

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

1998/0350(COD) - 30/11/1999 - Modified legislative proposal

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.