework for cooperation. 100 % financing.</td>
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<td>4. Information</td>
<td>Publications, exhibition material and other information to the public on the Community cooperation in the field of accidental marine pollution. 100 % financing.</td>
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<td>D. Mobilization of expertise</td>
<td>Action for mobilisation of experts belonging to the Community Task Force to intervene in the event of an emergency situation to reinforce the system set up by the authorities of a Member State or a third country facing the emergency and for provision of an expert on scene to coordinate observers from other Member States. Community financial contribution: 100 % of the cost for the experts' missions.</td>
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