



Treaty Series No. 118 (2000)

## Decision concerning Amendments

to the

# Agreement for Co-operation in dealing with Pollution of the North Sea by Oil and other Harmful Substances, 1983

Bonn, 22 September 1989

[The United Kingdom notified approval of the  
Amendments on 13 July 1990 and the Amendments  
entered into force for the United Kingdom on  
1 April 1994]

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
October 2000*

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**DECISION CONCERNING AMENDMENTS TO THE AGREEMENT FOR CO-OPERATION IN DEALING WITH POLLUTION OF THE NORTH SEA BY OIL AND OTHER HARMFUL SUBSTANCES, 1983<sup>1</sup>**

The Contracting Parties to the Agreement for Co-operation in Dealing with Pollution of the North Sea by Oil and Other Harmful Substances, done at Bonn on 13 September 1983 (hereinafter referred to as "the Agreement");

Recalling Article 1 of the Agreement for Co-operation in Dealing with Pollution of the North Sea by Oil and Other Harmful Substances, done at Bonn on 13 September 1983, according to which the Agreement shall apply whenever the presence or the prospective presence of oil or other harmful substances polluting or threatening to pollute the sea within the North Sea presents a grave and imminent danger to the coast or related interests of one or more Contracting Parties;

Recalling paragraph XVI, subparagraphs 46 to 50 of the Ministerial Declaration of the Second International Conference on the Protection of the North Sea, held in London from 24-25 November 1987;

Recognizing that the Agreement does not contain provisions referring to the use of surveillance as an aid to detecting pollution and to preventing violations of anti-pollution regulations;

Desiring to extend the scope of the Agreement to such activities;

Recognizing also the need to adjust the southern geographical limit of the Skagerrak as defined in Article 2 of the Agreement;

Have agreed to amend the Agreement as follows:

**ARTICLE I**

Article 1 of the Agreement shall be amended to read as follows:

"This Agreement shall apply:

- (1) whenever the presence or the prospective presence of oil or other harmful substances polluting or threatening to pollute the sea within the North Sea area, as defined in Article 2 of this Agreement, presents a grave and imminent danger to the coast or related interests of one or more Contracting Parties; and
- (2) to surveillance conducted in the North Sea area as an aid to detecting and combating such pollution and to preventing violations of anti-pollution regulations."

**ARTICLE II**

Article 2 of the Agreement shall be amended to read as follows:

"For the purpose of this Agreement the North Sea area means the North Sea proper southwards of latitude 61°N, together with:

- (a) the Skagerrak, the southern limit of which is determined east of the Skaw by the latitude 57° 44' 43"N;
- (b) the English Channel and its approaches eastwards of a line drawn fifty nautical miles to the west of a line joining the Scilly Isles and Ushant."

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<sup>1</sup> Treaty Series No. 44 (1999) Cm 4397.

### ARTICLE III

Article 3 of the Agreement shall be amended to read as follows:

“(1) The Contracting Parties consider that the matters referred to in Article 1 of this Agreement call for active co-operation between them.

(2) The Contracting Parties shall jointly develop and establish guidelines for the practical, operational and technical aspects of joint action and co-ordinated surveillance as referred to in Article 6A.”

### ARTICLE IV

Article 4 of the Agreement shall be amended to read as follows:

“Contracting Parties undertake to inform the other Contracting Parties about:

- (a) their national organisation for dealing with pollution of the kind referred to in Article 1 paragraph 1 of this Agreement, and for enforcing anti-pollution regulations;
- (b) the competent authorities responsible for receiving and dispatching reports of such pollution and for dealing with questions concerning measures of mutual assistance and co-ordinated surveillance between Contracting Parties;
- (c) their national means for avoiding or dealing with such pollution, which might be made available for international assistance;
- (d) new ways in which such pollution may be avoided and about new effective measures to deal with it;
- (e) major pollution incidents of this kind dealt with;
- (f) new developments in the technology of conducting surveillance;
- (g) their experience in the use of surveillance means and techniques in the detection of pollution and the prevention of violations of anti-pollution regulations, including use in co-operation with other Contracting Parties;
- (h) information of mutual interest derived from their surveillance activities;
- (i) their national programmes for surveillance, including co-operative arrangements with other Contracting Parties.”

### ARTICLE V

A new Article 6A shall be added to the Agreement as follows:

“Surveillance shall be carried out, as appropriate, by the Contracting Parties in their zone of responsibility or zones of joint responsibility referred to in Article 6 of this Agreement. The Contracting Parties may bilaterally or multilaterally conclude agreements on or make arrangements for co-operation in the organisation of surveillance in the whole or part of the zones of the Parties concerned.”

## ARTICLE VI

Article 8 of the Agreement shall be amended to read as follows:

- “(1) The provisions of this Agreement shall not be interpreted as in any way prejudicing the rights and obligations of the Contracting Parties under international law, especially in the field of the prevention and combating of marine pollution.
- (2) In no case shall the division into zones referred to in Article 6 of this Agreement be invoked as a precedent or argument in any matter concerning sovereignty or jurisdiction.
- (3) The division into zones referred to in Article 6 of this Agreement shall in no way restrict the rights of Contracting Parties to carry out in accordance with international law surveillance activities beyond the limits of their zones.”

## ARTICLE VII

Article 9 of the Agreement shall be amended to read as follows:

- “(1) In the absence of an agreement concerning the financial arrangements governing actions of Contracting Parties to deal with pollution which might be concluded on a bilateral or multilateral basis or on the occasion of a joint combating operation, Contracting Parties shall bear the costs of their respective actions in dealing with pollution in accordance with subparagraph (a) or subparagraph (b) below:
- (a) If the action was taken by one Contracting Party at the express request of another Contracting Party, the Contracting Party requesting such assistance shall reimburse to the assisting Contracting Party the costs of its action;
- (b) If the action was taken by a Contracting Party on its own initiative, this Contracting Party shall bear the costs of its action.
- (2) The Contracting Party requesting assistance may cancel its request at any time, but in that case it shall bear the costs already incurred or committed by the assisting Contracting Party.
- (3) Unless otherwise specified in bilateral or multilateral agreements or arrangements, each Contracting Party shall bear the costs of its surveillance activities carried out in accordance with Article 6A.”

## ARTICLE VIII

The Contracting Parties shall notify the Depositary Government of their approval of these amendments in accordance with Article 16, paragraph 2 of the Agreement.

## RATIFICATIONS, ACCESSIONS, EFFECTIVE DATES AND DECLARATIONS

<i>State</i>	<i>Action</i>	<i>Date</i>	<i>Effective Date</i>
Belgium	Approval	14 November 1990	
European Community	Approval	9 February 1994	1 April 1994
France	Approval	11 December 1992	
Germany	Approval	28 February 1991	
Netherlands	Approval	9 October 1991	
Norway	Approval	11 November 1992	
Sweden	Approval	28 June 1990	
United Kingdom	Approval	13 July 1990	





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