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Conformément au règlement (CEE, Euratom) n° 354/83 du Conseil du 1er février 1983 concernant l'ouverture au public des archives historiques de la Communauté économique européenne et de la Communauté européenne de l'énergie atomique (JO L 43 du 15.2.1983, p. 1), tel que modifié par le règlement (CE, Euratom) n° 1700/2003 du 22 septembre 2003 (JO L 243 du 27.9.2003, p. 1), ce dossier est ouvert au public. Le cas échéant, les documents classifiés présents dans ce dossier ont été déclassifiés conformément à l'article 5 dudit règlement.

In accordance with Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 43, 15.2.1983, p. 1), as amended by Regulation (EC, Euratom) No 1700/2003 of 22 September 2003 (OJ L 243, 27.9.2003, p. 1), this file is open to the public. Where necessary, classified documents in this file have been declassified in conformity with Article 5 of the aforementioned regulation.

In Übereinstimmung mit der Verordnung (EWG, Euratom) Nr. 354/83 des Rates vom 1. Februar 1983 über die Freigabe der historischen Archive der Europäischen Wirtschaftsgemeinschaft und der Europäischen Atomgemeinschaft (ABl. L 43 vom 15.2.1983, S. 1), geändert durch die Verordnung (EG, Euratom) Nr. 1700/2003 vom 22. September 2003 (ABl. L 243 vom 27.9.2003, S. 1), ist diese Datei der Öffentlichkeit zugänglich. Soweit erforderlich, wurden die Verschlussachen in dieser Datei in Übereinstimmung mit Artikel 5 der genannten Verordnung freigegeben.

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(77) 265 final.

Brussels, 9 June 1977

Communication from the Commission to the Council

on measures for the prevention, control and reduction of  
pollution caused by accidental discharges of hydrocarbons  
into the sea

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Draft

Council Resolution

on measures for the prevention, control and reduction of  
pollution caused by accidental discharges of hydrocarbons  
into the sea

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(submitted to the Council by the Commission)

COM(77) 265 final.

COMMISSION OF THE  
EUROPEAN COMMUNITIES

Communication from the Commission to the  
Council on measures for the prevention,  
control and reduction of pollution caused  
by accidental discharges of hydrocarbons  
into the sea

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1. There was an uncontrolled blow-out of gas and oil at 2330 hours on 22 April following a technical accident on the Bravo drilling rig; this rig lies in the Ekofisk field in that area of the North Sea where the Norwegian authorities are responsible for sea-bed working.

The incident occurred when a safety valve was being attached to the top of a drilling pipe. The blow-out was halted at 1200 hours on 30 April. According to the latest estimates, 20 000 t of oil escaped. Oil slicks might persist in the North Sea for one month but are not expected to reach the coasts. The ecological effect of the hydrocarbons on aquatic life has not yet been assessed.

The Norwegian Government has set up a committee of inquiry consisting of three lawyers to investigate the causes of and liability for the accident. The findings of the inquiry will be reported to Parliament before the summer recess.

The Norwegian authorities wish to speed up the development of mechanical means of oil recovery. Information has been exchanged under the Bonn Agreement on cooperation in dealing with pollution of the North Sea by oil.

The Norwegian Government is also making preparations for the organization of a conference of North Sea coastal states at ministerial level in June; the Commission has been invited to this conference at its own request.

2. The Ekofisk accident underlines the need for a more effective policy, as the Commission has unceasingly recommended and implemented for dealing with sea pollution. The sea is threatened not only by hydrocarbons but also by a number of discharges from land-based sources and increasing fall-out of particles from the atmosphere. Apart from the legislative measures in preparation at Community level, a number of practical provisions are needed to deal with this pollution.

In the particular case of discharges of hydrocarbons into the sea, the lessons of the Ekofisk accident should be learned and certain measures - which the Commission undertook on 3 May to propose to the Council of Ministers dealing with the problems of the environment and planned for 14 June 1977 - should be adopted as quickly as possible.

As the Commission stated on this occasion, the Community should have powers and means allowing it to take effective action in such situations, so expressing the solidarity of the Member States among themselves and towards non-member countries hit by a disaster of this type, since the protection of the seas is a duty for all the countries of the international community in the interest of future generations.

Measures to prevent, combat and reduce the effects of accidental discharges of hydrocarbons in the marine environment should thus be contemplated. Furthermore, the problems connected with worker safety in the hydrocarbon-extracting industry are covered by other activities started by the "Mines Safety and Health Commission" in accordance with the Council Decision of 27 June 1974 on the extension of its responsibilities to all mineral-extracting industries including the extraction of hydrocarbons<sup>1</sup>.

3. The following measures should be implemented as soon as possible:

3.1 The establishment of a "data bank" at Community level recording the means available for taking action in the event of accidental discharges of hydrocarbons.

The informations to be stored in a "data bank" of this type could be obtained from periodical inquiries made of the Member States. They would be readily available in the event of an accident in the form required by the users.

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<sup>1</sup>OJ No L 185 of 9.7.1974, p. 10.

This information should make possible answers to the following questions:

the availability of products and equipment allowing of chemical treatment of hydrocarbons (dispersants, precipitating agents, atomizing pumps and dispersant spreaders);

the availability of equipment allowing of mechanical treatment and the characteristics of this equipment (booms, including information about their length and mobility, skimmers and provisional storage apparatus for hydrocarbons);

the number and characteristics of the boats and units which can be used to carry out the abovementioned treatment (speed of transit and stability of the boats and installed equipment) and where they are based;

the availability of the resources required for coastal protection (substances to contain slicks, absorb hydrocarbons or precipitate them by means of sedimentation, gels enabling dispersants to be used on rocks or structures, atomizing equipment suitable for shallow waters, and beach-cleaning equipment);

the presence of skilled personnel.

Information on other substances could also be collected.

3.2 The development of a research programme into the technologies for collecting and dispersing hydrocarbons, into what happens to hydrocarbons in the sea and into their effects on marine fauna and flora.

This programme could include the following points:

search for new effective dispersants without toxic effects, in particular on crustacea and the spawning grounds;

development of booms of a sufficient size and mobility to contain movements of hydrocarbons and offering the required possibilities of traction;

development of effective collection equipment for use when the wave-troughs are deep (i.e., when the sea is relatively rough);

design and development of high-speed "depollutant boats" to which can be fitted all the equipment required for treating hydrocarbons.

In view of the cost involved, a project of this type appears feasible only if there is international cooperation;

research for the technical development of a monitoring system for pollution from hydrocarbons - bearing in mind what is developed under international agreements - and, in particular, monitoring possible course of accidentally-discharged hydrocarbons by creating a network of sensors providing overall and continuous information about wind and sea conditions;

development of studies on the chemical and physical changes of hydrocarbons in sea water;

more field research in controlled conditions into the effects of hydrocarbons on marine life.

3.3 The Commission also intends to appoint a group of high-level experts to examine the causes, circumstances and effects of recent accidents involving considerable spills of hydrocarbons in the sea, the remedies and preventive measures. The group will also be responsible for studying preparations for an environmental impact report on installations for prospecting and drilling for hydrocarbons at sea.

In particular, it will be able to analyse the information collected by the Danish authorities on the causes of the Ekofisk accident and the means to be employed for preventing such accidents or reducing their effects. It should be prompted by the experience gained in this sector by the Norwegian authorities.

It should examine the data collected in the Member States on the means available for dealing with accidental discharges of hydrocarbons, pursue the development of research in this sector and examine the technical and economic possibilities of recovering accidentally-discharged crude oil.

It should study the possibilities of implementing at Community level a system for certification of dispersants.

It could allow suitable measures to be laid down at Community level on the technological precautions to be taken, e.g., when fitting tubes in oil and gas wells and when installing valves and other shut-offs, and on the methods for atomizing dispersants in such a way that staff are given the necessary protection.

It should study the form to be taken by an environmental impact report on installations for prospecting and drilling for hydrocarbons at sea, including in particular an assessment of the risks coupled with the various technological options.

Finally, it could prepare the formulation of Community positions aiming at the efficient implementation of international agreements on:

- (i) the prevention of marine pollution in the prospecting and drilling for hydrocarbons;
- (ii) the civil liability for damage caused by pollution with hydrocarbons and the establishment of a compensation fund.

The group will conduct its activities without prejudice to the powers given to the Mines Safety and Health Commission by the Council Decision of 27 June 1974.

4. The effective implementation of international agreements on this type of pollution, in particular the Bonn Agreement of 9 June 1969 on cooperation in dealing with pollution of the North Sea by oil and the Protocol to the Barcelona Convention of 16 February 1976 -- on the protection of the Mediterranean Sea against pollution -- concerning cooperation in combating pollution of the Mediterranean Sea by oil and other harmful substances in cases of emergency.

The Bonn Agreement and the abovementioned Protocol to the Barcelona Convention provide in particular for an exchange of information between the parties on new methods to combat oil pollution and the granting of aid to any party in need of assistance to combat oil floating on the sea or polluting its coasts.

If the Community were to accede to these agreements, this would allow it to play an active role, for the following reasons:

Under Article 4 of the Bonn Agreement and Article 6 of the Protocol the Community could notify the other contracting parties of the findings of the research referred to in paragraph 3.2 of this draft. Furthermore, the information contained in the "data bank" proposed in paragraph 3.1 of this draft could be supplied to any contracting party in need of assistance to combat oil floating on the sea or polluting its coasts, in accordance with Article 7 of the Bonn Agreement and Article 10 of the Protocol.

The Commission will therefore present two recommendations for Council Decisions concerning the opening of negotiations for the accession of the European Economic Community to the Bonn Agreement and to the Protocol.

Furthermore, the Commission intends to examine the most appropriate methods of cooperation with the non-member countries in question as regards the four measures described above.

5. All these measures were covered by a statement by Mr Natali, the Commission Vice-President, to the Parliament on 10 May 1977 in which he undertook to present proposals to the Council at its meeting concerning the environment on 14 June. In order to carry out this commitment, the Commission suggests that the Council should state its position on this draft resolution without waiting for Parliament's opinion. Finally, the Commission asks the Council to approve the following resolution.



COUNCIL RESOLUTION

on measures for the prevention, control and reduction of  
pollution caused by accidental discharges of hydrocarbons  
into the sea

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the proposal from the Commission,

Whereas the programme of action of the European Communities on the environment has stressed Western Europe's paramount interest in effective action against the dangers inherent in the transportation of oil, including the danger of serious coastal pollution caused by accidents on the high seas;

Whereas the European Community action programme on the environment attached to the Resolution of the Council of the European Communities and the representatives of the Governments of the Member States adopted at the Council meeting on 17 May 1977 states that the protection of sea water in order to guarantee the maintenance of vital ecological balances, is given priority;

Whereas this programme provides that in respect of marine pollution resulting from transport and navigation, the Commission will undertake studies and, if necessary, present appropriate proposals concerning the effective implementation of international agreements;

Whereas national authorities faced with the problem of accidental discharges of oil and gas must be able to contact, as soon as possible, bodies able to offer assistance;

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<sup>1</sup>OJ No C 112, 20 December 1973, p. 1.

Whereas research must be carried out into the improvement of collection and dispersal technologies for oil and gas discharged into the sea and to gain a greater knowledge of what happens to the hydrocarbons and of their effects on the marine flora and fauna;

Approves the guidelines regarding

- (a) the creation of a data bank covering the available means of assistance which could be called upon in the event of accidental discharges of oil and gas;
- (b) the development of a research programme into technologies for the collection and dispersal of oil and gas, the fate of oil and gas discharged into the sea and their effects on the marine flora and fauna;

Takes note that

1. pursuant to these guidelines the Commission will take the requisite steps to create a data bank and to work out a research programme and in particular will present appropriate proposals thereon;
2. the Commission intends shortly to put before the Council two recommendations for a decision on the institution of negotiations for the accession of the European Economic Community to the Bonn Agreement and to the Protocol, to the Barcelona Convention concerning cooperation in combatting pollution of the Mediterranean Sea by oil and other harmful substances in case of emergency.

Undertakes to act on these proposals and recommendations within nine months of the date on which they were presented by the Commission and, if necessary, of the date on which the Opinions of Parliament and the Economic and Social Committee are presented.