

COMMUNIQUÉ ON THE NINTH CONFERENCE OF MINISTERS
ON THE PROTECTION OF THE RHINE AGAINST POLLUTION
BONN, 11 OCTOBER 1988

The members of the International Commission for the Protection of the Rhine against Pollution met at ministerial level in Bonn on 11 October 1988 under the chairmanship of Mr Töpfer, Minister of the Environment, Nature Conservation and Nuclear Safety of the Federal Republic of Germany.

The conference was attended by:

For the Federal Republic of Germany, Mr TÖPFER, Minister of the Environment, Nature Conservation and Nuclear Safety;

For France, Mr LALONDE, the Prime Minister's State Secretary for Environmental Affairs;

For Luxembourg, Mr DECKER, Director of the Water and Forestry Management Department, representing Mr KRIEPS;

For the Netherlands, Mrs SMIT-KROES, Minister of Transport and Public Works;

For Switzerland, Mr BÖHLEN, Director of the Federal Department of the Environment, representing Mr COTTI;

For the Commission of the European Communities, Mr BRINKHORST, Director-General for the Environment, Consumer Protection and Nuclear Safety, representing Mr CLINTON DAVIS;

For the International Commission for the Protection of the Rhine against Pollution, Mr PEDROLI, President of the Commission;

For Belgium, Mr de BRABANDER, Head of Division at the Ministry of Health and the Environment, representing Mrs SMET, as an observer;

For the Central Commission for the Navigation of the Rhine, Mr DÖRFLINGER, Secretary-General of the Commission, for Mr HÖYNCK, as an observer;

The ministers of the Rhine riparian states responsible for the protection of the Rhine and the representative of the Commission of the European Communities (EC) reaffirmed their desire that the Rhine Action Programme and the decisions of the Conferences of Ministers of 19 December 1986 in Rotterdam and 1 October 1987 in Strasbourg be implemented quickly and completely.

They noted with satisfaction the detailed report by the President of the International Commission for the Protection of the Rhine Against Pollution (IRC) on the work initiated since the 8th Conference of Ministers and the results already achieved, and discussed in particular the following subjects:

I. IMPLEMENTATION OF THE RHINE ACTION PROGRAMME

The Ministers and the representative of the EC Commission observe that plans of work and schedules have been drawn up for the individual phases of the Rhine Action Programme which will make it possible to achieve the goals which have been decided on. The deployment of more than 150 experts within the framework of the IRC, many of whom are exclusively concerned with the protection of the Rhine, and the efforts which have been multiplied at national level, are evidence of the firm desire of the contracting states to ensure the success of the Action Programme.

On account of certain initial difficulties, it has not always been possible to adhere completely to the tight schedule provided for by the Rhine Action Programme, but they are confident that the first phase of the Action Programme can be completed by the end of 1989, using the organisation now established. The second phase is likely to be completed by 1995.

They emphasize that the schedule for the remaining phases should also be strictly adhered to. They therefore call upon the IRC to review the situation regularly and, if necessary, to propose additional action with a view to ensuring that measures are implemented in time.

II. SAFETY OF INDUSTRIAL SITES

a. The Ministers and the representative of the EC Commission confirm the decisions of the Conference of Ministers of 19.12.1986 in Rotterdam concerning the prevention of accidents on the Rhine.

2. They reaffirm their determination to strengthen the law on accidents.

This should ensure that measures to prevent pollution as a result of accidents are to be developed further in line with technical progress.

3. They note the IRC's report on existing potential dangers, technical and legal improvements and measures planned. Within their territory, the member states have listed the sites which represent a particular danger to the Rhine and have already taken or are preparing numerous measures of a legal, administrative, technical and organisational nature with a view to improving safety at industrial sites.

These measures include:

a) legal and administrative measures

- extension of the field of application of the regulations to additional sites and depots storing dangerous substances;
- extension and intensification of compulsory reporting of incidents which harm or endanger water;
- obligation to keep up-to-date records of products stored, stating quantities and places of storage of dangerous substances;
- requirement that safety analyses be filed with the competent authorities;
- concrete obligation for proprietors of sites to inspect and maintain their sites and provide documentation on the subject;
- intensified surveillance of sites by making greater use of experts;
- more effective cooperation between companies' own emergency services and public ones;
- improved reports on accidents and evaluation of past experience of damage.

b) technical and organisational measures (as relevant to the site concerned, may differ according to site)

- adequate reservoirs of water for retaining fire-fighting water;
- installation of suitable fire detection and alarm systems;

- separate storage of dangerous substances;
 - reduction in the size of fire sections;
 - limits on the quantities of dangerous substances stored;
 - installation of automatic sprinkler systems;
 - regular maintenance of alarm and safety systems;
 - improved training of staff working on the sites;
 - provision of suitable and adequate firefighting equipment;
 - regular exercises based on the alarm and disaster plans for the site;
 - protection against interference by unauthorised persons.
4. They urge the early completion of current work. They regard the further development of high safety standards at all sites where there is a potential danger to water in the Rhine basin as indispensable.
 5. They instruct the IRC to make further proposals by the end of 1989, in consultation with the EC Commission, for the harmonization of the following deliberation areas:
 - safety principles for sites;
 - criteria for the compilation of comparable inventories;
 - criteria for effective supervision of sites; in carrying out this work, the necessity of improving the criteria for the assessment of substances and risks at sites should be borne in mind.
 6. They instruct the IRC to draw up, by the end of 1990, a preliminary list of the precautionary measures planned or implemented at the sites the inventories of which the Member States have established on the basis of uniform criteria. This preliminary list should be classified according to potential danger and must include a schedule. It is to be updated every two years.
 7. They instruct the IRC to work out, by the end of 1989, methods of registering, assessing and evaluating incidents and accidents in the Rhine basin with a view to elaborating a basis for the determination of fields in which action to prevent accidents should be taken as a matter of priority. On this basis, areas in which measures need to be improved as a matter of priority should be determined by the end of 1990.
 8. They instruct the IRC to exchange regularly, beginning at the end of 1989, information about the experiences and knowledge of the Member States with regard to accident precautions and supervision of sites,

within the framework both of the IRC and of meetings of experts, to compare technical guidelines, to identify differences, and on this basis to continue to make technical and legal improvements.

III. MINIMUM REQUIREMENTS FOR COMMUNAL DISCHARGES

The Ministers and the representative of the EC Commission note on the basis of the IRC's report on the pollution of the Rhine by noxious substances from communal discharges that:

- a. pollution of the Rhine by oxygen-consuming substances has been substantially reduced in recent years due to the construction of many communal effluent treatment plants in the Rhine basin;
- b. however, the nutrient load, particularly that of phosphorus and nitrogen, has not been reduced to the same extent.

In order to achieve a further improvement and, inter alia, to reduce phosphorus and nitrogen pollution in the North Sea, the Ministers have decided:

1. to apply the minimum requirements for discharges from communal sewage treatment plants indicated in the enclosed table. The administrative provisions on minimum requirements shall apply from 1.7.1989 at the latest to new treatment plants and to plants which are renovated or extended.

For existing plants, the IRC is instructed, by the end of 1989, to estimate the costs and propose a schedule for the execution of measures which will make it possible to meet the minimum requirements to ensuring that the objectives of the Action Programme are achieved.

2. to implement appropriate technical measures in accordance with national regulations, which may yet have to be introduced, in order to reduce discharges of pollutants contained in rainwater.
3. to improve drainage systems as regards their connection to sewage treatment plants in order to ensure that at least 80% of potential pollution from communal sources in the whole of the Rhine basin is treated.

4. The IRC is instructed to draw up, by the end of 1990, reviews of all pollution of the Rhine with nitrogen from point sources and diffuse discharge sources, including agriculture. Measures and schedules for reducing the total nitrogen input are also to be proposed; these should include, for example, measures in agriculture and the introduction of denitrification at communal sewage treatment plants. Once technical rules for denitrification have been worked out (which is expected to be done by 1991), the conditions will exist for fixing minimum requirements.

The Ministers indicate that increased waste water treatment will produce larger quantities of sewage sludge containing toxins, and they demand that arrangements be made in the Member States in good time for the appropriate elimination of this sludge, in accordance with existing regulations for the protection of the soil, surface waters and ground water.

IV. RHINE SALT TREATY

A. The French Minister explained the overall plan, proposed by the French Government, for the implementation of the second phase, including the technical details of the implementation and the financing of the associated costs, in accordance with the provisions of article 2, paragraphs 3 and 4 of the amended Treaty.

He indicated:

1. with regard to the technical details:
 - in order to achieve the objective of reducing the mean annual discharge of waste salts into the Rhine by 40 kg/sec of chloride ions and thus to comply with the obligation provided for by article 2, paragraph 3, of the amended Treaty, the French Government has opted for the solution which is primarily based on temporary storage of the waste salts followed by disposal from 1998 onwards;
 - for this purpose the French Government proposes that studies of all possible methods of disposal - including discharge of the stored salt into the Rhine - which technological development may make possible, should be carried out until 1995 and the results should be communicated to the Contracting Parties, without damaging the environment as defined in the goals stated in the Rhine Action Programme;

- as recycling of the stored salt is technically feasible, the French Government would contact the other Contracting Parties with a view to investigating the economic effects and ascertaining the financial consequences if part of the waste salts were to be recycled at any time.
2. with regard to financing:
- the Contracting Parties will contribute to the costs arising from the implementation of the second phase of the overall plan in accordance with the formula laid down in article 7, paragraph 2, of the amended Treaty; these costs will amount to 816,300,000 French francs according to the schedule envisaged and subject to any adjustments which may have to be made each year.

B.1. The Ministers note with interest France's overall plan for the implementation of the second phase in accordance with article 2, paragraphs 3 and 4, of the amended Rhine Salt Treaty and welcome the constructive steps which the French Government has taken in this respect.

They observe that this proposal has not met with agreement from all Contracting Parties.

Under these circumstances it is not possible to embark upon the implementation of the second phase on 5.1.1989 as envisaged in the amended Treaty, as the Contracting Parties will confirm in an exchange of letters.

2. The Ministers note the position adopted by the Dutch Minister, who has explained that at present the problem of chloride pollution is no longer of the same relative significance in relation to the priority given to certain other forms of pollution of the Rhine.
3. They agree that the Contracting Parties will study the situation which has thus arisen before 30 June 1989.
4. They reaffirm the obligation to take the necessary precautions to prevent any increase in the input of chlorides to the Rhine in accordance with article 3, paragraph 1, of the amended Treaty.

5. They furthermore recall that the reduction of discharges by France by 20 kg/sec which resulted from the implementation of the agreement on the first phase will be continued in accordance with article 2, paragraph 2, of the amended Treaty.

V. THERMAL POLLUTION OF THE RHINE

1. On 1 October 1987 the Ministers and the representative of the EC Commission adopted the Rhine Action Programme relating to action up to the year 2000, according to which thermal pollution of the Rhine will likewise require attention.
2. With a view to the national policies of the Member States on limiting thermal pollution of the Rhine, they observe that related issues call for close cooperation if thermal pollution of the Rhine is not to become an obstacle to achieving the objectives of the Action Programme. In this respect they refer to the Ministers Declaration of 1979.
3. They instruct the IRC to compile, by mid-1989, an updated inventory of thermal discharges and update it regularly, at three-yearly intervals.
 - 4.1 Moreover, the Contracting States will inform one another at an early stage of plans concerning industrial sites (new ones, extension of existing ones and renovation projects) which will result in thermal discharges exceeding 200 MJ/s.
 - 4.2 In addition, the Contracting States will regularly inform one another within the framework of the IRC of national measures to prevent excessive thermal pollution.
 - 4.3 This will permit the examination of further developments, with special reference to possible new measures to be taken by mutual arrangement, including the conclusion of an agreement on thermal pollution. The IRC is asked to investigate the ecological significance of thermal discharges into the Rhine.

VI. TRANSPARENCY OF DATA

1. The Ministers and the representative of the EC Commission observe that various statutory regulations and various modes of implementation exist in the different Member States with regard to publication of permits and data concerning discharges. They consider it necessary that data on discharges both in the IRC's area and in Europe as a whole be made more transparent in order to improve protection of water and to provide a basis for checking the success of the measures taken.
2. By 31 March 1989 the IRC will therefore collect and compare the national statutory regulations and arrangements for application with reference to access to these data.
3. They declare that in individual cases and upon request the existing discharge permits are available for inspection in the respective states. If required, these permits may be exchanged between the Contracting Parties or within the IRC.
4. They declare that data on the actual individual discharges are available in the Member States but that not all Member States grant a right of access to these data.
5. They instruct the IRC to investigate, by 31 July 1989, to what extent this practice can be altered; exchange of information on actual discharges within the IRC is of particular importance in this connection.

VII. ACCELERATION OF APPROVAL PROCEDURES

1. The Ministers and the representative of the EC Commission consider that the decision-making and adoption procedures should be accelerated. This is particularly necessary in the case of those applied within the framework of the Rhine Chemical Convention.
2. They consider that with a view to fighting pollution of the Rhine the EC Commission should have a general mandate for negotiations on regional agreements concerning the Rhine, so that decision-making

procedures within the Community can be accelerated. They ask the EC Council of Ministers to take the decisions necessary for this purpose.

3. They observe that the IRC need not await the decisions of the EC Council of Ministers (limit values, recommendations, programmes) before setting limit values pursuant to the Rhine Chemical Convention or before adopting recommendations made to the Contracting Parties.
4. They believe that the following sentence should be inserted in future decisions taken by the IRC:
"If a legally binding decision by the EC Commission is found to be more stringent than a decision by the IRC, the IRC hereby agrees to the most stringent rules, subject to express approval by Switzerland".
5. If delays occur in the ratification of IRC recommendations by the EC, the Ministers will seek to apply the recommendation concerned at national level before it enters into force according to international law.
6. The Ministers and the representative of the EC Commission instruct the IRC to investigate by 31.07.1989 whether and to what extent the Chemical Convention should be amended in view of the requirements of effective water protection (e.g. requirements concerning production or effluent treatment procedures and the acceptance of sum parameters and regulations applicable to particular sectors of industry) or new legal bases should be established in order to convert the provisions of the Rhine Action Programme into a legally binding form.

VIII. REHABILITATION OF THE RHINE

The Ministers and the representative of the EC Commission acknowledged the report of the IRC concerning the effects of the Sandoz fire disaster on the aquatic ecosystem of the Rhine.

They observe that the invertebrate and fish populations have largely recovered from the serious harm they suffered and they approve the IRC's proposals for new measures to improve ecological conditions in the Rhine. In this connection they have taken note of the fact that Sandoz is making funds available for a study of the return of salmon to the Rhine.

IX. DAMAGES SETTLEMENTS BY SANDOZ

The Ministers have taken note of the IRC's report on damages settlements from the arising Sandoz fire. They have noted that settlements have been reached in the majority of cases and they assume that Sandoz will settle the remainder promptly.

X. PROTECTION OF THE NORTH SEA

1. The Ministers and the representative of the EC Commission note that, in view of what has happened in the North Sea this year, it has again become apparent how necessary it is to reduce contamination of the North Sea from rivers as well as from other sources.
2. They take the view that efforts must be made to ensure that the measures taken within the framework of the Rhine Action Programme and of the North Sea conferences are harmonized.
3. They consider it desirable that the IRC, represented by its President, should attend as an observer the third conference of Ministers with responsibility for the North Sea.
4. They emphasize that the measures envisaged within the framework of the Rhine Action Programme should serve as an example for all the catchment areas of rivers floating into the North Sea. They agree to work jointly towards this end in the fora concerned.
5. They point out that it is necessary that further measures, not mentioned in the Rhine Action Programme, be taken to protect the North Sea.

CONCLUDING OBSERVATION

The Ministers and the representative of the EC Commission are confident that the activities which have been undertaken by the Rhine riparian states and those which they will undertake in the future to improve the quality of the water in the Rhine and its ecosystem will have the results expected within the time limits envisaged. They are determined to continue this work unremittingly.

The Ministers and the representative of the EC Commission agree to hold the next conference of ministers on the Rhine in November 1989.

Minimum requirements for discharges from communal effluent treatment plants

	Concentration	Efficiency
Biochemical oxygen demand (BOD5)	25 mg/l	90%
Chemical oxygen demand (COD)	100 mg/l	75%
(may be replaced by a limit value for total organic carbon)	20 mg/l	80%
Total phosphorus	1 mg/l P &	80%
The limit value of 1 mg/l P applies to plants with more than 100,000 population equivalents; the limit value of 2 mg/l P applies to plants with 20,000 population equivalents or more	or 2 mg/l P &	80%
Ammonium**	10 mg/l	75%
These limit values apply to plants with a capacity of 5,000 or more population equivalents with effluent leaving the biological reactor at temperatures exceeding 12°C		
Suspended particles	30 mg/l	

The above limit values apply to the results of 24-hour tests on combined samples or comparable tests.

The limit value for ammonium is 10 mg NH₄ -N/l. It is deemed to be complied with if the efficiency is at least 75%.

*) The efficiency is the amount of pollutant removed from the effluent in relation to the amount which it originally contains when it enters the plant.

***) Reservation by Switzerland, which will announce its decision on the matter by 1991.