


# Procedure file

Basic information		
INI - Own-initiative procedure	<a href="#">2003/2066(INI)</a>	Procedure completed
Sea pollution: Prestige accident, improving safety at sea		
Subject 3.70.05 Marine and coastal pollution, pollution from ships, oil pollution		

Key players				
European Parliament	Committee responsible	Rapporteur	Appointed	
	<b>RETT</b> Regional Policy, Transport and Tourism		21/01/2003	
		ELDR <a href="#">STERCKX Dirk</a>		
	Committee for opinion	Rapporteur for opinion	Appointed	
	<b>PECH</b> Fisheries		24/04/2003	
		PSE <a href="#">POIGNANT Bernard</a>		
	<b>ITRE</b> Industry, External Trade, Research, Energy		24/04/2003	
	V/ALE <a href="#">ORTUONDO LARREA Josu</a>			
<b>EMPL</b> Employment and Social Affairs		29/04/2003		
	PPE-DE <a href="#">PÉREZ ÁLVAREZ Manuel</a>			
<b>BUDG</b> Budgets		The committee decided not to give an opinion.		
<b>ENVI</b> Environment, Public Health, Consumer Policy (Associated committee)		19/02/2003		
	V/ALE <a href="#">ISLER BÉGUIN Marie Anne</a>			
European Commission	Commission DG Energy and Transport	Commissioner		

Key events			
02/12/2002	Non-legislative basic document published	<a href="#">COM(2002)0681</a>	Summary
10/04/2003	Committee referral announced in Parliament		
08/07/2003	Vote in committee		Summary
07/07/2003	Committee report tabled for plenary	<a href="#">A5-0278/2003</a>	
22/09/2003	Debate in Parliament		

23/09/2003	Decision by Parliament	<a href="#">T5-0400/2003</a>	Summary
23/09/2003	End of procedure in Parliament		

### Technical information

Procedure reference	2003/2066(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 57; Rules of Procedure EP 54
Stage reached in procedure	Procedure completed
Committee dossier	RETT/5/19413

### Documentation gateway

Non-legislative basic document	<a href="#">COM(2002)0681</a>	03/12/2002	EC	Summary
Document attached to the procedure	<a href="#">COM(2003)0105</a>	05/03/2003	EC	Summary
Document attached to the procedure	<a href="#">SEC(2003)0351</a>	17/03/2003	EC	Summary
Committee report tabled for plenary, single reading	<a href="#">A5-0278/2003</a>	08/07/2003	EP	
Text adopted by Parliament, single reading	<a href="#">T5-0400/2003</a> OJ C 077 26.03.2004, p. 0023-0076 E	23/09/2003	EP	Summary

## Sea pollution: Prestige accident, improving safety at sea

**PURPOSE** : a Commission examination on improving safety at sea in response to the Prestige accident **CONTENT** : this Communication by the Commission draws the main conclusions from the "Prestige" disaster. It notes the considerable progress that has already been made since the Erika disaster, but indicates that the measures in question must be applied in full by the Member States if they are to be truly effective. It also examines the rapid practical measures that could be taken in order to improve maritime safety and which could be rendered operational rapidly: - publication of a black list of very dangerous ships : the Commission took the initiative of publishing an indicative black list of 66 ships that have been detained on several occasions in European ports for failing to comply with maritime safety rules. In this way, the Commission hopes that operators will refrain from chartering substandard ships and that the owners and flag States of the ships in question will apply the tougher maritime safety standards straight away; - ban on the transport of heavy fuel oil in single-hull oil tankers : the Commission has equally decided to propose a Regulation prohibiting the transport of heavy fuel oil in single-hull tankers bound for or leaving EU ports. In addition, the Commission urges the Council to give it a negotiating mandate to ensure that candidate countries, as well as neighbouring countries which are relevant for the heavy fuel oil trade in EU waters, apply the same principles, through administrative agreements within existing cooperation frameworks, such as the Paris Memorandum of Understanding on Port State Control and Euro-Med; - earlier and accelerated application of European legislation : the Commission wants Member States to take urgent practical measures to ensure the full application of the new safety rules. The Member States can no longer afford not to recruit an adequate number of inspectors in order to check at least 25% of ships, as required by the European rules in force. Similarly, they must ensure a sufficient level of inspection in all their ports and anchorage areas if they do not want them to become literally "ports of convenience"; - establishment of the European Maritime Safety Agency : the Commission has already done everything that is needed to ensure the early establishment of the future European Maritime Safety Agency. The appointment of its Executive Director is scheduled for January 2003. The Commission has already started work on putting into place the Community vessel traffic monitoring system, SafeSeaNet, which includes the establishment of a European database and a network between the Member States for the exchange of real-time data from the transponders on board vessels so that the authorities can know, at any time, the identity, position and cargo of vessels sailing in European waters. The Commission also calls on the Member States to draw up national plans to accommodate vessels in distress in places of refuge; - the question of compensation and additional measures : the level of compensation be raised for damage resulting from major maritime pollution. Therefore, Member States should ratify without delay the Protocol establishing a Supplementary Fund for compensation for oil pollution incidents and to ensure that the fund covers damage up to EUR 1 billion and is fully operational before the end of 2003. A series of additional measures are proposed by the Commission, including in particular: - legislation on the criminal liability of entities recognised as being responsible for maritime pollution through gross negligence. To this end, the Commission will make two proposals: 1) the introduction of financial penalties for gross negligence resulting in pollution and 2) illicit discharges. - amendments to the international liability regime: the Member States should fully support the proposals aimed at ensuring that owners can no longer limit their liability if they are at fault, and putting an end to the immunity of other key players such as the charterers, operators, etc.; - introduction of a Community-wide recognition system for certificates of competency issued to seafarers outside the EU. Consequently, the Commission: - Calls on the European Council to approve, as an emergency measure, the lines of action set out in this Communication; - Calls on the European Parliament and the Council to examine and support the action and measures proposed by the Commission in this communication; - Stresses the need for the Member States to apply, earlier than the scheduled dates, the measures adopted in the Erika I and

Erika II packages; - Proposes a number of additional measures, dealing, in particular, with the problems posed by the carriage by sea of highly polluting products such as the heavy fuel oil on board the Prestige; - Calls on the Member States to take action within the International Maritime Organisation with a view to reinforcing safety at sea and preventing pollution from ships.?

## Sea pollution: Prestige accident, improving safety at sea

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On 13 November 2002, the Prestige, a Bahamas-flagged single-hulled tanker loaded with 77 000 tonnes of heavy-duty fuel oil sank off the Galician coast. Oil continued to spill from the tanker for a considerable time after it sank with disastrous environmental consequences reaching as high up as the French coastline. The Spanish government estimates that the cost of clearing up the pollution and containing the crisis could amount to some EUR 150-200 million. In December 2002 the Commission forwarded a Communication to the European Parliament and the Council in which it urged a speedier implementation of the agreed Community measures on improving safety at sea. As the Commission pertinently noted then, the Prestige would have been out of action at the time of the disaster had existing Community measures been fully implemented. Accepting the recommendations put forward by the Commission, EU Heads of State and Governments asked the Commission to present a profile of progress thus far. This the Commission has done. Progress to date is as follows: - Civil protection. Co-operation mechanisms, organised by the Commission in Brussels, were instrumental in helping other Member States assist Spain following the sinking of the Prestige. This included the offer of 14 specialised vessels from eight European countries, more than 20km of floating barriers and several surveillance planes. - Scientific expertise. The Joint Research Centre provided technical and scientific expertise to analyse the effects of the disaster based on the first satellite images gathered by the European Space Agency. In addition, the Commission notified Spain of the names of experts available. - Early implementation of the measures adopted by the European Parliament, such as the early establishment of the "European Maritime Safety Agency". Also included is the blacklisting of substandard vessels. A list has been compiled by the Commission in December 2002 and is an indicative list of vessels, which would have been prohibited if the provisions of the Erika I package, were in force. Further, the Commission, together with the Member States, has been investigating possible places of refuge for ships in distress. - Uneven transposition by Member States of the Erika I and Erika II packages. The Commission points to the various legislative acts, which need to be implemented by the Member States. Importantly, the Regulation on the withdrawal of single-hulled oil tankers is applicable as of 01/01/03. Yet, information received thus far indicates that only three countries - Denmark, Germany and Spain - have notified the Commission of the national measures transposing this legislation. - State aid in the maritime transport sector. Without wishing to infringe upon strict Community state aid rules, the Commission nevertheless points out that further consideration could be given to offering state aid in cases where on-board safety is concerned. Attention could also be given to offering aid in the case of scrapping unsafe vessels. - Voluntary agreement with oil companies. The Commission is in negotiation with the oil industry to set up a voluntary Code of Good Practice. Such an agreement would make it possible to speed up the application of measures banning the carriage of heavy fuel oil on board single-hulled oil tankers without waiting for the legislative process to run its course. - New Commission proposals. This includes the prohibition of single-hulled oil tankers carrying heavy oil products, regardless of flag, into EU ports, terminals and anchorages, as well as bringing forward the deadlines for the removal of single-hulled oil tankers. - Training and skills of seafarers. The Commission will be proposing a Directive for a Community-wide recognition system for certificates of competency to ensure that non-Community seafarers working on board Community ships are trained and certified to appropriate standards. - Criminal sanctions. The Commission is shortly to propose a Directive on the introduction of sanctions, including criminal sanctions. The proposal covers illegal discharges of waste and major oil pollution. - European initiatives in the international arena. The Commission is additionally seeking to further European interests through the International Maritime Organisation (IMO). These include measures such as improved levels of compensation for victims of pollution and improved civil liability under IMO regulations. In this document the Commission also considers ways in which to harness Community funding for repair action and the restoration of economic potential. Financial measures under consideration include the European Regional Development Fund, the Cohesion Funds, the EU Solidarity Funds and research into new technologies. Lastly, the Commission notes that it plans to contribute EUR 300 000 towards assessing and monitoring the environmental impact of the Prestige oil spill.?

## Sea pollution: Prestige accident, improving safety at sea

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As requested by the European Parliament on 19 December 2002, this Report constitutes the Commission's response concerning action to deal with the effects of the Prestige disaster. As far as the accident itself is concerned, the Commission would point out that the research carried out into the causes are by no means completed. The authorities responsible for the investigations still intend to carry out many additional analyses. Consequently, the Commission can only give a partial view of the situation at a particular moment in time. Be that as it may, this Report is intended to give the European Parliament the most complete possible overview of the current state of information available on the Prestige accident. The Prestige tragedy, whatever its causes, has resulted in an unprecedented environmental disaster, in terms of the length of the coastline affected in both Spain and France. The fishing and tourism sectors have also been seriously hit. In addition the pollution caused by the Prestige has proved particularly difficult to deal with, both on account of the nature of the heavy fuel oil concerned and the great depths at which the wreck of the vessel is lying, a new situation which calls for innovative technical responses. However, above and beyond the precise cause of the accident and the management of the pollution, the Prestige tragedy confirms the validity of the position taken by the Commission, namely that it is essential and urgent to address the relevant questions with regard to maritime safety at the level of the EU and at international level. The problems raised by such accidents can no longer be resolved at a purely national level. In this context, it is essential that the measures proposed following the Erika and Prestige accidents are rapidly transposed by the Member States into their national legislation and in practice. Thus, broadening the scope of application of the European Maritime Safety Agency to include the management of anti-pollution resources, the prohibition of the transport of heavy fuel oil in single-hull oil tankers and the speeding-up of the timetable for the phasing-out of such vessels, the establishment of plans for places of refuge, the strengthening of controls in ports and the imposition of dissuasive criminal sanctions for those responsible for pollution constitute the European response that is needed in the face of the challenges posed by these disasters. However, the EU cannot content itself with proposing regional solutions. It is clear that, in the light of the Prestige accident, the international framework itself is no longer attuned to the new maritime transport conditions and the increased risks encountered by coastal States. Quite rightly, in the face of the dramatic consequences of the oil spills which continue to occur along our coasts, European citizens find it increasingly difficult to accept the traditional arguments about freedom of navigation as a justification for the impotence of States vis-à-vis substandard ships or ships carrying particularly polluting merchandise. To the Commission's way of thinking, it is now urgent to revise the international law of the sea in order to ensure greater protection for coastal States confronted with risks that are unacceptable for their environment, their citizens and their economies. Consequently, the Commission hopes to obtain strong and clear support from the European Parliament and the Member States in the efforts which it intends to deploy as soon as possible with a view to launching the major project of revising the UN Convention on the Law of the Sea.?

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The committee adopted the own-initiative report by Dirk STERCKX (ELDR, B) on improving safety at sea in the wake of the Prestige oil tanker disaster off the coast of Galicia in November 2002. The report looked at ways of improving maritime safety at both European and international level and went on to consider the economic, social, environmental and fisheries aspects. MEPs called for a range of measures at European level to prevent another Prestige-style accident in Community waters. They called on the Member States to cooperate with the European Maritime Safety Agency (EMSA) in ensuring timely and full compliance with national emergency planning arrangements and the designation of safe havens for vessels in distress. The Commission, for its part, was urged to clarify the concept of safe areas, allocate them appropriate equipment and financial resources and speed up the process of establishing a Community fleet of pollution-fighting ships. Other recommendations included the establishment of a European coastguard service, more stringent surveillance, the prosecution of illegal discharging from vessels, the enforcement of specific shipping routes and the allocation of emergency moorings and ports. Moreover, vessels at greatest risk should be inspected more frequently and Member States should increase the number of inspectors. In addition, the reporting requirements governing pilots should include vessels in transit off the European coast. MEPs also called for special zones to be established for ecologically sensitive and navigationally difficult areas in the Baltic. In addition, the Member States were urged to control and monitor closely the traffic of vessels ferrying dangerous and polluting goods within 200 miles of their coastline. However, the committee expressed concern at decisions taken by some Member States to ban such vessels from the 200-mile zone off their coast. It pointed out that these vessels would then be forced to navigate at too great a distance from the coast and would thereby run unacceptable risks to their crews and the environment if the vessel were to get into difficulties. The committee also regretted the fact that the captain of the Prestige, Captain Mangouras, had been treated as a criminal although he was not responsible for the damage sustained by his vessel. The Spanish judicial authorities were asked to release him from house arrest. Concern was voiced at the increased criminalisation of seafarers and the damage this does to the image of seafaring as a career. At international level, the committee wanted the Union to accede to the IMO and the Commission to be given a mandate to negotiate with the IMO on behalf of the EU. It called on the Commission and Member States to make every effort to reach agreement with the IMO on phasing out single-hulled tankers worldwide. It also wanted to see stricter legislation and controls on flags of convenience in the transport of dangerous cargo by sea. Other points raised in the report included: - a call for the "polluter pays" principle to be fully enforced at sea by means of a criminal-liability scheme; - the need for Community action in the tourism, fisheries and shellfish sectors which are so crucial to the economies of the areas affected by environmental disasters; - the designation of sensitive sea fishing areas because of the richness of their fish and shellfish resources and the population's heavy dependence on these resources; - a recommendation that the entire EU coastline should be covered by an EU Emergency Action Plan and that an EU civil defence force should be set up to intervene in the event of an environmental disaster; - the need for proper training of seafarers and a thorough overhaul of international maritime law to deal with such matters as health and safety at work and the requirements of modern maritime transport.?

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The European Parliament adopted a resolution based on the own-initiative report by Dirk STERCKX (ELDR, B) improving safety at sea. (Please see the document dated 08/07/03.) With 336 votes in favour, 171 against and 14 abstentions Parliament asked for a temporary committee to be set up that will deepen investigations into the causes and consequences of the Prestige disaster. The committee will also assess maritime safety standards more generally and seek to ensure better implementation of existing EU law. In spite of efforts by the Spanish authorities, Parliament regretted that, almost a year after the accident, the wreckage - which still contains more than 14,000 tonnes of fuel - is still leaking. Parliament called on the Commission to do the following: -to submit proposals for financial compensation for safe havens and to study the possibility of establishing a financial liability regime for ports refusing to give access to ships in distress; -to arrange for EMSA to take an inventory of the different command structures and authorities responsible in maritime emergencies (such as the French 'Prefecture maritime' and the British Secretary of State's Representative), and to submit recommendations for exchanging best practice, promoting cooperation between Member States and introducing European guidelines or minimum requirements; -to submit a proposal to ensure that bunker oil for engine fuel in new ships is also stored in safer, double hull tanks since freight or container ships often contain heavy fuel as engine fuel in their bunkers, the quantity of which may considerably exceed the cargoes of smaller oil tankers; -extend the ban on the entry into EU ports or anchorages of single-hull vessels carrying heavy fuel oil or dangerous cargo in general by the creation of a specific EU law, to ships in transit through Community waters; -to submit a proposal to strengthen port state control by reducing the intervals between the inspection of vessels of greater risk, by expanding the reporting requirements of pilots also to include vessels in transit off the coast of Europe and by applying the 25% target (percentage of ships inspected) to each port that has 'significant maritime traffic' instead of to the country as a whole. The definition of 'significant maritime traffic' should relate to the volume of the traffic as well as to the quantity of dangerous and polluting cargo being carried; With regard to economic aspects, Parliament wants to step up shipowners' shares in financial liability by way of an internal IMO amendment to the provisions concerning international rules on damages and liability. If this is ineffective, the Commission is asked to submit a proposal for a damages and liability scheme for the wider EU. Finally, Parliament asked for an amendment to the EU directives relating to sulphured heavy fuel No 2. The latter is banned from use within the EU but is nonetheless produced in, and transported through, Europe and its ports and is exported to other countries as an energy source. The production of this type of hydrocarbon should be banned.?