Basic information

2000/0326(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure lapsed or withdrawn
Oil pollution: fund for damage compensation in European waters, package Erika II **Subject** 3.70.05 Marine and coastal pollution, pollution from ships, oil pollution	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
RETT Regional Policy, Transport and Tourism	ESCLOPÉ Alain (EDD)	24/01/2001

Former committee responsible	Former rapporteur	Appointed
TRAN Transport and Tourism		

Committee for opinion	Rapporteur for opinion	Appointed
BUDG Budgets	The committee decided not to give an opinion.	
ITRE Industry, External Trade, Research, Energy	VLASTO Dominique (PPE-DE)	13/02/2001
ENVI Environment, Public Health, Consumer Policy	VACHETTA Roseline (GUE/NGL)	12/03/2001

Council of the European Union

Council configuration	Meetings	Date
Transport, Telecommunications and Energy	2629	2004-12-09
Transport, Telecommunications and Energy	2364	2001-06-27
Transport, Telecommunications and Energy	2324	2000-12-20
Environment	2321	2000-12-18

European Commission

Commission DG	Commissioner
Mobility and Transport	KALLAS Siim

Key events

Date	Event	Reference	Summary
06/12/2000	Legislative proposal published	COM(2000)0802	Summary
18/12/2000	Debate in Council		
20/12/2000	Debate in Council		Summary
15/01/2001	Committee referral announced in Parliament, 1st reading		
29/05/2001	Vote in committee, 1st reading		Summary
29/05/2001	Committee report tabled for plenary, 1st reading	A5-0201/2001	
13/06/2001	Debate in Parliament		
12/06/2002	Modified legislative proposal published	COM(2002)0313	Summary
09/12/2004	Resolution/conclusions adopted by Council		Summary
07/03/2015	Proposal withdrawn by Commission		

Technical information

Procedure reference	2000/0326(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	Treaty on the Functioning of the European Union TFEU 192-p1 Treaty on the Functioning of the European Union TFEU 100-p2
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	RETT/5/14124

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0201/2001	29/05/2001	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2000)0802	06/12/2000	Summary

Modified legislative proposal	COM(2002)0313 OJ C 227 24.09.2002, p. 0487 E	12/06/2002	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0706/2001 OJ C 221 07.08.2001, p. 0054	30/05/2001	
CofR	Committee of the Regions: opinion	CDR0050/2001 OJ C 357 14.12.2001, p. 0001	13/06/2001	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Oil pollution: fund for damage compensation in European waters, package Erika II

2000/0326(COD) - 20/12/2000

At the end of a wide-ranging discussion the Council gave its agreement to common positions on the Directive on ship inspection organisations and the Directive on port State control. Moreover, in response to the request by the Nice European Council to adopt provisions on maritime safety as soon as possible, the Council and the Commission reaffirm their determination that satisfactory Community provisions on the accelerated phasing out of single-hull tankers will be adopted by the end of June 2001. Furthermore, the Council took note of the Commission's submission of its "second ERIKA package" and of delegations' comments on it. At the end of its discussions on maritime safety, the Council adopted the following conclusions: - notes the commitment by Member States to intensify their efforts, in the framework of Port State Control, by henceforth increasing the number of inspections, where these are insufficient, and their efficiency, and by targeting ships with the highest risk, such as gas and chemical tankers over 10 years of age, bulk carriers over 12 years of age and oil tankers and passenger ships over 15 years of age not covered by Directive 99/35, in accordance with the procedures laid down in the Council's common position. It emphasises the need to properly implement and enforce Port State Control obligations and the need to harmonise such controls at a high level in the Community. It - - welcomes the prospect of being able to ban sub-standard ships from Community ports as from the entry into force of the necessary legal instrument; underlines the need to ensure a proper and, as far as possible, global regime for liability and compensation in cases of pollution damage resulting from contamination by petroleum products or other noxious and hazardous substances transported by ship; - calls on Member States to pursue their joint cooperation efforts with a view to increasing the quality and availability of information on maritime traffic by submitting appropriate proposals to the IMO and by setting up a regional information system between their processing centres in order to make as effective as possible the procedures for maritime traffic surveillance and for the prevention of risks to shipping and the environment; - invites the Commission to draw up regularly an inventory of the international and Community provisions of maritime social legislation applied by Member States.

Oil pollution: fund for damage compensation in European waters, package Erika II

2000/0326(COD) - 06/12/2000 - Legislative proposal

PURPOSE : to establish a fund for the compensation of oil polluted damage in European waters and related measures. CONTENT : the present proposal for a Regulation is part of the second set of Community measures on maritime safety following the sinking of the oil tanker Erika (the first set of measures were adopted by the Commission on 21 March 2000). The Commission's proposal complements the existing international two-tier regime on liability and compensation for oil pollution damage by tankers by creating a European supplementary fund, the COPE Fund, to compensate victims of oil spills in European waters. The COPE Fund will only compensate victims whose claims have been considered justified, but who have nevertheless been unable to obtain full compensation under the international regime, owing to insufficient compensation limits. The current ceiling is EUR 200 million. Compensation from the COPE Fund would thus be based on the same principles and rules as the current international fund system, but subject to a ceiling which is deemed to be sufficient for any foreseeable disaster, i.e. EUR 1 000 million. The COPE Fund could also be used to speed up the payment of full compensation of victims. The COPE Fund will be financed by European oil receivers. Any person in a Member State who receives more

than 150 000 tonnes of crude oil and/or heavy fuel oil per year will have to pay its contribution to the COPE Fund, in a proportion which corresponds to the amounts of oil received. The COPE Fund will only be activated once an accident that exceeds, or threatens to exceed, the maximum limit provided by the IOPC Fund has occurred in EU waters. The proposed regulation, in addition to the provisions on liability, includes an article introducing financial penalties for grossly negligent behaviour by any person involved in the transport of oil by sea. This penalty will be imposed by Member States outside the scope of liability and compensation and will thus not be affected by any limitation of liability.

Oil pollution: fund for damage compensation in European waters, package Erika II

2000/0326(COD) - 09/12/2004

Following an exchange of views on civil liability and compensation for victims in the event of oil

pollution at sea, the Presidency has come to the following conclusions:

- it reiterates former conclusions on maritime safety, most particularly those adopted in the aftermath of the Prestige accident both by the TTE Council and the European Council;

- it stresses, in the interest of victims, the need to ensure appropriate compensation for damage caused by oil pollution from ships by actively working to ensure that effective financial responsibility is exercised on the part of those involved in transportation of oil by sea, and the need for appropriate revision of the relevant provisions of the 1992 Civil Liability (CLC) and 1992 International Oil Pollution Compensation Fund (IOPCF) Conventions;

- it welcomes the ongoing talks on burden sharing and encourages industry to pursue these in the interest of all;

- it urges all Member States to ratify the IOPCF Supplementary Fund Protocol of May 2003, if they have not yet done so;

- it urges Member States to seek a common EU approach ahead of the forthcoming intersessional IOPCF Working Group meeting in February 2005.

Oil pollution: fund for damage compensation in European waters, package Erika II

2000/0326(COD) - 14/06/2001 - Text adopted by Parliament, 1st reading/single reading

The European Parliament endorsed the report by Mr Alain ESCLOPE (EDD, F) and adopted a number of amendments to tighten the legislation. Despite strong resistence by Commissioner Loyola de PALACIO, MEPs voted for the regulation to cover bunker oil and hazardous and noxious substances, as the Bunker Convention 2001 and the Hazardous and Noxious Substances Convention 1996 has not been ratified or implemented. In addition, Parliament wants the COPE Fund to provide for advance provisional payments within six months because victims were often left in difficult circumstances whilst waiting for the first payments to come through. Moreover, not only oil receivers but all operators involved in the transport of oil, including shipowners, should contribute to the compensation fund, according to the House.

Oil pollution: fund for damage compensation in European waters, package Erika II

2000/0326(COD) - 12/06/2002 - Modified legislative proposal

The Commission agrees to a number of amendments which would or clarify the text or the scope of the regulation or otherwise constitute editorial improvements. Similarly, several amendments would provide useful additions to the text. This concerns clarification of the nature and activities of the COPE fund, its link to the IOPC Fund, the facility to provide advance payment and the preparation of a progress report on the developments in maritime liability and compensation at the international level. The Commission can however not accept: - the amendments seeking to extend the scope of the COPE Fund to cover other forms of pollution than oil pollution by tankers. While the improvement of the compensation regime for pollution damage caused by hazardous and noxious substances in itself is an objective which is supported, the Commission considers that the present regulation is inappropriate to serve that function. The purpose of the COPE Fund is to place an additional compensation layer on the existing international compensation regime, and in this way to ensure compensation for expensive accidents in EU waters. It complements and builds upon the international regime by creating a third layer which is closely linked to the two existing ones (CLC and IOPC Fund). The Commission does, however, agree that there is a need to put in place a regime ensuring proper compensation for marine pollution caused by other substances than oil as soon as possible. - the amendments aiming at introducing an obligation for shipowners to pay at part of the compensation. These amendments raise problems of international law. The existing international legal regime (the CLC convention) does not allow additional compensation claims to be placed on the shipowner. While the Commission agrees with the longer term aim that owners should make a more substantial contribution in the payment, in particular if the accident is due to his gross negligence (the Commission has proposed to address this issue at the revision of the international system), requiring shipowners to participate in the compensation of damage would be in conflict with the international rules as they stand at present. In order to make shipowners more responsible and subject to penalties in case of negligence, the Commission's proposal includes a financial penalty to be placed on any party which has caused or contributed to the accident by gross negligence. - the amendments proposing to increase the participation and role of the local representatives of the polluted region in the procedures of the COPE Fund Committee, which is a Management Committee under Decision 1999/468/EC. Advisors or prior hearing of non-committee members are not foreseen in a management committee under the decision, which is

composed of representatives of Member States exclusively. - the amendment aiming at extending compensation of environmental damage. - the amendment proposing to limit the period of collection of the funds to the COPE Fund from one year to six months. - the amendment defining the term 'bunker oil'. The term 'bunker oil' is not used in the regulation and such a definition is therefore unnecessary.