Council of the European Union

Brussels, 27 October 2020
(OR. en)

11490/20

Interinstitutional File:
2020/0205(NLE)

PROCIV 62
JAI 778
ENV 568
CLIMA 214

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	DECISION OF THE CONTRACTING PARTIES TO THE AGREEMENT FOR COOPERATION IN DEALING WITH POLLUTION OF THE NORTH SEA BY OIL AND OTHER HARMFUL SUBSTANCES on the extension of the scope of application of the Agreement with a view to cooperation on surveillance in respect of the requirements of Annex VI to the MARPOL Convention

DECISION OF THE CONTRACTING PARTIES TO THE AGREEMENT FOR COOPERATION IN DEALING WITH POLLUTION OF THE NORTH SEA BY OIL AND OTHER HARMFUL SUBSTANCES

on the extension of the scope of application of the Agreement with a view to cooperation on surveillance in respect of the requirements of Annex VI to the MARPOL Convention

The Contracting Parties to the Agreement for Cooperation in Dealing with Pollution of the North Sea by Oil and Other Harmful Substances ("the Agreement"),

Recalling Article 16 of the Agreement, which provides that one or more Contracting Parties may propose amendments to the Agreement and that these may be adopted by unanimous vote at a meeting of the Contracting Parties,

With the intention of ensuring that the Depository Government receives notifications of approval from all Contracting Parties as quickly as possible to permit the swift entry into force of such amendments as set out in Article 16(2) of the Agreement,

Aiming to improve cooperation and coordination between the Contracting States in combating unlawful air emissions caused by shipping in order to limit the negative consequences of the combustion of marine fuels with high sulphur or nitrogen content for human health, biodiversity and the entire marine environment,

adopt the following decision by unanimous vote:

Paragraph 1

Amendment of the title of the Agreement

The title of the Agreement shall be amended to read as follows:

“Agreement for Cooperation in Dealing with Pollution of the North Sea Area by Oil and Other Harmful Substances including Air Pollution Caused by Shipping”

Paragraph 2

Amendment of the preamble of the Agreement

The preamble of the Agreement shall be amended as follows:

the word “Ireland, ” is inserted before the words “the Kingdom of the Netherlands”.

Preambular paragraphs 2 to 6 shall be amended to read as follows:

“Recognising that pollution of the sea by oil and other harmful substances as well as air pollution caused by shipping in the North Sea area may threaten the marine environment, biodiversity, human health and the corresponding interests of coastal States,

Noting that such types of pollution have many sources and that casualties and other incidents at sea are of great concern,

Convinced that an ability to combat such types of pollution as well as active co-operation and mutual assistance among States are necessary for the protection of their coasts and related interests,

Welcoming the progress that has already been achieved within the framework of the Agreement for Co-operation in Dealing with Pollution of the North Sea by Oil, signed at Bonn on 9 June 1969,

Wishing to develop further mutual assistance and co-operation in monitoring and combating the different types of pollution,"

Paragraph 3

Amendment of Article 1

Article 1 shall be amended to read as follows:

"Article 1

This Agreement shall apply within the North Sea area, as defined in Article 2:

(1) whenever the presence or the prospective presence of oil or other harmful substances polluting or threatening to pollute the sea presents a grave and imminent danger to the coast or related interests of one or more Contracting Parties; or

(2) whenever the presence or the prospective presence of emissions caused by shipping within the meaning of Annex VI to the MARPOL Convention polluting or threatening to pollute the marine environment contributes to the eutrophication of the sea and threatens the health of people who live on the coast or of living things in the sea; and

(3) to surveillance conducted as an aid to detecting and combating pollution as set out in paragraphs 1 and 2 of this Article and to preventing violations of anti-pollution regulations."

Paragraph 4

Amendment of Article 5

Article 5 shall be amended to read as follows:

“Article 5

1. Whenever a Contracting Party is aware of a casualty or the presence of oil or other harmful substances including ship emissions in the North Sea area likely to constitute a serious threat to the coast or related interests of any other Contracting Party, it shall inform that Party without delay through its competent authority.

2. The Contracting Parties undertake to request the masters of all ships flying their flags and pilots of aircraft registered in their countries to report without delay through the channels which may be most practicable and adequate in the circumstances:

   (a) all casualties causing or likely to cause pollution of the marine environment;

   (b) the presence, nature and extent of oil or other harmful substances likely to constitute a serious threat to the coast or related interests of one or more Contracting Parties.

3. The Contracting Parties shall make use of a standard form for the reporting of pollution as required under paragraph 1 of this Article.”

Paragraph 5

Amendment of Article 6

Article 6 shall be amended to read as follows:

“Article 6

1. For the sole purpose of this Agreement the North Sea area is divided into the zones described in the Annex to this Agreement.

2. The Contracting Party within whose zone a situation of the kind described in Article 1 paragraph 1 of this Agreement occurs, shall make the necessary assessments of the nature and extent of any casualty or, as the case may be, of the type and approximate quantity of oil or other harmful substances and the direction and speed of movement thereof.

3. The Contracting Party concerned shall immediately inform all the other Contracting Parties through their competent authorities of its assessments and of any action which it has taken to deal with the oil or other harmful substances and shall keep these substances under observation as long as they are present in its zone.

4. The obligations of the Contracting Parties under the provisions of this Article with respect to the zones of joint responsibility shall be the subject of special technical arrangements to be concluded between the Parties concerned. These arrangements shall be communicated to the other Contracting Parties.”

Paragraph 6

Amendment of Article 15

Article 15 shall be amended to read as follows:

“Article 15

1. The Contracting Parties shall make provision for the performance of secretariat duties in relation to this Agreement, taking into account existing arrangements in the framework of other international agreements on the prevention of pollution of the marine environment and air pollution in force for the same region as this Agreement.

2. Each Contracting Party shall contribute 2.5 % towards the annual expenditure of the Agreement. The balance of the Agreement's expenditure shall be divided among Contracting Parties other than the European Economic Community in proportion to their gross national product in accordance with the scale of assessment adopted regularly by the United Nations General Assembly. In no case shall the contribution of a Contracting Party to this balance exceed 20 % of the balance.”

Paragraph 7

Entry into force

This decision shall enter into force on the first day of the second month following the date on which the Depository Government has received notifications of approval from all Contracting Parties.