



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 13 December 2002

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INFORMATION NOTE

From : The General Secretariat

Subject : **Recent accident of "Prestige" off the Galician coast**
- Council conclusions on Ship's Safety and Pollution Prevention

At its meeting on 5-6 December 2002 the Council (Transport/Telecommunications/Energy) adopted conclusions, which are recorded in the Annex.

Statements recorded in the minutes of the Council are presented in ADD 1 to the document.

COUNCIL CONCLUSIONS
Ship's Safety and Pollution Prevention

The Council sincerely regrets the serious accident of the oil tanker PRESTIGE off the north west coast of Spain. While grateful that no human lives were lost, the Council is deeply concerned about the subsequent damage to the marine environment and the threat to the livelihood of thousands of persons. The Council welcomes the communication from the Commission to the European Parliament and the Council on improving safety at sea in response to the PRESTIGE accident and invites the Commission to assist in the investigation of this accident in order to establish the foundation for an adequate response and affirms the commitment of all Member States to cooperate in order to ensure, in general, safety of ships and the prevention of pollution from ships.

Recalling the invitation of the European Council in Nice December 2000 to consider implementing in advance the ERIKA I measures, in instances where the implementation does not require an international framework, the Council reiterates its commitment to pursue and improve maritime safety policy in order to reduce the risk of accidents, avoid loss of human lives and prevent marine pollution.

Acknowledging the determined efforts in the European Community and the International Maritime Organization (IMO) since the ERIKA accident, emphasising the full responsibility of the flag State, including the effective supervision of classification societies working on their behalf, and considering the effective application of enhanced port State control measures, including the banning of ships, to be of the utmost importance in eliminating sub-standard ships,

The COUNCIL:

1. INVITES the Commission, as a matter of urgency, to present a proposal concerning an accelerated phasing out of single hull tankers and incorporating the Condition Assessment Scheme in the general survey regime for tankers regardless of design from the age of 15 years; the proposal must be approved no later than by 1 July 2003;
2. AGREES that the heavy grades of oil ¹ shall only be transported in double-hulled tankers. To this end, Member States shall, through administrative agreements, undertake not to accept single-hulled tankers carrying the heaviest grades of oil into their ports, terminals or anchorage areas. The Council NOTES, in addition, the Commission's intention to take the necessary steps, in cooperation with Member States, to ensure that EU candidate countries, as well as other neighbouring countries, including Russia, participate in such an agreement;
3. URGES Member States to enter into agreements with their respective industries to ensure quality shipping and eliminate older single hulled vessels transporting the heavy grades of oil. The Council INVITES the Commission to develop a model agreement to this end;
4. INVITES Member States and the Commission to make every effort to ensure that a similar rule can be established as soon as possible at a worldwide level, through an amendment of the MARPOL Convention;

¹ This includes heavy fuel, tar, bitumen and heavy crude oils.

5. RECALLS the obligation to carry out the inspections foreseen in the "ERIK A package" and REGRETS that many Member States have not met the 25% target of Port State Control inspections up to now and therefore INSISTS on an effective implementation of Directive 95/21/EC on port State control and CALLS UPON Member States to accelerate the transposition of the amended directive, with a view to apply the enhanced control measures as soon as possible, and preferably before 1 January 2003; to this end, Member States agree to accelerate, where necessary, recruitment of qualified port State control officers and to ensure in all ports and anchorages that a sufficient number of inspections are carried out, as well as to ensure, in the framework of the Paris Memorandum, that inspections target, in particular, ships carrying noxious or dangerous cargo;
6. INVITES the Commission, as soon as possible, to present a proposal with a view to strengthening port State control procedures by reducing the intervals between the inspection of vessels of greater risk from 12 to six months, and by expanding the reporting requirements of pilots to also include vessels in transit off the coast of Europe;
7. NOTES with satisfaction the first meeting of the Administrative Board of the European Maritime Safety Agency (EMSA), which took place on 4 December 2002, and EXPECTS the rapid adoption of a working programme which will enable the Agency to be operational as soon as possible and to establish the principles that can serve as a basis for actions to be taken at Community level and in a wider international context. The Agency shall promote uniformity and quality of port State control inspections in all ports of the Member States. The Commission shall establish and monitor the procedures for the authorisation and of the control of classification societies;
8. URGES the Member States to establish as early as possible and no later than by 1 July 2003 plans to the identification of places of refuge for ships in distress, as prescribed in Article 20 of Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system and, in parallel, to contribute to the finalisation of the international guidelines on this issue in the IMO and to examine, in cooperation with the Commission, the financial compensation aspects of places of refuge;

9. AGREES to reinforce the mechanisms for the control of maritime traffic along the coasts of the Member States of the EU through the establishment by the Member States, where appropriate and in accordance with international law, of a preventive distance for ships on which demonstrated irregularities have been established;
10. URGES the Member States that have common interests in sensitive sea areas to identify and formulate coordinated proposals for the areas to be protected as Particularly Sensitive Sea Areas by IMO. URGES the IMO to develop the use of the instrument of designating Sensitive Sea Areas (SSA) and Particularly Sensitive Sea Areas (PSSA);
11. INVITES Member States to adopt measures, in compliance with international law of the sea, which would permit coastal States to control and possibly to limit, in a non-discriminatory way, the traffic of vessels carrying dangerous and polluting goods ², within 200 miles of their coastline, and INVITES the Commission to examine measures to limit the presence of single-hull tankers of more than 15 years of age carrying heavy grades of oil within the exclusive economic zone of the Member States, or, where appropriate and in accordance with international law, within 200 miles of their coastline;
12. REAFFIRMS the support of Member States to establish a supplementary compensation fund, developed in the IMO, to the benefit of the victims of oil pollution, which should be able to cover any future oil-spills up to EUR 1 000 million in the waters of the Member States of the EU foreseeing a rapid mechanism for payments and being operational by the end of 2003, and the intention of those Member States, which are parties to the existing global compensation regimes, to ratify the new supplementary fund. AGREES, in the event that the supplementary compensation fund is not established, to examine immediately a regulation on the establishment of a fund for the compensation of oil pollution damage in European waters, with the aim of establishing this fund before the end of 2003;

² As defined in Article 3, g and h, of Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system (OJ L 208, 5.8.2002, p. 10).

13. URGES Member States to have in place all the necessary operational capabilities, such as specialised towage and oil recovery vessels, in order to respond directly to threats to the environment as a consequence of accidents with oil tankers and to encourage cooperation between Member States to this effect; PROPOSES the examination of a common mechanism by which the oil companies and shipping companies used by them, ship-owners, charterers and insurance companies provide the means, not only to prevent, but also to efficiently combat possible ecological disasters such as those caused by ERIKA and PRESTIGE;
14. WELCOMES the intention of the Commission to present a proposal to ensure that any person who has caused or contributed to a pollution incident through grossly negligent behaviour should be subject to appropriate sanctions;
15. ENCOURAGES Member States, as soon as possible, to ratify or accede to the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 and the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996;
16. SUPPORTS efforts to improve working conditions and the training of seafarers within the relevant fora;
17. CALLS upon Member States and the Commission to pursue urgently the development in the framework of IMO of requirements for the protection of large fuel oil tanks in all categories of ships against collision and stranding, and to monitor progress closely;
18. STRESSES the necessity to re-examine international rules concerning the law of the seas and maritime transport that lead to irresponsibilities and negligence tolerated by certain open registers;
19. EXPRESSES its support for the on-going work in the IMO to develop a flag State code and a compulsory model audit scheme aimed at ensuring that flag States carry out their duties under the international conventions;

20. SUPPORTS the Commission in its efforts to investigate the potential for technical cooperation programmes to assist neighbouring countries – in particular the applicant countries, Russia and within the EURO-MED framework – in their efforts to increase maritime safety and pollution prevention, including the effective application of adequate port State control procedures.
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