

# Sea pollution: Prestige accident, improving safety at sea

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**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.