



Council of the  
European Union

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## LEGISLATIVE ACTS AND OTHER INSTRUMENTS

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Subject: COUNCIL DECISION authorising the opening of negotiations on behalf of the European Union at the Thirty-First Meeting of the Contracting Parties on the amendments to the Agreement for Co-operation in Dealing with Pollution of the North Sea by Oil and Other Harmful Substances (Bonn Agreement) with regard to the extension of the scope of application of the Bonn Agreement and with regard to the accession of the Kingdom of Spain to the Bonn Agreement

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**COUNCIL DECISION (EU) 2019/...**

**of ...**

**authorising the opening of negotiations on behalf of the European Union  
at the Thirty-First Meeting of the Contracting Parties  
on the amendments to the Agreement  
for Co-operation in Dealing with Pollution of the North Sea  
by Oil and Other Harmful Substances (Bonn Agreement)  
with regard to the extension of the scope of application of the Bonn Agreement  
and with regard to the accession of the Kingdom of Spain to the Bonn Agreement**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 191 and 196, in conjunction with Article 218(3) and (4) thereof,

Having regard to the recommendation from the European Commission,

Whereas:

- (1) The Agreement for Co-operation in Dealing with Pollution of the North Sea by Oil and other Harmful Substances (Bonn Agreement)<sup>1</sup> was concluded by the European Economic Community by Council Decision 84/358/EEC<sup>2</sup>. The Bonn Agreement entered into force on 1 September 1989. The Bonn Agreement was amended in 1989. Those amendments entered into force on 1 April 1994. The European Economic Community approved those amendments by Council Decision 93/540/EEC<sup>3</sup>.
- (2) Pursuant to Article 16 of the Bonn Agreement, a proposal by a Contracting Party for the amendment of the Bonn Agreement or its Annex is to be considered at a meeting of the Contracting Parties. Following adoption of the proposal by unanimous vote, the amendment is to be communicated by the Depositary Government to the Contracting Parties. Such amendments are to enter into force on the first day of the second month following the date on which the Depositary Government receives notifications of approval from all Contracting Parties.

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<sup>1</sup> OJ L 188, 16.7.1984, p. 9.

<sup>2</sup> Council Decision 84/358/EEC of 28 June 1984 concerning the conclusion of the Agreement for cooperation in dealing with pollution of the North Sea by oil and other harmful substances (OJ L 188, 16.7.1984, p. 7).

<sup>3</sup> Council Decision 93/540/EEC of 18 October 1993 approving certain amendments to the Agreement for cooperation in dealing with pollution of the North Sea by oil and other harmful substances (Bonn Agreement) (OJ L 263, 22.10.1993, p. 51).

- (3) Pursuant to Article 20 of the Bonn Agreement, the Contracting Parties to the Bonn Agreement may unanimously invite any other coastal State of the North East Atlantic area to accede to the Bonn Agreement. In such a case, Article 2 of the Bonn Agreement and its Annex are to be amended as necessary.
- (4) The Contracting Parties to the Bonn Agreement, during their thirty-first meeting from 9 to 11 October 2019, are to adopt, by unanimity, a decision under Article 16 of the Bonn Agreement to extend the scope of application of the Bonn Agreement with a view to improving cooperation on surveillance in respect of the requirements of Annex VI to the MARPOL Convention, as well as a decision under Article 20 of the Bonn Agreement to enable the accession of the Kingdom of Spain to the Bonn Agreement and to introduce related amendments.
- (5) As the Contracting Parties are to amend the geographical and material scope of the Bonn Agreement, it is appropriate for the Union to authorise the Commission to negotiate those amendments on behalf of the Union.
- (6) The adoption of a decision to propose to the Contracting Parties the approval of the extension of the mandate of the Bonn Agreement in relation to Annex VI to the MARPOL Convention would improve joint surveillance, monitoring and reporting of ship emissions in the North Sea area. Such coordinated activity within the Bonn Agreement would contribute to lower the risks to the marine environment and the interests of coastal States and of the Union.

- (7) The accession of Spain would lead to the inclusion of the Bay of Biscay within the area covered by the Bonn Agreement; activities under the Bonn Agreement would also benefit from the work and expertise of Spain in that respect. Inclusion of the Finisterre Traffic Separation Scheme will mean that the main traffic route in Europe connecting the North Sea and the Mediterranean Sea would be covered by a commonly coordinated preparedness and response management system. It appears therefore that the scope and effectiveness of the cooperation under the Bonn Agreement would be improved.
- (8) In light of the above, the Union should therefore support the amendments to the Bonn Agreement, concerning both the extension of the material scope of the Bonn Agreement in relation to Annex VI of the MARPOL Convention and concerning the extension of the geographical scope of the Bonn Agreement in relation to the accession of Spain.
- (9) The Council should authorise the Commission to negotiate, on behalf of the Union, and express the Union's support for, the adoption of the proposed amendments to the Bonn Agreement,

HAS ADOPTED THIS DECISION:

### *Article 1*

The Commission is hereby authorised to negotiate, on behalf of the Union, the amendments to the Bonn Agreement concerning the extension of the material scope of application of the Bonn Agreement in relation to Annex VI of the MARPOL Convention, and the extension of the geographical scope of application of the Bonn Agreement in relation to the accession of Spain thereto.

### *Article 2*

The negotiations shall be conducted in support of the amendments to the Bonn Agreement as laid down in the draft Decisions of the Contracting Parties set out in the Addendum to this Decision.

Minor changes to the draft Decisions by the Contracting Parties may be agreed upon without further decision of the Council.

*Article 3*

This Decision is addressed to the Commission.

Done at Brussels,

*For the Council*

*The President*

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