




Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Decision	1998/0350(COD) Procedure completed
Accidental or deliberate marine pollution: hydrocarbons or harmful substances, community framework for cooperation Amended by 2003/0304(COD)	
Subject 3.70.05 Marine and coastal pollution, pollution from ships, oil pollution	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	DELE EP Delegation to Conciliation Committee		26/09/2000
		V/ALE MCKENNA Patricia	
	Former committee responsible		
	ENVI Environment, Public Health and Consumer Protection	V MCKENNA Patricia	01/06/1999
	ENVI Environment, Public Health and Consumer Protection	V MCKENNA Patricia	21/01/1999
	ENVI Environment, Public Health, Consumer Policy	V/ALE MCKENNA Patricia	26/07/1999
Former committee for opinion			
BUDG Budgets			
JURI Legal Affairs, Citizens' Rights			
Council of the European Union	Council configuration	Meeting	Date
	Industry	2318	05/12/2000
	Culture	2287	26/09/2000
	Fisheries	2237	16/12/1999
	Environment	2207	12/10/1999
European Commission	Commission DG	Commissioner	
	Environment		

Key events			
16/12/1998	Legislative proposal published	COM(1998)0769	Summary
24/02/1999	Committee referral announced in Parliament, 1st reading		

30/03/1999	Vote in committee, 1st reading		
30/03/1999	Committee report tabled for plenary, 1st reading	A4-0189/1999	
26/07/1999	Vote in committee, 1st reading		
26/07/1999	Committee report tabled for plenary, 1st reading	A5-0003/1999	
13/09/1999	Debate in Parliament		
16/09/1999	Decision by Parliament, 1st reading	T5-0017/1999	Summary
30/11/1999	Modified legislative proposal published	COM(1999)0641	Summary
17/12/1999	Council position published	12612/1/1999	Summary
02/03/2000	Committee referral announced in Parliament, 2nd reading		
25/05/2000	Vote in committee, 2nd reading		Summary
25/05/2000	Committee recommendation tabled for plenary, 2nd reading	A5-0148/2000	
13/06/2000	Debate in Parliament		
13/06/2000	Decision by Parliament, 2nd reading	T5-0256/2000	Summary
26/09/2000	Parliament's amendments rejected by Council		
11/10/2000	Formal meeting of Conciliation Committee		
11/10/2000	Final decision by Conciliation Committee		Summary
30/10/2000	Joint text approved by Conciliation Committee co-chairs	3651/2000	
16/11/2000	Report tabled for plenary, 3rd reading	A5-0336/2000	
30/11/2000	Debate in Parliament		
30/11/2000	Decision by Parliament, 3rd reading	T5-0531/2000	Summary
05/12/2000	Decision by Council, 3rd reading		
20/12/2000	Final act signed		
20/12/2000	End of procedure in Parliament		
28/12/2000	Final act published in Official Journal		

Technical information

Procedure reference	1998/0350(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Decision
	Amended by 2003/0304(COD)

Legal basis	EC Treaty (after Amsterdam) EC 175-p1
Stage reached in procedure	Procedure completed
Committee dossier	CODE/5/13719

Documentation gateway

Legislative proposal	COM(1998)0769 OJ C 025 30.01.1999, p. 0020	16/12/1998	EC	Summary
Committee report tabled for plenary, 1st reading/single reading	A4-0189/1999 OJ C 219 30.07.1999, p. 0009	30/03/1999	EP	
Economic and Social Committee: opinion, report	CES0450/1999 OJ C 169 16.06.1999, p. 0016	28/04/1999	ESC	
Committee report tabled for plenary, 1st reading/single reading	A5-0003/1999 OJ C 054 25.02.2000, p. 0010	26/07/1999	EP	
Text adopted by Parliament, 1st reading/single reading	T5-0017/1999 OJ C 054 25.02.2000, p. 0056-0082	16/09/1999	EP	Summary
Modified legislative proposal	COM(1999)0641 OJ C 177 27.06.2000, p. 0031 E	30/11/1999	EC	Summary
Council position	12612/1/1999 OJ C 087 24.03.2000, p. 0001	17/12/1999	CSL	Summary
Commission communication on Council's position	SEC(1999)2182	25/01/2000	EC	Summary
Committee recommendation tabled for plenary, 2nd reading	A5-0148/2000 OJ C 067 01.03.2001, p. 0011	25/05/2000	EP	
Text adopted by Parliament, 2nd reading	T5-0256/2000 OJ C 067 01.03.2001, p. 0023-0047	13/06/2000	EP	Summary
Commission opinion on Parliament's position at 2nd reading	COM(2000)0475	21/08/2000	EC	Summary
Joint text approved by Conciliation Committee co-chairs	3651/2000	30/10/2000	CSL/EP	
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading	A5-0336/2000 OJ C 228 13.08.2001, p. 0006	16/11/2000	EP	
Text adopted by Parliament, 3rd reading	T5-0531/2000 OJ C 228 13.08.2001, p. 0016-0132	30/11/2000	EP	Summary
Follow-up document	COM(2006)0863	22/12/2006	EC	Summary

Additional information

European Commission	EUR-Lex
---------------------	-------------------------

Final act

Decision 2000/2850 OJ L 332 28.12.2000, p. 0001 Summary
--

framework for cooperation

PURPOSE : This proposal for a Council Decision seeks to establish a Community framework for co-operation in the field of accidental marine pollution. **CONTENT :** The framework for co-operation proposed by the Commission seeks to ensure better protection of the marine environment, human health and coastlines against the risks of accidental pollution at sea and operational spills by : - supporting and supplementing Member States' efforts at national, regional and local level aiming to improve their capabilities for response in case of incidents involving oil or other harmful substances and also to contribute to lessening the risks; - creating the conditions for and facilitating efficient mutual assistance and co-operation between Member States in this field; - establishing and maintaining within this framework a Community Information System with the purpose of exchanging data for preparedness for and response to accidental marine pollution.?

Accidental or deliberate marine pollution: hydrocarbons or harmful substances, community framework for cooperation

In adopting its report, drafted by Ms. Patricia McKenna (Green, Ireland), the European Parliament called for accidental marine pollution be defined so as to include - without being limited to - all releases of harmful substances into the marine environment, whether civilian or military, either directly on or into the sea, or from the shoreline, or river estuaries, or through releases from materials previously dumped at sea. It also called for harmful substances to be defined to include but not be limited to all materials covered by the International Maritime Dangerous Goods Code, all radioactive substances and releases from dumped munitions. The Parliament called for improved cooperation with neighbouring coastal countries participating in the Phare, Tacis and Meda programmes. The Parliament also called for improved exchange of information between port authorities, better public information to help clarify risks and the relaying of accident information, as well as the strengthening of the integration of risk prevention and response with other local agencies including habitat protection bodies. The Parliament is of the opinion that special attention should be given within the framework for cooperation with Phare and Tacis countries to the problem of deliberate or operational oil spills from vessels in the Baltic Sea area.?

Accidental or deliberate marine pollution: hydrocarbons or harmful substances, community framework for cooperation

The Commission accepted 12 of the European Parliament's amendments in their entirety, 3 in part and 5, as well as part of 15, in principle. These amendments clarify and improve the text of the proposal. Many of them reinforce the importance of cooperation against operational spills. Other introduce important concern such as the releases from dumped munitions, or call for a stronger implication of the public or other relevant bodies. The amendments which the Commission accepted in principle relate to the need to take due account of international conventions for the protection of some specific regional seas. It is proposed to regroup these under one single recital covering all the relevant conventions and/or agreements. Moreover, the amendments which the Commission partially accepted concern : - the introduction of a specific reference to pollution caused by radioactive substances. However, the radioactive substances are already implicitly covered in the proposal. Moreover, existing international conventions for the protection of the Mediterranean Sea, the Baltic Sea and the North Sea, to which the Community is a Contracting Party, have all adopted the same approach, namely not to mention any specific substances. Finally, radioactive substances are explicitly included in the IMDG (International Maritime Dangerous Goods) Code recalled in amendment No.5. In the light of the above, the introduction of a specific mention to radioactive substances does not bring any added value. In addition, the amendments which caused difficulties for the Commission relate to : - the introduction of a reference to the Persistent Organic Pollutants protocol on hormone-mimicking substances signed in June 1998 by the UN. Such a reference is not relevant considering the scope of this protocol, which addresses chronic air pollution; - the improvement of the cooperation with countries participating in the PHARE, TACIS and MEDA programmes. Such an extension would introduce too many difficulties in terms of management, given the quite different decision-making procedures applicable for the implementation of said initiatives (PHARE, TACIS and MEDA) on the one hand, and the proposed Community framework on the other ; - a proposal for the committee set up under the proposed decision shall meet in public and publish agendas and other documentation related to it. Such a proposal causes difficulties, as it is not in line with the recent decision on comitology (Council Decision 99/468/EC) ; - the prejudgement of the decision that should be taken on the basis of the evaluation report referred to in the same article (number 5) and impinges on the Commission's right of initiative.?

Accidental or deliberate marine pollution: hydrocarbons or harmful substances, community framework for cooperation

The proposal aims to establish a Community framework for cooperation in the field of accidental marine pollution. This framework is intended to support and supplement Member States' efforts for the protection of the marine environment, human health and coastlines against the risks for accidental pollution at sea and operational spills, and strengthen conditions for efficient mutual assistance and cooperation between Member States in this field. The main amendments made by the Council to the Commission's amended proposal are as follows: - time-framework: the time-framework is aligned on that of the financial perspectives and therefore extended from 5 years (as proposed by the Commission) to 7 years (2000-2006); - scope: for reasons of clarity, to take into account that the limited programme proposed cannot address all possible sources of pollution affecting the marine environment, directly or indirectly, and noting that continuous streams of pollution originating from land-based sources are normally regulated under other Community instruments, the instrument will address "risk for accidental or deliberate pollution at sea, excluding continuous streams of pollution originating from land-based sources". As regards harmful substances, the common position, while acknowledging the potential hazardous nature of dumped munitions notes: 1) that different competent authorities or Ministries are involved within Member States, and; 2) that the operational provision proposed by the European Parliament and retained by the Commission (namely putting the location of the dumping sites on web-sites) has obvious drawbacks. Other amendments include the financial framework: in accordance with the terms of the Interinstitutional Agreement of 6 May 1999, paragraph 2.(c) mentions a financial framework of EUR 7 million for the period 2000-2006, equivalent to the EUR 1 million per year proposed by the Commission. Furthermore, the common position establishes a management committee instead of the advisory committee proposed by the Commission. The

relevant decision-making procedure has been brought into line with Article 4 of the Council Decision 1999/468/EC on committee procedures, and the period allowed for the Council to act has been set to three months.?

Accidental or deliberate marine pollution: hydrocarbons or harmful substances, community framework for cooperation

In its amended proposal, the Commission had accepted and/or reformulated 20 of the 29 amendments that the European Parliament had proposed. In particular, the Commission had agreed that it would be useful to introduce or reinforce provisions dealing with dumped munitions, operational spills and a stronger involvement of the public or other relevant bodies. The common position is very much in line with the Commission's proposal, as far as both structure and content are concerned. With regard to the Parliament's amendments, the vast majority of those accepted by the Commission in its amended proposal have been taken on board by the Council: they relate mainly to the scope of the proposal, to the Community information system and to improved public information. The Commission is of the opinion that the common position improves and strengthens the Commission proposal. The only remaining difficulty relates to the committee procedure. Apart from that, the Commission is in a position to accept the text of the common position, which includes most of the Parliament's amendments supported by the Commission.?

Accidental or deliberate marine pollution: hydrocarbons or harmful substances, community framework for cooperation

The committee adopted the draft recommendation for second reading (codecision procedure) by Patricia McKENNA (Greens/EFA, IRL) amending the Council's common position on a Community framework for cooperation in the field of accidental or deliberate marine pollution. The committee essentially retabled and in some cases clarified the amendments adopted by Parliament at first reading. It accordingly called inter alia for 'harmful substances' to be defined to include, but not be limited to, all materials covered by the International Maritime Dangerous Goods Code, all radioactive substances and releases from dumped munitions. It also called for 'accidental marine pollution' to be defined to include, but not be limited to, all releases of harmful substances into the marine environment, whether civilian or military, either directly on or into the sea, or from the shoreline, or river estuaries, or through releases from materials previously dumped at sea. The committee also wanted Member States to cooperate to ensure that the principle of economic responsibility ("the polluter pays") was applied. Other amendments adopted included adding a provision whereby neighbouring coastal countries participating in the PHARE, TACIS and MEDA programmes could take part in the actions implemented under the cooperation framework and Community co-financing could be provided.?

Accidental or deliberate marine pollution: hydrocarbons or harmful substances, community framework for cooperation

The European Parliament in its second reading adopted the resolution drafted by Patricia MCKENNA (Green/EFA, Ireland) amending the Council's common position on a Community framework for co-operation in the field of accidental or deliberate marine pollution. The principal amendments are as follows: -the recitals call for regard to the international conventions and/or agreements applicable to European seas and maritime areas, such as the OSPAR Convention, the Barcelona Convention and the Helsinki Convention. -the recitals also call for regard to the Persistent Organic Pollutants Protocol of June 1998 which covers hormone-mimicking substances. -'accidental marine pollution' is defined to include, but not be limited to, all releases of harmful substances into the marine environment, whether civilian or military, either directly on or into the sea, or from the shoreline or river estuaries, or through releases of materials previously dumped at sea. -pursuant to the polluter pays principle, Member States are invited to cooperate to ensure that the principle of economic responsibility is applied and that fines imposed at administrative level in the coastal state which suffers the accidental pollution are recognised. -the Community Information System will additionally relate to sites that have been contaminated by dumped or used munitions.?

Accidental or deliberate marine pollution: hydrocarbons or harmful substances, community framework for cooperation

The Parliament adopted at second reading 16 amendments to the common position. The Commission retained 4 of these in whole or in part. These include: - the amendment referring to the habitat protection bodies, and a reference to the Polluter Pays Principle in the text. - part of the amendment referring to the International Maritime Dangerous Goods Code and part of the amendment defining "accidental marine pollution". The remaining amendments are not accepted by the Commission.?

Accidental or deliberate marine pollution: hydrocarbons or harmful substances, community framework for cooperation

The Conciliation Committee reached agreement on a joint text for the Decision in which compromises were reached on all the crucial points, the text finally agreed on being close to Parliament's original amendments. The reference to the OSPAR Convention was included in the text of the Decision, which also now contained a definition of accidental marine pollution and a reference to dumped munitions. Moreover, a definition of harmful substances in line with the similar definition adopted in the Water Framework Directive was added. The other main points were: - cooperation would include the exchange of information on dumped munitions; - the polluter pays principle was recognised and the Member States would have to take it into account in order to provide for compensation for damages; - the nature protection organisations were included in cooperation at local level. The EP delegation felt that Parliament's position at second reading was well reflected in the outcome of the conciliation and therefore recommended that the plenary adopt the joint text at third reading.?

Accidental or deliberate marine pollution: hydrocarbons or harmful substances, community framework for cooperation

The European Parliament has voted to endorse a conciliation agreement reached with Council on a EUR 7 million programme to tackle maritime pollution that will run from 2000 to 2006. The final agreement drafted by Mrs Patricia McKENNA (Greens/EFA, Ire) takes up several of Parliament's concerns such as the 'polluter pays' principle and a definition of harmful substances that is brought in line with a similar definition in the Water Framework Directive. Local environment protection organisations are also to be involved in the programmes. (Refer back to the previous document).?

Accidental or deliberate marine pollution: hydrocarbons or harmful substances, community framework for cooperation

PURPOSE: to set up a Community framework for cooperation in the field of accidental or deliberate marine pollution between 01/01/2000 and 31/12/2006. COMMUNITY MEASURE: Decision 2850/2000/EC of the Council and European Parliament. CONTENT: the framework for cooperation seeks to support and reinforce existing instruments for marine and coastal protection, public health as well as reinforcing the conditions for cooperation between the Member States in these areas. Marine pollution includes accidental or deliberate marine pollution caused by the spillage of hydrocarbons and other harmful substances at sea in large quantities. The framework for cooperation will simplify all measures taken since 1978, making them more coherent through the creation of a system of Community information and an action programme. The financial framework for the implementation of this Decision is set at MEUR 7 for the period 2000 to 2006. A rolling plan to implement the framework for cooperation shall contain individual actions to be undertaken. Each individual action shall be implemented in close cooperation with the competent authorities at national, regional, and local levels in the Member States. ENTRY INTO FORCE: 28/12/2000.?

Accidental or deliberate marine pollution: hydrocarbons or harmful substances, community framework for cooperation

This Communication sets out the current state of Community action in terms of marine pollution preparedness and response. It also indicates how the framework will be followed up and developed as from 2007 when the Community framework for co-operation will expire.

Since the establishment of a Community framework in the field of accidental or deliberate marine pollution in 2000 there has been a marked improvement in the preparedness of officials in the fight against accidental or deliberate marine pollution in the Member States. Today, 20 Member States, together with Norway and Iceland, play an active role in the Community framework for co-operation. Further, since 2001 there have been new developments at a Community level in terms of marine pollution prevention, preparedness and response ? most notably the establishment of the European Maritime Safety Agency (EMSA). In 2003, the European Parliament, recognising the importance of the Community framework, adjusted the reference amounts in order to take account of EU enlargement and raised the budget to EUR 12.6 million for the period.

In its findings the Communication notes that, for almost thirty years, Community action in the field of accidental or deliberate marine pollution has expanded to include enhanced co-operation between the Member States. Experience gained from recent disasters demonstrates that Europe's response was both rapid and effective.

The marine pollution accidents that have taken place in the past have had a significant impact on the environment. The Communication, therefore, urges the EU to do everything in its power to ensure that such disasters are not repeated. For this reason, actions to deal with such accidents are more necessary than ever before. Despite the expiry of the Community framework for co-operation, the Commission intends to continue and promote targeted actions against ship-source pollution from 2007 onwards. The European Maritime Safety Agency will play an increasing role in this field.