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COMMISSION STAFF WORKING PAPER

Report on the loss of the tanker Prestige

In view of the public hearing of 19 March 2003 at the Committee on Regional policy, Transport and Tourism of the European parliament
COMMISSION STAFF WORKING PAPER

Report on the loss of the tanker *Prestige*

**TABLE OF CONTENTS**

Introduction

**PART I - Accident of the tanker *Prestige***

I.1  The ship  
I.2.  The accident  
I.3  Rescue operations

**PART II - The pollution**

II.1  Distribution of the oil  
II.2  The product  
II.3  Clean-up operations  
II.4  The current situation

**PART III - The search for the causes of the accident**

III.1  ABS *ad hoc* audit  
III.2  ABS technical analyses  
III.3  Accident investigation

**PART IV - Action taken by the Commission in response to the *Prestige* accident**

Conclusions
Annexes

1. Report from the Spanish Directorate-General for Merchant Shipping to the European Commission on maritime safety.

   This Commission document does not include the very voluminous annexes to the Spanish Report. Any request for information in this connection should be sent to the Spanish authorities.

2. CEDRE, Data sheets on the Prestige accident

3. IACS, Report on the ad hoc audit of ABS related to the loss of the Prestige

4. ABS, Technical analyses related to the Prestige casualty on 13 November 2002

5. BEA-mer, Provisional contribution to the technical investigation report following the loss of the Bahamas-registered oil tanker Prestige

   At present the BEA-mer report is confidential. Any request for information in this connection should be sent to the French authorities.

6. Bahamas press statement - 30.01.03


8. DG Environment « Infosheets »
**Introduction:**

On Wednesday 13 November 2002, the *Prestige*, a Bahamas-registered, 26-year-old single hull tanker owned by a Liberian company and carrying 77 000 tonnes of heavy fuel oil, sprang a leak off the coast of Galicia. It eventually broke apart on 19 November and sank 270 km off the Spanish coast.

Thousands of tonnes of heavy fuel oil spilled into the sea, polluting the Galician coastline. The pollution then spread to the shores of Asturias, Cantabria and the Spanish Basque country. On 31 December 2002, it reached the French coast and the first lumps of oil were washed up on the beaches of the Landes and the Gironde. A week later, more than 200 km of Atlantic coastline from the Spanish border to L’Ile d’Yeu were affected.

To combat the pollution, the Community Civil Protection Mechanism was activated. Resources and equipment from several Member States for mapping oil slicks, treating and recovering the oil were mobilised for the clean-up operation.
PART I - ACCIDENT OF THE TANKER PRESTIGE

1.1 - THE SHIP:

The tanker was operated by Universe Maritime Ltd of Greece. Some particulars of the vessel are described below.

1.1.1 - Vessel particulars

- Length (LOA) ; 243.5 m;
- Breadth; 34.4 m;
- Depth; 18.7 m;
- Draft; 14.0 m;
- Gross tonnage; 42 820;
- Deadweight tonnage; 81 589;
- Built; 1976 at Hitachi Shipbuilding & Engineering Co. Japan ;
- IMO Number; 7372141;

The Prestige is a Category 1 vessel under the new Marpol 13G requirements. The tanker was not configured for protectively located, segregated ballast tanks (PLSBT), but it was approved for hydrostatic ballast loading (HBL). The vessel's phase-out date under Marpol 13G was 11 March 2005.

Important repairs and renewals of steel work were carried out in Guangzhou, China, in May of 2001 with dry docking the vessel, and carrying out steel thickness measurements to ascertain the condition of the hull, bulkheads and tanks.

1.1.2 - Classification

The Bahamas delegated its statutory surveys and certification for this vessel to the American Bureau of Shipping, one of only eight Recognised Organisations which are authorised by The Bahamas.

At the time of the incident the vessel was in full compliance with all ABS classification requirements, including the IACS Enhanced Survey Program for older tankers. The last Classification Annual Survey was carried out at Dubai in May 2002.

The last Classification Special Survey and drydocking was carried out in Guangzhou in China in May of 2001. There are no outstanding class or statutory issues attached to the vessel. The Prestige was built to ABS class requirements by Hitachi Zosen in 1976.
I.1.3 - Departure loading condition  (Riga, Latvia, 5 November 2002)

- Still water bending moment is 43% of allowable
- Vessel stability in compliance with approved loading manual
- CBT mode (clean ballast tanks)

I.1.4 - Cargo distribution

- Cargo: 76 973 tonnes
- Type : Heavy fuel oil (M-100)

I.2 - The accident:

The Prestige left the port of Ventspils (Latvia) on the 5th of November 2002. On Wednesday 13 November, the ship was sailing south, off the coast of Spain, in severe weather conditions, said to be storm force 10 to 11.

At about 14:00 hours, the vessel while in the traffic lane of the IMO-adopted Traffic Separation Scheme off Finisterre at a distance of more than 30 miles from the coast experienced a sudden vibration and listed over 25 degrees to starboard. The Master sent out a distress message and the Spanish Rescue Co-ordination Centre in Madrid was contacted. Subsequently, he ordered the ballast tank on the port side to be filled, reducing the list to about 5 degrees. All of the crew, with the exception of the Master, Chief Officer and Chief Engineer, were taken off the vessel by the Spanish Rescue Service.

I.3 - Rescue operation:

In a statement to the IMO Council during its 89th session, on the 25th of November 2002, Spain related the rescue operations as follows:

“...The distress call was received by the Finisterre Regional Rescue and Pollution Prevention Co-ordination Centre which immediately coordinated the rescue of the crew and the operation to bring the ship under tow.

Barely two hours later, the first of the maritime rescue vessels reached the location of the Prestige and asked the Master to secure the tow. After overcoming the Master's initial resistance and after working all night in very heavy seas, they managed to attach a tow-line when the ship was some 4½ miles offshore on the morning of the 14th.

The speed of the operations was reflected not only in the immediate rescue of the crew and the dispatch of the rescue vessels to the ship's assistance, but also the constitution 15 minutes after learning of the accident, of the emergency control centre under the national accident marine pollution emergency plan adopted by the Government.
The subsequent operations were concentrated on preventing massive pollution of the Galician coast. For this reason, the initial task was to tow the ship away from the coast in view of the obvious danger of spillage of 77,000 tonnes of fuel oil if the hull were to break up completely, given that it already had a fissure in its starboard side and was leaking fuel oil from its tanks.

A subsequent examination of the ship’s hull showed that there was damage to the walls of three tanks, which were interconnected and, in turn, the breach in the external skin of starboard tank number 3, which was the main cause of the accident.

The resources used in this first phase of the emergency were:

- 3 tugs from the State Maritime Salvage Company
- 2 private tugs
- 4 helicopters
- 1 Spanish navy frigate and tug
- 1 aircraft from the Spanish Customs Surveillance Service
- 8 000 metres of booms, later extended to 18,000 metres
- 14 separator sets
- 20 fixed tanks and three floating oil storage tanks

Also involved: other specialist pollution prevention vessels from neighbouring countries and a salvage vessel hired by the shipowner.

The following measures were taken simultaneously:

- International assistance was requested;
- The flag State, the shipowner's State and the countries of origin and destination of the cargo and the classification society were contacted;
- Administrative arrangements were put in place and the ship’s insurer was asked for a bond to meet the envisaged damage;
- The European Commission, the International Maritime Organisation and the International Oil Pollution Compensation Fund and other international organisations such as CEDRE, REMPEC and CILPAN were contacted.

The remains of the initial oil slick began to reach the coast and work began in the early hour of the 16th to deploy booms and other devices to prevent the slick affecting sensitive areas of the coast.

Once the drifting ship had been brought under control, a team of experts was put on board to assess the condition of the ship and to try and start its engines. On the afternoon of the 14th, they managed to start the engine and secure a new tow-line, and the ship sailed at a speed of 6 knots towards the north-west and away from the coast. During the night, the salvage company decided to stop the engines and the tug turned south and later south-west.”
According to the Spanish report to the Commission (see Annex 1), the ship was not allowed to enter any Spanish port (Vigo and La Coruña). On the 15th of November, during a meeting with the Spanish authorities, the SMIT TAK salvage company requested permission to tow the vessel to the Vigo estuary. On the basis of available information and given the inherent technical difficulties involved, this was refused and the salvage company requested authorisation to take the ship to Gibraltar. The Spanish authorities reminded it of its signed undertaking to keep the ship at least 120 miles from the coast and firmly requested that the company tow the ship westwards and that it examine a ship-to-ship transfer in calm waters, probably south of the Canary Islands.

On the night of the 18th Portuguese frigate confirmed that the convoy was not authorised to cross through Portugal's exclusive economic zone. Then the convoy altered course to West.

Finally, on the morning of the 19th, the Prestige broke in two and the stern and the bow sections sank in a depth of some 3500 metres about 133 miles from the Spanish coast.
PART II - THE POLLUTION

Fragments of oil originating from the *Prestige* prior to its sinking were scattered over a wide area of the Bay of Biscay, oscillating between the French and Spanish coasts as a result of the variable winds. Intermittent oiling of shorelines in Spain extends over some 900 km from Vigo in the south to the French border in the north. The heaviest shoreline pollution is between La Coruña and Aguiño and on the islands of Sálvar, Vionta, Ons and Cies.

At this stage (28/02/03) the shoreline contamination in France has to date been less severe than in Spain, however extending over some 300 km from the Spanish border in the south as far as La Rochelle in the north.

II.1 - DISTRIBUTION OF THE OIL

*According to International Oil Pollution Compensation Fund (IOPC) report to Executive Committee 20th session 29 January 2003;*

"In Spain the coastline of Galicia, which is one of the richest fishing areas in Europe, has been most adversely affected by the incident. Fisheries exclusion zones were put in place shortly after the incident banning virtually all fishing along about 90% of the coastline and extending 8 miles offshore. These bans are causing widespread economic impact to some 13 000 shellfish harvesters and the owners of some 6 000 inshore fishing vessels. Fishing bans have also been imposed in Asturias and Cantabria, although these are on a limited scale and do not affect all species and all types of fishing. The bans do not cover aquaculture, even though this sector has been affected by pollution.

The coasts of Galicia, Asturias and Cantabria provide attractive tourist destinations for those seeking outdoor activities and high quality seafood. The affected region is particularly popular with the domestic market but does not have a high profile with overseas tourists compared with other parts of mainland Spain.

In France, fisheries impacts in France have to date been fairly limited. On 5 January 2003 the authorities imposed a ban on the sale of shellfish, primarily oysters, from the Arcachon Basin due to the presence of oil in the entrance to the Basin. However, on the basis of analyses of samples of seawater, fish and shellfish, which confirmed that the levels of petroleum hydrocarbons were within acceptable limits, the ban was lifted on 15 January.

It is anticipated by the IOPC that the greatest potential impact in France will be on the tourism sector, since the southern Atlantic coast is noted for the quality and length of its sand beaches backed by pine forests. Like the northern Atlantic coast, it supports second homes, self-catering are residential accommodation and campsites. The scale of the tourism industry in the affected departments is more important than in the departments affected by the *Érika* incident."

*B- These elements are still not completed and do not presume of the request for compensation that could be addressed by the affected coastal States.*
II. 2 - THE PRODUCT

The petroleum product transported by the Prestige is a heavy fuel oil, very probably the residual fraction of an atmospheric distillation to which a fluxant (a lighter petroleum product) was added in order to adjust its viscosity. It is a "bunker C" product which can be used to fuel ships' engines or for the production of electricity in thermal power stations.

Physically, the product in question is very viscous, insoluble and has a characteristic odour of petroleum. Its density, at 15°C and atmospheric pressure, is around 0.993 and therefore below that of seawater. This density nevertheless characterises the product as a very heavy petroleum product.

According to the analyses carried out by CEDRE (Centre for Documentation, Research and Experimentation on Accidental Water Pollution), and contrary to the information provided by the Saybolt-lettonia laboratory that drew up the quality certificate, which mentions a pour point of 6 degrees centigrade, when the product falls to temperatures of a few degrees (2.5 degrees centigrade, the temperature of the water at 3500 metres) it remains fluid. This fuel oil always has a density lower than the water surrounding it whatever the depth between the surface and 3500 metres below sea level (density of 1.012 at 3°C and 350 bars pressure approximately at that depth - compared with 1.045 for seawater under such conditions). Consequently, it remains fluid at that depth and capable of flowing slowly under the effect of a constraint such as the leakages observed in the casualty demonstrated.

After staying in seawater, the product forms an emulsion with practically its own weight in water (water content of 45%) and a density of 1.01. It does not dissolve to any great extent in water and becomes volatile in the atmosphere only to a very small extent.

II.3 - CLEAN-UP OPERATIONS

Subsequent to the accident, Spain took measures to prevent marine pollution and, with local, national, and international help, began the task of cleaning up and recovery of oil from the beaches.

II.3.1 - National operations

In early January 2003 the main area of accumulated patches of oil at sea had drifted into the Exclusive Economic Zone of France and the co-ordination of the large-scale at sea oil recovery operation initiated by the Spanish authorities was transferred to the Maritime Prefecture in Brest.

In Spain a workforce of around 4 000, of which approximately half are volunteers and the other half drawn from the armed services, are participating in the clean-up. Manual collection of oil is the main method of shoreline clean-up, although mechanical beach cleaning machines have been used on sand beaches. Because many
of the affected sites are difficult to access, an extensive roadbuilding programme has been undertaken to facilitate clean-up operations.

By late January 2003, some 25 000 tonnes of liquid waste and 38 000 tonnes of solid waste had been collected. Although liquid wastes will eventually be recycled, solid wastes are being stored at several sites pending a decision on the final disposal method to be employed.

As indicated above, the French authorities took over the co-ordination of the at sea recovery operations in early January. A fleet of 16 vessels, including specialist recovery vessels from France, Germany, Netherlands, Norway and Spain was still operating in the Bay of Biscay by 27 January, despite the limited quantities of oil available for recovery.

In addition to the offshore operations, about 20 small fishing boats were engaged to recover floating oil close inshore and to collect oil stranded on sandbanks in the entrance to the Arcachon Basin.

Most of the shorelines affected in France are composed of relatively hard-packed sand, which are relatively easy to clean, both manually and mechanically. In mid-January around 900 people were working to the south of the river Gironde and a further 100 people to the north of the river.

II.3.2 - Civil protection: Community co-operation

As of the very beginning the Commission was in close contact with the Spanish authorities. Updated and validated information (infosheets) was regularly sent out to all competent national Member States authorities and within the Commission.

The Community Mechanism for Civil Protection, following the request of the Spanish, the Portuguese and the French authorities, launched 8 different requests for assistance of specialised vessels, aircraft, equipment and experts to deal with the response to the pollution. The first request was launched on 14 November 2002, the last on 9 January 2003. After the accident, a relevant quantity of ships, aircraft, equipment and experts was put at the disposal of the Spanish, Portuguese and French authorities.

The Monitoring and Information Centre of the Commission, in coordination with the Spanish authorities, also acquired satellite images of the area in the framework of the Charter “Space & Major Disasters”.

In co-ordination with the Spanish authorities, the Commission promptly set up a mission of observers from the majority of the Member States who visited Galicia from 24 to 27 November. The EU mission enabled 24 experts, appointed by the national governments, to acquire specific experience in dealing with this type of emergency.

The possibility of sending a Community task force, consisting of experts made available by the Member States, was upon several occasions offered to the Spanish authorities. The purpose of such task force would have been to deal with specific
problems as defined by the Spanish authorities, such as technique of response at sea, technique of response on the coast, assessment of proposal for the clean-up, etc.

Moreover, the Commission is proposing the participation of European experts in the Spanish Scientific Committee that will assess issues relating to the wreck of the *Prestige*.

As for closer co-operation between Spain, France and Portugal, in particular regarding the vessels and equipment provided by other European Countries, a meeting was organised by the Commission on 11 December 2002. The conclusion was that the co-operation was quite effective and it was not considered necessary at this stage to set up a coordination team.

Finally, immediately after the accident, the Commission offered the Spanish authorities the possibility to co-finance (up to 300 000 euros) a survey of the environmental consequences of the accident on the Spanish coast. Contacts have been established with the Spanish authorities, which should submit a formal request for co-financing in the next few weeks.

**II. 4 - THE CURRENT SITUATION**

Following the accident, the *Prestige* broke into two. The two parts are lying at depths of 3565 metres (stern section) and 3830 metres (bow section). The two parts are some 3.5 kilometres apart.

The fuel oil leakages observed immediately after the accident are estimated at 125 tonnes per day. The submarine *Nautilè*, which the IFREMER (Institut français d’exploitation de la mer) had proposed to the Spanish authorities to probe the wreck initially identified 20 leaks; nine in the stern section and eleven in the bow section.

The *Nautilè* then proceeded to seal the leaks; this operation was completed on 13 February. The balance sheet of the operation is as follows:

- stern section: of the nine leaks identified three were reduced naturally to a very significant extent (including one completely), five were completely plugged, and one was almost completely plugged;
- bow section: all eleven leaks were plugged, ten completely and one partially.

As a result of sealing the leaks, the rate of flow was reduced from 125 to around 2 tonnes per day. In view of the weak currents at this depth, the reduction in the fluidity of the fuel oil as a result of its gradual cooling, the pressure equilibrium between the tanks and their environment and the slow rate of corrosion of the wreck, IFREMER experts considered that the seals should be effective for several months. It should be noted that the *Nautilè* was the subject of a Community research project.

According to information supplied by the CEDRE (cf. data sheets in Annex 2) the quantity of fuel oil remaining in the two parts of the wreck is estimated at around 37 500 tonnes. The vessel contained 77 000 tonnes of fuel oil at the time of the accident.
On 14 February the Spanish scientific committee responsible for monitoring the wreck gave its opinion about the best options for neutralising this potential source of pollution. This opinion advocates only two options: pumping out the fuel oil remaining in the wreck as the preferred option and, as an alternative if the first option proves to be impracticable, covering the wreck in a concrete or metal sarcophagus. The Spanish Government has decided to commission feasibility studies for these two options at a cost of around €50 million. The Spanish authorities’ intention is to make it possible to start the pumping work - if the option is feasible - in the summer. A very preliminary estimate would seem to indicate that three months would then be needed to extract all the fuel oil remaining in the wreck.
PART III - THE SEARCH FOR THE CAUSES OF THE ACCIDENT

Following the Prestige accident, the Commission contacted the various authorities which had started investigation procedures, so as to be associated with their work.

The European Commission needs to be able to assemble as much information as possible about the causes of the accident and the lessons that can be learned from it. In this connection, the post-accident work carried out by technical investigation bodies or by professional institutions such as the IACS\(^1\) is particularly important.

Exchanges were therefore held with the American Bureau of Shipping, the Bahamas Maritime Authority and the French BEA - mer. The Commission was associated with the work conducted by those bodies.

The first two parts of this section concern work conducted by the International Association of Classification Societies at the request of the American Bureau of Shipping (ABS) and the technical analyses carried out by ABS into the causes of the accident. The final part concerns the post-accident investigations launched by the national authorities concerned: Bahamas, the flag State and Spain and France, the coastal States affected by the consequences of the sinking of the Prestige.

III.1 - ABS AD HOC AUDIT:

Shortly after the Prestige accident, on 19\(^{th}\) November 2002, American Bureau of Shipping (ABS) requested the IACS Council to instruct the IACS Quality Secretary to carry out an ad hoc audit of ABS in relation to Prestige. IACS Council responded positively to this request and the IACS quality secretary immediately started preparing an audit and identify available auditors. ABS also extended an invitation to the Commission (DG TREN), the IMO, the flag Administration, Bahamas, the coastal State and, INTERTANKO to participate as observers at the ad hoc audit.

The Commission (DG TREN) responded positively to the invitation to attend as observers in the ad hoc audit. The decision to do so was in the interest of transparency. It is the first time the Commission is attending any IACS audit.

The audit plan envisaged visits to the ABS head office in Houston, USA (9-12 December 2002), the regional office in Dubai, UAE (16 December 2002), and, to the regional offices in Hong Kong and Guanzhou in the PR of China (13-15 January 2003). These were subsequently carried out as reported on below.

III.1.1 – Nature of the ad hoc audit carried out by IACS

In IACS audit procedures, difference is made between a so called Vertical Contract Audit (VCA) and an ad hoc audit. The difference being that in a VCA the vessel itself must be visited. In the case of Prestige that is no longer possible. Hence, the audit carried out was an ad hoc audit. This type of audit has the following described

\(^1\) International Association of Classification Societies (IACS)
objective “An ad hoc audit is an unscheduled audit carried out as a means of investigating and reporting on a matter of concern.”

An ad hoc audit is carried out on a particular vessels history and to establish how the Classification Society has followed procedures, instructions and convention rules as well as the societies quality standards and procedures, in carrying out its duties with regard to the vessel. In order to do so the audit follows the tracks back from the accident and to surveys carried out on the vessel.
This type of ad hoc audit was also done by IACS, as decided by the IACS Council, on classification society RINA after the “ERIKA” accident.

As Prestige has never changed class and ABS has been the classification society for her since she was launched in 1976, they are in possession of the history of the vessel with regard to surveys, both statutory and classification, repairs etc carried out by, or supervised by, ABS. This is very helpful in establishing the track record, as otherwise transfer of class may make this more difficult.

III.1.2 - Relation to the formal accident investigation(s) and other assessments of Classification Societies' performances

It is important to make clear that the ad hoc audit carried out by IACS is not an accident investigation. The IACS audits are limited in their authority and scope. For instance, there seems to be no power to visit for instance thickness measurement companies, interview crews etc. whereas the formal accident investigation carried out by the flag Administration has such possibilities.

The formal accident investigation is the obligation of Bahamas, as flag State, to carry out. However, any findings in the ad hoc audit may be important input of facts to the formal accident investigation. The flag State administration of Bahamas is still in the initial investigation phase. At the time of writing this report, there is no indication of when it will be finished and reported to the IMO.

The fact that Bahamas as flag State did participate as observer is positive on in particular two accounts; cooperation between the flag state and its recognised organisation is established and, it provides the possibility for the flag State to gather important relevant information to the formal accident investigation.

Finally, it should be noted that this audit is not replacing any of the assessments the Commission can carry out under the Classification Societies Directive (Directive 94/57). The ad hoc audit is different in its objective as it concentrates on one particular vessel, whereas the Commission assessments looks at the classification societies fulfilment and compliance of the qualitative and quantitative criteria established in the Directive.

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2 Ad hoc audits have also been carried out in the cases of Leros Strength and Leader L.
3 UNCLOS Article 94 and relevant international conventions (SOLAS, LL, MARPOL)
III.1.3 Objective of the ad hoc audit of ABS in relation to the Prestige accident

According to the report on the ad hoc audit of ABS (see Annex 3), the audit plan agreed by the IACS Council had the following objectives:

"1.1 To establish whether or not the vessel Prestige IMO No 7372141 was surveyed by ABS in accordance with the Rules and Regulations of ABS and with the statutory requirements and International Conventions related to the Certificates issued by ABS on behalf of the Flag Administration during the vessel’s last Annual survey, carried out in Dubai between 15th May 2002 and 25th May 2002 and last Special survey carried out in Guangzhou between 2 April 2001 and 19th May 2001.

1.2 To establish whether or not ABS complied with the IACS QSCS\(^d\) Requirements – specifically with the QSCS – reference documents IACS Code of Ethics and Procedural Requirements – during the preparation and performance of the above surveys.

1.3 To recommend to IACS Council, as a result of the above, any changes which need to be made to current established practices of maintaining existing oil tankers in class, with the objective of furthering IACS’ stated commitment to safety of life at sea and the protection of the environment.

III.1.4 - Findings

The main conclusions of the IACS report, as described more in detail in Annex 3, can be summarised as follows:

- The attending surveyors at Dubai and Guangzhou met the competence and qualifications criteria of ABS and IMO resolution A.789(19) and attended the vessel to an extent to permit correct surveys to be carried out.

- As far as could be ascertained all Class and Statutory surveys undertaken and certificates subsequently issued fully met the requirements of ABS and the statutory regulations with the exception of the following:

a) Further to Rule changes initiated after the loss of Erika, a requirement was introduced that water ballast tanks adjacent to oil tanks fitted with heating coils were to be examined at every annual survey. It was determined by the audit team that Prestige had been fitted with heating coils at the time of construction and the same were present during the special survey at Guangzhou. During interview, the ABS surveyor stated that he accepted the Master’s statement that heating coils were not fitted when the vessel was surveyed in Dubai and the adjacent No 2 Port and Starboard water ballast tanks were therefore not surveyed. The survey status provided to the surveyors, as an essential means of planning surveys, did not indicate that the cargo tanks were fitted with heating coils.

\(^d\) QSCS= Quality System Certification Scheme
b) While it may be considered that all tanks were adequately hydrostatically tested at the special survey in Guangzhou, some were not tested to quite the head planned for in the ABS requirements.

c) The ABS Rules applicable at the time of the special survey required the visual inspection and testing at working pressure of all piping systems in cargo tanks. This vessel was fitted with heating coils but the surveyor did not request that these be tested. However the repair yards, inspection records did state that the heating coils in Tanks 1 Port & Starboard, 3 Port Starboard and Centre and 4 Port and Starboard were tested.

d) The planning document (survey programme) did not cover all the ABS requirements or those of UR Z10.1 for this document.

e) Following MARPOL renewal surveys at Guangzhou an interim International Oil Pollution Certificate was correctly issued locally together with two Supplements – one for each mode of operation of the vessel. By error however, only one supplement was subsequently issued with the full term certificate. At the time of the casualty therefore, the full term certificate the vessel was carrying did not have with it the CBT Supplement appropriate to the mode of operation.

- With regard to quality system systematics, some improvement could be made notably in report verification.

Formal non-conformities were issued to ABS. These required ABS to propose corrective and preventive actions to IACS, to be fully implemented by mid-April 2003.

III.2 - ABS TECHNICAL ANALYSES :

The American Bureau of Shipping (ABS) issued on the 28th of February 2003 the report “Technical analyses related to the Prestige casualty on 13 November 2002”, which is included in Annex 4. Since important information from primary sources such as the Master, owners, managers, salvor, flag State and port States has not yet been made available to ABS, some information upon which the report and analysis are based has not been verified and receipt of additional information might change some of the conclusions.

ABS undertook to begin its analysis by assessing all vulnerabilities which may have theoretically existed in the hull structure at the time of the casualty, as well as all potential external forces which could have turned that vulnerability into a failure of the side shell.

Once these potential vulnerabilities and external forces were identified, ABS used analytical methods available to explore the potential of each possible contributing factor, to examine how each might have contributed to the casualty, alone or in concert with other factors.

ABS has divided its technical analyses into three areas of primary interest:

1. Determining the condition of the hull structure just prior to the time of the initial flooding;
2. Determining the probable cause of the initial flooding of starboard wing tank Nos. 2 aft and 3;
3. Determining the probable cause of the ultimate hull failure and resulting sinking of the *Prestige*.

Section 1 contains ABS’s findings and conclusions regarding the condition of the hull structure at the time of the initial casualty, the probable cause of the initial flooding and of the subsequent sinking of the vessel.

Section 2 summarises the results of the detailed technical analyses, with a discussion of how the results apply to the casualty.

The following parts are quoted from the ABS report:

“... While there is no physical or other supporting evidence, ABS believes the most likely failure mode causing the initial flooding of the two starboard wing tanks began at a weakened section in the starboard side shell or supporting framing in the vicinity of frame 71. This weakened condition, coupled with an external exciting force such as significant wave impacts while the vessel was rolling, resulted in an opening of the side shell below the waterline in the vicinity of frame 71 starboard. This hypothesis is based upon information from ABS records and files, information provided by the shipowner, reports from crew members, published reports and photographs from the media, and the subsequent ABS technical analysis of breaking wave impact loads.”

Under Section I, “3.8. The vessel was used in lightering service from June 2001 to October 2002, first in Fujairah, UAE and later off St. Petersburg, Russia. A total of 174 transfers of cargo and fuel oil were reported during this period. Transfers were made to vessels ranging in size from 2 250 DWT to 280,000 DWT. An analysis of berthing energy, of the surface pressure a large fender exerts on the ship’s hull and of the loading required to cause permanent deformation of a vessel’s hull structure was carried out. This analysis revealed permanent deformations of side longitudinal Nos. 32 to 34 and the transverse frames and transverse bulkhead could have occurred in the vicinity of frame 71 during lightering operations depending upon vessel size and approach speed. Repeated impacts and impacts while two vessels are moored together can increase the possibility of plastic deformation of the hull structure. Such permanent deformations could cause a loss of hull strength in the side shell plating, side longitudinals, transverse frames and transverse bulkheads. Large permanent deformations may also cause local stress concentrations, which can lead to the initiation of hull cracks. ABS records indicate such damage to side shell did in fact occur in 1989 to the tanker Apanemo during similar lightering operations. This vessel was a sister vessel to the *Prestige*. In the absence of factual evidence of shell deformation aboard Prestige, permanent deformations or fractures due to prior lightering operations must be considered as a possible, but yet unsubstantiated, contributor to the initial casualty. »

**III.3 - ACCIDENT INVESTIGATION:**

**III.3.1 - Accident investigation procedure:**

Following the provisions of UNCLOS Article 94 and IMO Resolution A 849(20) "Code for the Investigation of Marine Casualties and Incidents", a flag State shall
cause an inquiry to be held, by or before a suitably qualified person or persons into certain casualties or incidents of navigation on the high seas.

However, the Code also recognises that where a casualty occurs within the territorial sea or internal waters of a State, that State has a right, under UNCLOS article 2, to investigate the cause of any such casualty which might pose a risk to life or to the environment, involve the coastal State’s search and rescue authorities, or otherwise affect the coastal State.

In the framework of the international regulation the "Substantially interested States" means in principle the State which is the flag State of a ship that is the subject of an investigation or in whose internal waters or territorial sea a marine casualty has occurred or caused, or threatened, serious harm to the environment.

The accident investigation are supposed to follow the Code for the Investigation of Marine Casualties and Incidents adopted by the IMO. This Code recognises that under IMO conventions each flag State has a duty to conduct an investigation into any casualty occurring to any of its ships when it judges that such an investigation may assist in determining what changes in the present regulations may be desirable or if such a casualty has produced a major deleterious effect upon the environment.

The objective of any marine casualty investigation is to prevent similar casualties in the future. Investigations identify the circumstances of the casualty under investigation and establish the causes and contributing factors, by gathering and analysing information and drawing conclusions. Ideally, it is not the purpose of such investigations to determine liability, or apportion blame.

The casualty investigations do not preclude any other form, whether for civil, criminal, administrative, or any other form of action. Their aim is to establish the circumstances relevant to the casualty, to establish the causal factors, to publicise the causes of the casualty and to make appropriate safety recommendations. In this purpose marine casualty investigation should be separate from, and independent of, any other form of investigation.

The Marine casualty investigators are supposed to be persons qualified to investigate a casualty, or incident. They should be afforded access to Government surveyors, coastguard officers, vessel traffic service operators, pilots or other marine personnel of the respective States.

To facilitate the flow of information from casualty investigations, each report should include, wherever possible:

- a summary outlining the basic facts of the casualty and stating whether any deaths, injuries or pollution occurred as a result;
- the identity of the flag State, owners, managers, company and classification society;
- details of the dimensions and engines of any ship involved, together with a description of the crew, work routine and other relevant matters, such as time served on the ship;
- a narrative detailing the circumstances of the casualty;
analysis and comment which should enable the report to reach logical conclusions, or findings, establishing all the factors that contributed to the casualty;

• a section, or sections, analysing and commenting on the causal elements, including both mechanical and human factors, meeting the requirements of the IMO casualty data base;

• and where appropriate, recommendations with a view to preventing similar casualties.

III.3.2 - Bahamas accident investigation:

Following the loss of the Prestige, the Bahamas Maritime Authority (BMA) informed the IMO of the opening of an investigation in accordance with the national maritime regulations and Resolution A 849(2) of the International Maritime Organisation (IMO) concerning the code for the investigation of marine causalities and incidents.

Immediately after the accident the BMA sent a representative to the spot and contacted all the parties involved. Meetings were held with all the crew members and as much information as possible was gathered. The BMA raised problems of cooperation on the part of the competent authorities and regretted the judicial decisions taken against the master of the oil tanker.

The BMA now appears to be working on the various aspects which might explain the accident. Since the Bahamas does not have sufficient resources, meteorological experts would need to be called in order to produce a detailed study of the zonal conditions at the time of the event. Similarly, the question of the resistance of the vessel’s structure, and in particular the zones which were repaired in China, should also be analysed by specialists (academics and consultancies).

Following the contacts initiated after the accident, the Bahamas maritime authority responded favourably to the Commission’s request to be informed about the investigation conducted by it as flag authority. Similarly, the BMA has carried out exchanges of information with the American Bureau of Shipping (ABS) and BEA-mer.

III.3.3 - Spain:

The Spanish authorities are carrying on some accident investigation on the loss of the MT Prestige.

In a first step, the Directorate-General for Merchant Shipping submitted to the Commission a report summarising the actions taken by the Spanish Maritime Authorities in response to the Prestige accident (see Annex 1).

To provide a clearer picture of events and responses, these are presented following a chronological order from 13 November 2002, the date when the emergency began, to 19 November 2002, when the ship sank. Particular attention is giving to the different scenarios examined through the decision-making process. In addition, details are given on the most significant cases of ships having requested a port of refuge and being denied.
The conclusions of this report (page 58 s.) are the following

"...In the last analysis, and in view of the difficulties inherent in the various alternatives and for the reasons given above, the competent authorities took the decision, having first received proper advice, to move the ship away from the coast.

We repeat that we have no record of any ship entering port with this level of structural damage, spilling its load, crewless, lacking safe propulsion, listing and in such bad weather.

On this point, it is clearly of great interest to note, by way of example, the opinion expressed by the Cedre (Centre for Documentation, Research and Experimentation on Accidental Water Pollution), an institution which has enjoyed international renown since its foundation in 1978 as one of the measures taken following the accident involving the oil tanker Amoco Cadiz. The pages which the Cedre's website (www.le-cedre.fr) dedicates to the Prestige accident include the following text:

“As happened after the loss of the Erika, various contradictory opinions are gradually arising regarding the decisions which were taken. Were they the right ones? Why wasn't the ship taken to a port of refuge? It is not for the Cedre to provide yet another opinion on the matter. However, we believe it is useful to remember that the people handling these situations have very little time to assess the situation, in extremely fraught conditions. As technical advisers to France's Polmar decision-makers, we are thoroughly familiar with these situations. In an emergency, the decision-maker's basic resources are the measures contained in the plan, to the extent that these are applicable to the situation, plus whatever means are available, or, failing that, the experience gained in earlier situations.

There have been previous cases of oil tankers with leaking tanks which have been moved away from the coast or kept out at sea, and then saved having first been pumped empty (e.g. the Kharg V off the Moroccan coast in 1975, the Castor in the Mediterranean at the beginning of 2001). There have also been cases where at least half the ship has remained afloat after splitting, eventually running aground on the coast after a storm or being saved (e.g. the stern of the Tanio in Manche in 1980 or the bow of the Nakhodka in the Sea of Japan in 1977).

On the other hand, we know of only one case where a tanker entered a bay with leaking tanks, the Sea Empress in Milford Haven (Wales) in 1996. But that bay had already been badly polluted during the five previous days, when the tanker, stranded near the port of Milford Haven, had spilled some of its oil. We know of no specific decision voluntarily to risk massive pollution in a port or a bay by letting in a leaking tanker during a storm without first making the ship safe.”

We would also cite what appears on page 147 of the book Salvamento en la mar [Salvage at Sea], published in 1991 by the then Ministry of Public Works and Transport, on the case of the Khark V in 1989. “On 18 December of this year this Iranian supertanker, its tanks filled with 273 000 tonnes of crude oil, was bearing the brunt of the Atlantic while sailing up the coast of Africa towards Rotterdam. ... a huge crack opened up, through which there poured no less than 50 000 tonnes of light
Iranian oil. ... The burning hulk drifted and, a little later, received a visit from three powerful Dutch tugs chartered by the company which owned the Khark V. The tugs' intention was to bring the tanker closer to the coast, but they had not reckoned with the firm opposition of the Spanish Government, which feared the ship would cause disastrous pollution on the Spanish coast.”

“On 22 December, under pressure from the Directorate-General for Merchant Shipping, the Khark V was forced to retreat, beginning a long journey which would not end until the ship was 200 miles south-west of the Canary Islands. Thanks to the pressure from the Spanish authorities, the tanker was never less than 100 miles from the islands of the archipelago. In that remote part of the Atlantic, in an area chosen for its calm waters, the oil was transferred under the supervision of the salvage tug Punta Salinas and Spanish naval units. On 12 February, relived of its cargo, the Khark V entered the port of Las Palmas to undergo repairs.”

An example involving a Spanish vessel is the case of the Castillo de Bellver, which on 5 August 1983 reported a fire on board. In the early hours of 6 August the fire spread throughout the ship. The latter was carrying a full cargo (260 000 tonnes) of Jebel Dhanna crude (Persian Gulf). Later that day it was confirmed that it had split in two. At 02.36 GMT on 7 August, the stern section went down 25 miles south-west of Saldanha Bay with some 100 000 tonnes of crude. The bow section was towed by the John Ross to deeper waters, with 60 000 tonnes of crude on board. On 13 August, in water 2 400 metres deep, 135 miles from the nearest coast, the bow section was sunk by controlled explosion, with 60 000 tonnes of crude. The explosion came at 11.50 GMT, and at 23.33 GMT the tragedy had ended with the sinking of the bow of the Spanish Elcano company's Castillo de Bellver."

III.3.4 - France:

The French Bureau Enquêtes-Accident/mer (BEAmer) of the State Secretariat for Transport and the Sea opened a technical enquiry into the accident on 31 December 2002 in view of the significant pollution of waters under French jurisdiction and of the French coast as a result of the total loss of the Prestige and the spillage into the sea of a considerable amount of its cargo of fuel oil. This investigation is aimed at establishing the circumstances and finding out the causes with view to learning lessons about how to improve maritime safety. The Bahamas and Spanish maritime authorities concerned were kept informed of the progress of this investigation, which, inter alia, use documentation provided by the classification society and the ship manager.

On 5 March 2003 the French Minister responsible for the sea published a press release which summarises as follows BEAmer's preliminary analyses:

“On the face of it, and taking into account the information available at the date of this press release and the examination of the information by the experts of BEAmer, the total loss of the PRESTIGE appears to be attributable to a series of successive factors. Some of these factors came into play much earlier than the time of the casualty and are connected with the conditions governing the market for the maritime transport of heavy fuel oils which result in a significant proportion of these particularly polluting products being carried by old vessels and in particular pre-
MarPol vessels. Other factors concern the actual design of these vessels at the time of their construction and the problems of ageing resulting from compliance with the MarPol provisions. Lastly, there are certain concatenated factors, such as:

- a structural design weakness in the bulkheads which are of a particular design not frequently encountered on an oil tanker of this size

**initial damage caused:**

- by either a floating object (unlikely),
- or by violent "green water",
- or by a defect in the hull,
- or by a combination of these factors

**occurring in a part of the vessel having undergone successive repairs, which could reveal:**

- either inadequate repair;
- or incomplete repair in view of the major and recurring corrosion in the ballast tanks the internal protection of which remains a major difficulty; in this respect, pre-MarPol vessels (of which certain cargo tankers have been reserved for permanent ballast duties pursuant to the anti-pollution provisions) used for the transport of heavy fuel oils are no doubt more sensitive to corrosion.

- structural stresses exerted by the sea during the journey and before the damage was observed;

- additional consecutive structural stresses following the damage as a result of:
  - righting measures by filling the port ballasts,
  - and towing operations

- keeping the vessel at sea in difficult conditions following its initial damage, connected with the accommodation difficulties (configuration of the coast, limited towing means).

These preliminary analyses have been sent to the Bahamas and Spanish maritime authorities concerned and the Prestige's classification society for their opinion, by way of a provisional contribution to the technical investigation work.”
On 24 November 2002 President Prodi met the Spanish Prime Minister José Maria Aznar. There was a great expression of European solidarity. In response to the request for assistance on the part of the Spanish authorities, several Member States placed at their disposal floating barriers, several ships and surveillance aircraft.

On 3 December the Commission adopted a communication on improving safety at sea, calling in particular for the early establishment of the European Maritime Safety Agency, the prohibition of the transport of heavy fuel oil by single-hull vessels and the introduction of penal sanctions for polluters. This communication, which was forwarded to the European Parliament and the Council, was broadly supported by the two institutions.


The Transport Council meeting of 6 December and the Environment Council meeting of 9 December also confirmed the merits of the proposed approach and the particularly urgent nature of the provisions to be implemented. Lastly, the Copenhagen European Council of 12 and 13 December adopted conclusions approving the content of the actions proposed by the Commission in its communication and by the Transport Council in its conclusions.

Conscious of the importance of maintaining the political momentum created by the Prestige accident, the Commission has reacted extremely rapidly by adopting at very short notice some of the proposals for measures announced in its communication of 3 December 2002.

At the Copenhagen European Council of 12 and 13 December 2002, the Heads of State and Government asked the Commission to submit a progress report for their next meeting. To act upon this request, on 5 March 2003 the Commission adopted a report to the European Council on action to deal with the effects of the Prestige disaster. This document, which appears in Annex 7, describes the various actions already undertaken or to be carried out at Community level and in the Member States.

IV.1 Early implementation of the measures already adopted by the European Parliament and the Council

IV.1.1. Early establishment of the European Maritime Safety Agency

The establishment of the European Maritime Safety Agency, whose role is to improve the efficiency of the application of Community rules on maritime safety has been speeded up, as the Commission has decided to accommodate

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it temporarily on Commission premises while waiting for the siting of the Agency's own headquarters to be decided by the Council.

On 4 December 2002, the Administrative Board took a series of administrative and technical decisions to make the Agency operational as soon as possible. On 29 January 2003, the Executive Director of the Agency was appointed. He is currently recruiting staff for the Agency and setting up its administrative structure.

There are plans to further define and expand the jurisdiction of the Agency to enable it to purchase or lease vessels equipped with advanced technology or other anti-pollution equipment to serve the European Union. The added value of such an initiative would be to augment the present capacity for action. All decisions will be taken on the basis of maximum efficiency and optimal budgetary impact. Funding has already been set aside in the Annual Policy Strategy for 2004 adopted by the Commission on 5 March 2003. Activities will be developed in coordination with the Commission's civil protection mechanism.

IV.1.2. Blacklist of substandard vessels

The Commission compiled a preliminary blacklist of substandard vessels in December 2002. It is an indicative list of vessels which would be prohibited if the provisions of the Erika I package were in force.

IV.1.3. Places of refuge

On 31 January 2003, the Commission held an initial meeting with the Member States in order to make preparations for identifying places of refuge to accommodate ships in distress in the waters under their jurisdiction as laid down in the Directive establishing a Community vessel traffic monitoring and information system. The meeting analysed the possible content of the national plans and places of refuge for ships in distress. The Member States have yet to provide relevant documentation needed to adopt national plans for accommodating vessels and the designation of places of refuge by 1 July 2003, as requested by the Transport Council on 6 December.

IV.1.4. Uneven transposition by Member States of the Erika I and II packages

The Prestige accident confirms the importance of the measures included in the two sets of legislative proposals, Erika I (March 2000) and Erika II (December 2000). If the measures adopted by the European Union had been in force at the time, the Prestige would not have been allowed to enter an EU port as from 1 September 2002 (date of application of the final regulation since it was over 23 years old then.

In line with these legislative proposals, the Member States must incorporate into their national legislation the Directives on port State control and on

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classification societies by 22 July 2003 and the Directive establishing a
Community vessel traffic monitoring and information system by 5 February
2004. The Regulation on the withdrawal of single-hulled oil tankers is
applicable as of 1 January 2003.

The information received by the Commission shows that the process is far
from completed in the majority of Member States. At the Nice and
Copenhagen European Councils, the Member States had undertaken to
introduce the measures early, but so far only three Member States -
Denmark, Germany and Spain - have notified the Commission of the national
measures transposing the legislation.

IV.1.5. State aid in the maritime transport sector

State aid to maritime transport may be authorised under certain conditions, in
particular, to improve on-board safety and to equip ships to standards
which exceed the mandatory safety and environmental standards. Aid to
shipbuilding is more limited as it is not normally compatible with the Treaty.

Provided that it reflects the economic loss suffered by the owner, aid to
scraping may also be authorised. There is a precedent for this: Italy
successfully developed a system for the voluntary withdrawal of single-
hulled vessels, particularly the oldest, which was approved in 2002. This is
an avenue which might be explored by interested Member States.

In any event, the Commission must examine requests case by case on the
basis of notifications of State aid by Member States, and in particular must
carefully examine the effects on competition.

IV.1.6. Voluntary agreements with oil companies

The Transport Council of 6 December asked the Member States to conclude
agreements with their respective industries in order to guarantee high-quality
transport and ban old single-hulled oil tankers from carrying heavy fuel oil.
The Council also asked the Commission to draw up a model agreement.
Since December 2002 the Commission has therefore been conducting
discussions with European oil companies in order to define a 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. It would,
above all, ensure that vessels in transit through the exclusive economic area,
i.e. those not chartered by European oil companies, are covered, since
international agreements permit Community legislation to cover only vessels
calling into European Union ports.

7 Community guidelines on State aid to maritime transport (Official Journal C 205, 5.7.1997)
8 Community guidelines on State aid for environmental protection (Official Journal C 37,
3.2.2001).
For the time being, however, European industry has been highly reluctant to commit itself to a voluntary agreement, and has expressed its preference for the regulatory approach ensuring equal treatment with competing oil companies in third countries.

**IV.2. New Commission proposals**

**IV.2.1. Carriage of heavy fuel oil and early withdrawal of single-hull vessels**

On 20 December 2002, the Commission forwarded a proposal for a Regulation to the European Parliament and the Council, proposing:

- prohibiting the transport of heavy fuel oil in single-hull oil tankers to or from EU ports;
- accelerating the timetable for the withdrawal of single-hull oil tankers adopted in the context of the ERIKA-I package;
- imposing on single-hull oil tankers over 15 years old tighter structural inspections (condition assessment system - CAS).

The Commission requests the European Parliament and the Council to reach a final agreement before the end of the first half of 2003.

**IV.2.2. Training and competency of seafarers**

On 13 January 2003 the Commission forwarded to the European Parliament and the Council a proposal for a Directive on the recognition of seafarers' certificates of competency in order to guarantee a minimum level of training. Political agreement should be reached at the Transport Council in March 2003.

The proposal makes provision 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.

The Commission is counting on the rapid adoption of the proposal for a Directive by the European Parliament and the Council.

**IV.2.3. Criminal sanctions**


The proposal covers the entire chain of responsibility (shipowner, charterer, classification society, etc.): the parties responsible for such pollution will no longer be able to shirk their responsibilities.
The Commission requests the European Parliament and the Council to reach a final agreement before the end of the first half of 2003.

IV.3. **European initiatives in the international arena**

Only 34% of the world fleet is controlled by European shipowners. The majority are registered under the flags of, and are therefore under the jurisdiction of, third countries. In his letter to Mr Simitis, President Prodi stressed how important it was for the European Union to be able to effect a major change in its policy regarding the countries politically responsible for the economic and ecological aftermath of oil spills, particularly those countries which, by offering flags of convenience or by slack controls, permit dangerous and unsuitable ships to operate with impunity in international waters. In particular, he suggested that the Commission propose to the Council that these countries be approached directly since the majority maintain close links with the European Union.

IV.3.1. **Active support for the European Community's membership of the International Maritime Organisation (IMO)**

On 9 April 2002, the Commission sent a recommendation to the Council advocating the European Community's joining the IMO in order to enable it to have its say in preparing and adopting more stringent international rules on maritime safety. As the Copenhagen European Council pointed out, the European Union must play a leading role in international efforts in pursuit of this objective, in particular within the IMO.

IV.3.2. **Requests to apply Community legislation on maritime safety internationally**

The Commission has asked neighbouring countries, particularly Russia and Europe's Mediterranean partners, under the agreements they have with the European Union, to adopt measures banning the carriage of heavy fuel oil and speeding up the withdrawal of single-hull oil tankers equivalent to those of the European Union.

The Commission will continue to negotiate with the third countries in question and will also discuss with Russia the conditions for the operation of oil tankers in sea ice zones.

IV.3.3. **United Nations Convention of the Law of the Sea**

The European Union should take the initiative of proposing the revision of the United Nations Convention of the Law of the Sea to afford better protection for coastal States, including within the 200 mile exclusive economic area, against risks associated with the passage of ships constituting a danger to the environment and which do not comply with safety standards.

The Commission will request a negotiating mandate from the Council with a view to revising the Convention. In the meantime, coordinated European Union action will be needed to support the requests made, in particular by
France, for referral to the IMO advocating the identification and protection of areas at particular risk due to their resources and the specific nature of the transit traffic.

IV.3.4. Better compensation for victims of pollution

A diplomatic conference will be held at the International Maritime Organisation (IMO) from 12 to 16 May 2003 to create a third level of compensation for victims of oil spills.

The Commission, jointly with France and Spain, has forwarded a document to the IMO to raise the limit below which the shipowner loses the right to limit liability from EUR 185 million to EUR 1 billion.

The Commission is counting on the active support of all Member States on this issue within the IMO. Failing this, immediate adoption of the proposal for a Regulation establishing a special European fund endowed with EUR 1 billion, in accordance with the undertaking made by the Council on 6 December 2002, and the creation of the fund by the end of 2003 will be necessary.

IV.3.5. Civil liability

The Commission has proposed amending the international compensation and liability mechanism under the International Convention on civil liability for oil pollution damage in order to be able to make the parties responsible for pollution financially liable.

The meeting of 3 and 7 February 2003 issued a favourable opinion regarding the need to revise the civil liability system without, however, indicating the necessary improvements or the timetable for this. The Commission is counting on the active support of the Member States when these issues are discussed within the IMO.
Conclusions

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.