

European Maritime Safety Agency: response to pollution caused by ships, multiannual funding

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The Commission presents a report on the implementation of Regulation 2038/2006 on multiannual funding for the action of the European Maritime Safety Agency in the field of response to pollution caused by ships for the period 1 January to 2007 31 December 2009.

Tasks of the Agency: the tasks of the Agency cover both accidental and illegal discharges. Initially, they were focused on oil pollution. However, since 2007 the Agency has also been active in the field of maritime pollution caused by hazardous and noxious substances (e.g. chemicals). The three main tasks of the Agency are operational assistance to Member States, cooperation and coordination with Member States and the International Maritime Organisation (IMO), and the collection, analysis and dissemination of information on best practices, in the field of marine pollution preparedness and response.

Budget: the total envelope allocated to the Agency to finance the above actions during the period from 1 January 2007 until 31 December 2013 amounts to EUR154 million euros. Of this amount, around EUR 60 million (i.e. almost 40 %) were committed during the first three years. This corresponds to a proportionate use of the funds available. Between 1 January 2007 and 31 December 2009, about 98 % of the commitments were dedicated to financing operational assistance, predominantly the network of stand-by oil spill response vessels. The remaining 2 % were dedicated to cooperation and information. Payments amount to around EUR 48 million. The fact that payments are below commitments can be explained by a number of factors. Payments under multi-annual contracts may be spread over a number of years, sometimes beyond the reference period. Besides, delays in relation to new contracts for stand-by vessels or unsatisfactory services by satellite image providers have also resulted in lower payments.

Adequacy of financial framework: the envelope allocated to the Agency is adequate. It has allowed the Agency to have in place in 2009 a network of 13 fully equipped stand-by oil spill response vessels which can be mobilised simultaneously and which are covering most of the EU coastline⁵. It has also allowed the Agency to develop the CleanSeaNet system offering an oil spill monitoring service by satellite to 24 European coastal States (including Croatia and Norway) while only 12 of these coastal States had previous experience in this field. Feedback from stakeholders is also positive on the coordination and information actions provided for by the Agency under the framework. The fact that the financial framework is multiannual is essential to allow the conclusion of multiannual contracts with the industry. Such contracts are needed both in relation to stand-by oil spill response vessels and for organising CleanSeaNet. The adequacy of the financial framework is confirmed in the longer term by the fact that the Agency foresees the commitment of up to 97% of the overall financial envelope by the end of 2013.

Efficiency and added value: the report states that the measures financed so far under the framework are cost efficient and provide added value. Oil spill response vessels have not been acquired by the Agency, as this would not have been cost efficient considering their frequency of use. Instead, vessels are contracted from commercial operators through a system ensuring that they are both adequately fitted and available upon request. Figures show that choosing this system instead of buying vessels has reduced costs by around 60% per year even though providing 60% more storage. The "transferable call option" on the equipment allowing passing it on to another ship is essential as it minimises investment losses in case of change of contractor.

The primary responsibility to respond to an incident remains with national authorities whose investments vary considerably. However, spill scenarios drawn up by the Agency, essentially based on major incidents

having occurred in the past (e.g. the Erika and the Prestige), clearly show that the Member State affected would have benefited from substantial savings, should the network of vessels have been in place at the time. **Organising the oil spill detection and monitoring system at EU level is also less costly** (by around 20 %) and more efficient than doing it at national level. Indeed, on average, one image acquired covers the needs of nearly two coastal States. The rigorous quality control system put in place by the Agency also ensures that payments are only made when contractual specifications are fully met.

Scope for improvement outside the financial framework: the Commission notes that a number of improvements, outside the financial framework, remain possible:

- the ratification by all Member States of the relevant international conventions is essential to create a common minimum level of preparedness and response. It is therefore regrettable that the International Convention on Oil pollution Preparedness, Response and Cooperation, 1990 and the Protocol to the Convention on pollution incidents by Hazardous and Noxious Substances of 2000 have not yet been ratified by all Member States. Similarly, the conventions setting up the international compensation regime for the victims of spills resulting from accidents involving tankers (CLC 92, Fund 92, and Supplementary Fund 2003) have not yet been ratified by all Member States;
- the availability of discharging facilities for oil recovered at sea seems to be a common problem across Europe. The "lightering clause" inserted by the Agency in vessels contracts (i.e. the provision according to which the contractor may be requested to find a suitable lightering vessel), contributes to addressing the issue but cannot replace appropriate solutions at national level;
- the follow-up of potential oil spills detected by the CleanSeaNet service could be improved in some Member States. While the Agency is in charge of delivering the oil spill detection and monitoring service, it is up to the national authorities to confirm a possible spill and undertake appropriate follow-up against the polluter. The overall rate of confirmation (27%) hides strong regional imbalances based on national verification capabilities in particular by aerial surveillance. This bears the risk that unscrupulous ship operators might carry out illegal discharges in regions where the follow-up is less stringent.

In conclusion, the budget dedicated to oil pollution response by the European Maritime Safety Agency is adequate and the measures financed so far under the framework are cost efficient and provide added value. In October 2010, the Commission proposed [an amendment to the Regulation establishing the EMSA](#) in which it is provided that a Member State that is affected may request EMSA's assistance also in the case of marine pollution caused by oil and gas installations. However, the Commission does not consider necessary to propose a modification to the multiannual financial framework in Regulation 2038/2006. The Commission will use the Agency's contribution to this report in the context of the preparation of the next financial programming.