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REPORT

on improving safety at sea in response to the Prestige accident
(2003/2066(INI))

Committee on Regional Policy, Transport and Tourism

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(*): Enhanced cooperation between committees - Rule 162a

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(*) Enhanced cooperation between committees - Rule 162a

PROCEDURAL PAGE

At the sitting of 10 April 2003 the President of Parliament announced that the Committee on Regional Policy, Transport and Tourism had been authorised to draw up an own-initiative report on the subject under Rule 163 on improving safety at sea in response to the Prestige accident, and the Committee on Budgets, the Committee on Industry, External Trade, Research and Energy, the Committee on Employment and Social Affairs, the Committee on the Environment, Public Health and Consumer Policy and the Committee on Fisheries had been asked for their opinions.

The Committee on Regional Policy, Transport and Tourism had appointed Dirk Sterckx rapporteur at its meeting of 21 January 2003.

It organised on 19 and 20 March 2003 a Public Hearing on the 'Prestige' accident and its follow-up. From 24 to 26 March 2003 a parliamentary delegation visited Galicia. On 15 and 16 April 2003 a parliamentary delegation visited Brest.

At the sitting of 15 May 2003 the President of Parliament announced that the Committee on the Environment, Public Health and Consumer Policy, which had been asked for its opinion, would be involved in drawing up the report under Rule 162a.

It considered the draft report at its meetings of 12 June 2003, 7 July 2003 and 8 July 2003.

At the last meeting it adopted the motion for a resolution by 34 votes to 1, with 20 abstentions.

The following were present for the vote: Rijk van Dam, vice-chairman and acting chairman; Helmuth Markov vice-chairman; Dirk Sterckx, rapporteur; Sylviane H. Ainardi, Philip Charles Bradbourn, Felipe Camisón Asensio, Chantal Cauquil (for Helmuth Markov), Luigi Cesaro (for Luigi Cocilovo), Gerard Collins, Paolo Costa (for Luciano Caveri), Jean-Maurice Dehousse (for Danielle Darras), Jan Dhaene, Den Dover (for Rolf Berend), Garrelt Duin, Alain Esclopé, Giovanni Claudio Fava, Jacqueline Foster, Catherine Guy-Quint (for John Hume), Konstantinos Hatzidakis, María Esther Herranz García (for Mathieu J.H. Grosch, pursuant to Rule 153(2)), Liam Hyland (for Adriana Poli Bortone, pursuant to Rule 153(2)), Marie Anne Isler Béguin (for Nelly Maes), Juan de Dios Izquierdo Collado, Georg Jarzembowski, Giorgio Lisi, Emmanouil Mastorakis, Erik Meijer, Rosa Miguélez Ramos, Bill Miller (for Gilles Savary), Enrique Monsonís Domingo, Francesco Musotto, Juan Andrés Naranjo Escobar (for James Nicholson pursuant to Rule 153(2)), Camilo Nogueira Román, Josu Ortuondo Larrea, Peter Pex, Wilhelm Ernst Piecyk, Joaquim Piscarreta (for Christine de Veyrac), Samuli Pohjamo, Bernard Poignant, José Javier Pomés Ruiz, Reinhard Rack, Carlos Ripoll y Martínez de Bedoya, Dana Rosemary Scallon, Agnes Schierhuber (for Dieter-Lebrecht Koch), Ingo Schmitt, Renate Sommer, María Sornosa Martínez (for Ulrich Stockmann pursuant to Rule 153(2)), Hannes Swoboda (for Brian Simpson), Joaquim Vairinhos, Daniel Varela Suanzes-Carpegna (for Sérgio Marques), Ari Vatanen, Herman Vermeer, Luigi Vinci (for Ewa Hedkvist Petersen, pursuant to Rule 153(2)), Mark Francis Watts and Brigitte Wenzel-Perillo (for Margie Sudre).

The opinions of the Committee on Industry, External Trade, Research and Energy, the Committee on Employment and Social Affairs, the Committee on the Environment, Public

Health and Consumer Policy, and the Committee on Fisheries are attached; the Committee on Budgets decided on 30 April 2003 not to deliver an opinion.

The report was tabled on 15 July 2003.

MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on improving safety at sea in response to the Prestige accident (2003/2066(INI))

The European Parliament,

- having regard to the Erika I and II packages;
- having regard to its resolution of 21 November 2002 on the Prestige oil tanker disaster off the coast of Galicia¹, and to its earlier resolutions on safety at sea,
- having regard to its resolution of 19 December 2002 on safety at sea and measures to alleviate the effects of the Prestige accident²,
- having regard to the Commission communication of 3 December 2002 on improving safety at sea in response to the Prestige accident (COM (2002) 681 - C5-0156/2003),
- having regard to the conclusions of the Transport Council of 6 December 2002,
- having regard to the conclusions of the Copenhagen European Council of 12 and 13 December 2002,
- having regard to the Commission communication of 5 March 2003 on action to deal with the effects of the Prestige disaster (COM (2003) 105),
- having regard to the report of the Spanish Ministry of Transport of 7 March 2003 on maritime safety and the Prestige accident,
- having regard to the Commission staff working paper of 17 March 2003 on the loss of the tanker Prestige (SEC (2003) 351),
- having regard to the IACS (International Association of Classification Societies) report on the Ad Hoc Audit of ABS (American Bureau of Shipping) related to the loss of the Prestige,
- having regard to the ABS (American Bureau of Shipping) technical analyses related to the Prestige Casualty of 28 February 2003,
- having regard to the written statement of Captain Apostolos Mangouras, Master of the Prestige, to the European Parliament (Public Hearing of 19 and 20 March),
- having regard to the statements of D. Serafin Diaz Regueiro, Harbourmaster of La Coruña and of Mr. H. van Rooij, managing director of Smit Salvage, to the European Parliament (Public Hearing of 19 and 20 March),
- having regard to the report of the manager of the Prestige, Universe Maritime LTD,

¹ P5_TA PROV(2002)0575

² P5_TA PROV(2002)0629

- having regard to the conclusions of the Spring European Council of 20 and 21 March 2003,
 - having regard to the decision of the IMO International Conference (12-16 May 2003) on the Establishment of a Supplementary Fund for Compensation for Oil Pollution Damage,
 - having regard to Rule 163 of its Rules of Procedure,
 - having regard to the report of the Committee on Regional Policy, Transport and Tourism and the opinions of the Committee on Industry, External Trade, Research and Energy , the Committee on Employment and Social Affairs, the Committee on the Environment, Public Health and Consumer Policy and the Committee on Fisheries (A5-0278/2003),
- A. whereas the sinking of the Prestige caused serious damage to the marine environment and to the coastal areas of Spain and France and to Galicia in particular as well as to those living in those areas and to their way of life,
 - B. whereas the steps taken by the Spanish local authorities, combined with the extraordinary efforts in the months following the disaster by the local population and thousands of volunteers belonging to environmentalist and other organisations, have saved the coastal areas affected from even more severe damage,
 - C. whereas heavy fuel from the Prestige continues to reach the coasts of Galicia, the northern Iberian peninsula and the French Atlantic coast, moving past Brittany and even threatening the English coastline,
 - D. whereas the first priority must be to regulate adequately for arrangements to accommodate vessels in distress and the availability and accessibility of safe havens and harbours,
 - E. whereas the real cause of the damage caused to the Prestige will be very difficult to determine because the vessel sank in very deep water and cannot be salvaged,
 - F. whereas a large part of the cargo remains submerged with the vessel, and may present a further hazard in the longer term,
 - G. whereas it has been established that the Prestige was damaged on 13 November 2002 in the very area of the ballast tanks where major repairs had been made in Guanzhou (China) in 2001, only 18 months earlier; whereas, in the most recent inspection carried out in Dubai in May 2002, the insides of the above-mentioned ballast tanks were not examined by the inspectors from the classification society ABS,
 - H. whereas the Prestige had been used for about one year as a floating reservoir, which meant that other vessels were constantly being docked and undocked at the same point against the vessel's side; whereas it is essential for any such hazardous use to be reported to the classification society so that it can step up its monitoring or concentrate it on any such specific risk,

- I. whereas the assessment by the Spanish authorities of the vessel's condition, the expertise of its crew and the quality of the inspections the vessel had already undergone do not tally with the testimony of, in particular, the Smit salvage company, the insurers and the classification society; whereas the presence of a 'black box' could have helped to clarify the situation,
- J. whereas the time factor is always crucial in such disasters; whereas it was not possible to reach the emergency towing machinery at the back of the vessel because of the condition the vessel was in at the time, and whereas, partly because of a shortage of manpower, it took nearly twenty four hours for the Prestige to be taken in tow by tugs,
- K. whereas all concerned parties considered from the outset that the Prestige was so badly damaged that it would not survive in a storm,
- L. whereas the vessel had lost only between 1000 and 3000 tonnes of oil when it could have been brought into a safe haven, as stated by experts at Parliament's hearing,
- M. whereas further spills could have been prevented in a safe haven and the means of extracting the oil spilt could have been concentrated, thereby preventing widespread pollution and the sinking of the vessel,
- N. whereas the Spanish authorities gave instructions for the battered vessel to be towed out into open waters because they were convinced that they would then have more time to combat pollution; whereas that decision in fact resulted in the eventual pollution being spread over a much wider geographical area,
- O. whereas the decision to tow away the vessel was supported by the majority of people living in the area close to the site of the accident and by local institutions,
- P. whereas, on the other hand, the salvage operators and captain repeatedly asked for the vessel to be brought into a safe haven or harbour, because they were convinced that they would then be in a position to contain the pollution and try to save the vessel, and whereas the Spanish authorities consistently refused to grant this request,
- Q. whereas the analysis of what happened shows that all parties concerned in any emergency are forced, while working under severe pressure of time, faced with the risks which such situations entail for people, property and the environment and in arduous circumstances, to take decisions that can have a far-reaching economic and ecological impact; whereas, consequently, it is essential for the authorities responsible to have at their disposal a protocol for joint action, clear chains of command, contingency plans and well equipped safe havens,
- R. whereas the production losses incurred by the Galician fishing industry (according to official statistics) in the first 15 weeks of 2003 stood at € 32 million compared with the same period in 2002, and in some ports these losses represent up to 50% of the previous year's production; whereas, moreover, catches in the whole of Galicia stand at no more than 50-60% of the previous year's catches for the same period; whereas from the biological point of view a decline has been noted in some species and in the marine habitat (algae) in which they live,

- S. whereas the captain of the Prestige is required by a court decision to keep himself at the disposal of the Spanish judicial authorities, with the result that he was, to the European Parliament's regret, unavailable to attend in person at the open hearing; whereas the IMO, regrettably, went likewise unrepresented on that occasion,
1. Urges the Commission to inform Parliament and the general public of the latest outcome of the investigations into the causes and circumstances of the Prestige disaster, of the plans which the Member States have adopted and put into operation in order to recover the oil contained in the wreck and put an end to the constant polluting spills, and of the financial compensation made to all injured parties, of the resumption of all economic activities adversely affected and the containment of and repair to environmental damage in the regions affected;
 2. Expresses its admiration for the extraordinary work done in Galicia and the other countries affected by seafarers and their representative organisations and by volunteers, which was instrumental in preventing the fuel oil from entering river estuaries and in enabling the huge cleaning operation needed in the sands and rocks to be successfully completed;
 3. Expresses its admiration for the extraordinary work done by fishermen and fishermen's organisations and volunteers, which was decisive in preventing fuel oil from entering sea inlets in the countries affected, and for carrying out the enormous and necessary task of cleaning up;
 4. Applauds the outstanding efforts by seafarers, fishermen and others, who made a significant contribution to combating the oil spillage affecting Europe's coasts, undertaking tasks which could only be done by hand, and highlighting once again their determination to combat pollution and protect fishery resources and the environment
 5. Calls for a volunteers' training and management programme to be introduced as a framework for the activities of volunteers during clean-up operations and as a means of conferring on those volunteers (in cooperation with associations) a proper EU status establishing rights and guarantees in respect of health protection and monitoring;
 6. Welcomes the fact that there was no loss of human life involved in this accident since the primary objective of the rules governing safety at sea is to safeguard human lives;
 7. Takes the view that the priorities are, firstly, to protect the safety of people at sea since, in the event of a serious accident at sea, it must always be possible to locate and save the crew and, secondly, to safeguard their economic activity and ensure that the resource is protected;
 8. Calls for the recovery of the starboard ballast tank lost at sea before the accident in order to analyse the quality of the steel and the welding;
 9. Notes that some 37 500 tonnes of oil remain submerged in the wreck of the Prestige; encourages the authorities concerned in their ambitious plan for the swiftest possible extraction of that oil, which represents a hazard to the environment;

10. Regrets that, more than six months after the accident occurred, around 35 000 tonnes of fuel oil remain in the sunken vessel, with a leakage rate of around a tonne a day, and the Spanish authorities have failed to find a definitive solution to halt the discharge of fuel; points out, in this connection, that recovery of the fuel which is still inside the wreckage of the *Prestige* must be a priority; considers, with regard to the heavy fuel recovered, both directly from the discharges and in the form of tar collected along the coasts, that action must be taken to guarantee that it is PROCESSED and stored in a suitable protected place; in this connection, calls for a list of the places in which pollutants from previous oil spills along the EU's shores are stored, for information to be requested from the authorities concerned on the treatment of waste and the treatment systems used, and for a timetable to be drawn up for the disposal or processing of such substances, permitting incineration as a processing method only if it is done in accordance with Community legislation;
11. Calls on the Commission and the Council, in collaboration with the European Maritime Safety Agency and the responsible national authorities, to investigate with the utmost urgency the available technical resources to make safe the wreck of the *Prestige* once and for all and to put an end to any further risk of pollution from repeated leaks from the cargo of the *Prestige*; is alarmed in this respect at the lack of transparency associated with the decisions and the procedure adopted to date, which have not prevented the repeated occurrence of oil spills along the Atlantic coastline; calls on the Commission to provide regular updates on the treatment of the wreck;
12. Notes the efforts made by the Spanish authorities in the face of the enormous technological challenge posed by extracting the oil remaining in the wreck, in very deep waters, initially by setting up, a 'committee of experts' which outlined the various technical solutions, and then by taking the final decision, on which trials are already being undertaken by the company responsible for the final extraction;

Improving maritime safety at European level

13. Stresses that, with the two Erika packages in particular, all important measures have been taken to make shipping in European waters safer, and that the rapid and complete introduction, and above all strict implementation, by Member States of the rules and regulations concerned must be the first priority; welcomes the Commission proposals to shorten the implementation deadlines;
14. Takes the view that an evaluation of the transposition of the 'Erika' directives into the domestic law of the Member States should be rapidly undertaken and that the information aspect of their responsibility for enforcing Community law should be reinforced;
15. Notes that the *Prestige* disaster has clearly shown that arrangements to accommodate vessels in distress are inadequately regulated; calls on Member States to cooperate with EMSA in ensuring timely and full compliance with national emergency planning arrangements and the designation of safe havens, with Member States in particular specifying under what circumstances they will make the use of safe havens compulsory

and providing them with the resources needed to implement their respective emergency plans;

16. Calls upon the Commission to clarify the concept of safe areas, to allocate the latter appropriate equipment and financial resources and to set aside compensation to be paid should pollution-causing vessels enter those areas;
17. Calls on the Commission to submit proposals not later than February 2004 for financial compensation for safe havens;
18. Takes the view that, in implementing plans to receive vessels in places of refuge, States and decision-makers must be allowed a margin of manoeuvre so that account can be taken in an emergency of the local situation; also takes the view that there must be a clear political line of decision;
19. Insists that each Member State must have at its disposal a clear decision-making structure and chain of command for maritime emergencies, together with an independent authority that in turn has at its disposal the necessary judicial, financial and technical say in taking decisions having binding effect in emergencies within territorial waters and the exclusive economic zone;
20. Calls on the Commission to arrange for EMSA to take an inventory of the different command structures and authorities responsible in maritime emergencies (cf. the French *Préfecture maritime* and the British Secretary of State's Representative), and to submit recommendations for exchanging 'best practice', promoting cooperation between Member States and introducing European guidelines or minimum requirements in that connection;
21. Considers it necessary to draw up specific emergency plans in areas where there is a large volume of shipping traffic and that the authorities of the regions concerned should have the autonomy they need to take action in the event of serious accidents;
22. Calls on the European Union to establish, through the offices of the Commission, a coordination and intervention structure that enables it to respond to emergencies by channelling European assistance as soon as they arise;
23. Calls on the Commission to speed up the process of establishing a fleet of pollution-fighting ships;
24. Calls on the Commission to submit to Council and Parliament without delay a proposal laying down minimum requirements for the availability in Member States of resources and equipment for providing assistance, rescue and anti-pollution measures and taking countermeasures;
25. Calls for the establishment of special zones in respect of ecologically sensitive and navigationally difficult areas in the Baltic, in particular the Cadet Channel, the Skagerrak/Kattegatt, the Great Belt and the Sound, which may no longer be traversed by ocean-going vessels, primarily oil tankers, without a pilot, and calls on the Commission and the Member States to take the necessary steps to that end in the competent

international bodies, in particular the IMO; in this context, views the designation of these areas as a 'particularly sensitive sea area' - PSSA - as a possible measure;

26. Calls on the Commission to examine the possibility of setting up traffic separation zones in the Baltic and the North Sea and, in particular, along the Portuguese and Spanish Atlantic coast, and to report back to Parliament;
27. Takes the view that serious consideration should be given to financing feasibility studies and construction of oil recovery vessels; considers that the Maritime Safety Agency could take the initiative in this;
28. Calls upon the Commission to submit a proposal to the Council and Parliament as soon as possible to ensure that bunker oil for engine fuel in new ships is also stored in safer, double hull tanks since freight or container ships often contain heavy fuel (HFO) as engine fuel in their bunkers, the quantity of which may considerably exceed the cargoes of smaller oil tankers;
29. Is aware that defence matters are exclusively the competence of the individual Member States, but nevertheless urges them to eliminate from their naval fleets single-hull tankers and tankers which should be withdrawn from European waters under Community legislation;
30. Calls on the Member States to monitor effectively the illegal cleaning of ships' bilges at sea, the discharges from which are one of the principal causes of pollution;
31. Welcomes the initiative by the sector to require oil tankers to have 24 hour cover under an Emergency Response System which, in an emergency, is able to provide assistance in assessing the condition of the vessel and will ensure that the condition of the vessel is stabilised; proposes that this initiative be extended to all vessels carrying dangerous or polluting goods;
32. Notes that double-hull tankers are associated with specific safety hazards (corrosion, metal fatigue, danger of explosion, strength of walls, risks on collision); calls on the Commission to arrange for EMSA to investigate further as a matter of urgency and propose measures to minimise the risks;
33. Requests, likewise, that the EU should promote the building of double-hull vessels in European shipyards, especially, if possible and as a compensatory measure, in those regions most affected by accidents caused by the transport of dangerous cargo by sea;
34. Calls on Member States to control and monitor closely the traffic of vessels carrying dangerous and polluting goods, within 200 miles of their coastline; is, however, concerned at decisions by a number of Member States to ban such vessels from the 200-mile zone off their coasts; fears that such vessels would then be forced to navigate at too great a distance off the coasts and would thereby run unacceptable risks to their crews and to the environment if the vessel were to get into difficulties (storm or damage); also calls on the Member States to ensure that in the event of this happening they have the requisite technical rescue resources at their disposal to guarantee assistance to the crew and preservation of the marine environment;

35. Requests that the ban on the entry into EU ports or anchorages of single-hull vessels carrying heavy fuel oil or dangerous cargo in general should be extended, by the creation of a specific Union law, to ships in transit through Community waters;
36. Supports the Commission's proposal to launch coordinated action by Member States to study and examine various formulae enabling measures to be taken to protect their coastal waters, in particular territorial waters and the exclusive economic zone, from vessels posing a threat to the marine environment, by requiring coastal states to refuse access to their coastal waters to vessels posing a clear threat to the environment and failing to observe basic safety rules;
37. Takes the view that establishing compulsory routes to keep dangerous vessels separate can only be beneficial; experience with the 'rail d'Ouessant' in France, off the Pointe de Bretagne, suggests that it has played a definite role in making this area safe, as well moving the Finisterre shipping corridor farther away from the coastline of Galicia;
38. Calls for the establishment within the Marpol Convention of particularly high-risk zones; the English Channel, the North Sea and the coasts of Galicia and Brittany, for example, are extremely busy routes with a continental shelf rich in resources; conflicts of use lead to a great many collisions between trawlers and large vessels;
39. Insists that a list of the products being transported and an indication of their location on the vessel (together with comprehensive information regarding the composition of the products) be available - both on board the vessel and on land - at all times and for the purpose of any checks which may have to be carried out, and that such lists be forwarded to the Community authorities at the pre-notification stage;
40. Calls on the Commission to promote the use in maritime traffic-guidance and routing systems of the latest satellite and transponder technologies enabling ships' courses to be monitored accurately and at great distances, taking advantage from the Galileo project development and GMES services;
41. Urges the Commission and the Member States, within the IMO, to look into the usefulness of additional technical requirements for all vessels carrying hazardous cargoes so as to improve safety, in particular the compulsory provision of emergency towing machinery, or of means to tackle small-scale pollution immediately, as well as the usefulness of an internal inspection of all ballast tanks, on an annual basis, for ships over 15 years of age;
42. Welcomes the Commission's favourable position on the fiscal measures adopted by certain Member States to encourage a return to flying European flags; urges Member States to make every effort to ensure full administrative capacity to enable such re-flagging and to introduce stringent monitoring of flag-issuing states; calls on the Commission and Member States to give renewed consideration to establishing a European register of shipping;
43. Calls on the Commission to submit as soon as possible a proposal to strengthen Port State Control by reducing the intervals between the inspection of vessels of greater risk, and by expanding the reporting requirements of pilots also to include vessels in transit

off the coast of Europe; calls on the Member States to provide the necessary resources for such control and hence to increase the number of inspectors as well as taking the necessary steps regarding their working conditions and equipment;

44. Insists that the problem of a common language for marine operators must also be addressed. The 'standardised vocabulary', developed by the IMO, needs to be improved, such as by the IMO taking charge of on-the-job training videos for circulation on board vessels, something currently done by some shipowners;
45. Considers that the requirement of directive 95/21/EC on port state inspections to be carried out on at least 25% of the vessels entering the ports of Member States is not sufficient. Proposes that these inspections apply to each port that has significant maritime traffic and are not the result of an average obtained at national level – otherwise two categories of port will be created: the 'strict' ports and the 'tolerant' ports. The definition of 'significant maritime traffic' should be based on two indicators, one relating to the volume of traffic (for example 50 vessels per month) and one relating to the quantity of dangerous and polluting cargo being carried;
46. Welcomes the Commission proposal on criminal sanctions for environmental offences at sea;
47. Welcomes the proposal for a directive on pollution caused by ships and on the introduction of sanctions, including criminal sanctions, to penalise pollution offences, since unlawful dumping at sea is the cause of most marine pollution;
48. Takes the view that, as well as instituting a system of sanctions for offenders, it would be desirable to consider introducing responsibility in decision-making on the part of public and political authorities at local and national level;
49. Is concerned at the increasing criminalisation of seafarers and the damage done thereby to the image of a seafaring career;
50. Regrets the fact that Captain Mangouras has been treated as a criminal although he is not responsible for the damage sustained by his vessel; calls on the Spanish judicial authorities to lift the conditions under which the captain of the Prestige has been placed under house arrest;
51. Calls for the establishment of a European coastguard equipped with the requisite powers and instruments which, together with stringent surveillance, the prosecution of illegal discharging from vessels and enforcement of specific shipping routes, should ensure, in particular, the swiftest possible coordination of the necessary measures to be taken in the event of an accident, including the allocation of emergency moorings and ports;
52. In the context of the measures to be taken to improve the conditions of maritime traffic and protect fishery resources in Community waters, calls for the creation of a European Coastguards Service;
53. Notes that investigations into accidents and incidents at sea are at present conducted by the flag state of the vessel concerned and the coastal state; considers it necessary, with a

view to preventing further accidents and incidents, that clear guidelines be drawn up within the EU for the carrying out of an independent investigation into accidents and incidents at sea; considers that this should be the task of an independent investigative body at Member State level or, if appropriate, at European level;

Improving maritime safety on a global level

54. Calls on Member States to arrange for the Union to accede to the IMO and to give the Commission a mandate to negotiate with the IMO on behalf of the Union;
55. Calls on the Commission and the Member States to press within the IMO for the strengthening of all aspects of maritime safety, thereby avoiding the possibility of the EU taking unilateral action which might trigger a shift in Community merchant shipping patterns without diminishing the threat of new disasters;
56. Calls on the Commission and on Member States to make their best efforts to reach agreement with the IMO on phasing out single-hulled tankers worldwide by way of an amendment to the MARPOL Convention;
57. Calls on the Commission and on Member States to make their best efforts to reach an agreement within the IMO on an international public law convention on places of refuge;
58. Urges the Commission and Member States to review the IMO shipping classification scheme, and to lay down more stringent requirements for the reporting by shipowners to the classification societies of changes in the use to which vessels are put;
59. Reiterates the need to devise, at both international and Community level, exhaustive technical inspection mechanisms to provide reliable information about the actual condition of vessels;
60. Calls for the way in which the United Nations Law of navigation in the exclusive economic zone and the Sea paragraphs on the freedom of the high seas are interpreted and applied to be adapted in order to allow coastal states to take action against ships that form a threat to the environment and maritime safety;
61. Calls on the Commission and on Member States to seek the introduction by the IMO of compulsory shipping routes and restrictions on sailing in particularly sensitive areas, in order to protect coasts, as well as a compulsory flag-state audit procedure, to combat flags of convenience, and more stringent port-state control requirements;
62. Calls for protection, prevention and shipping-lane monitoring programmes to be implemented in the most vulnerable areas which are at greatest risk from accidents involving chemical or petroleum products; calls on the Commission and the Council to submit to the IMO a coordinated proposal identifying sensitive shipping lanes along the EU's coastline, spelling out the need for 'zero' pollutants to be discharged and banning the carriage of hazardous goods;

63. Calls for stricter legislation and controls on flags of convenience in the transport of dangerous cargo by sea;
64. Draws attention to the importance of effective communications, not least in emergencies, between ships, salvage teams and the onshore authorities; advocates, consequently, a satisfactory knowledge of English in shipping;

Economic aspects

65. Advocates stepping up shipowners' shares in financial liability by way of an internal IMO amendment to the provisions concerning international rules on damages and liability; calls, should that prove ineffective, on the Commission to submit a proposal for a damages and liability scheme for the wider European Union;
66. Considers that, since the state of the tanker fleet is not the only factor determining the risk of oil spills, the generalised introduction of double-hulled tankers must be accompanied by studies, guidelines and measures concerning the legal liability of the whole sea transport chain; it is important, in particular, to ensure the strengthening of Community competence with a view to creating an 'European area of safety at sea', in order to reduce the time taken to react to accidents at sea and the overlapping of national and European legislation and to ensure equal respect for Community legislation in all the Member States;
67. Calls for the 'polluter pays' principle to be fully enforced at sea by means of a criminal-liability scheme enabling those responsible for incidents to be penalised and further developing an international compensation fund system, based on the 'polluter pays' principle, intended to compensate coastal communities and finance the cleaning up of the environment. The financing of the fund would be spread over the entire transport chain (flag states, charterers, the owners of the cargo and the owners of the vessel). The fund would consist of two parts: one relating to the carriage of hydrocarbons and the other to the carriage of other hazardous substances;
68. Welcomes the IMO decision on raising the IOPC Fund (International Oil Pollution Compensation Fund) ceiling to a maximum of approximately €1 billion in damages per accident; calls on Member States to ratify the relevant protocol without delay; calls on the Commission and Council to ensure that the victims of the Prestige accident are fully compensated as swiftly as possible;
69. Calls for the approval by the Council and the immediate introduction, particularly in the case of the Prestige accident, of the European Compensation Fund for Tanker Pollution (CTPE) already approved by the European Parliament on 14 June 2001¹;
70. Welcomes the recent approval by the IMO on 16 May 2003 of the setting up of an international supplementary fund for compensation for oil pollution damage, under which the maximum amount of compensation will be EUR 750 million in special drawing rights (around EUR 1 billion depending on exchange rates) and which will

¹ OJ C53, 28.2.2002, p.324.

come into force three months after at least eight states which have received a combined total of 450 million tonnes of contributing oil/year have ratified the new protocol;

71. Regrets that the Council has not accepted the Commission's proposal to set up a compensation fund for victims of oil spills in European waters (COPE Fund), which was intended to raise the overall compensation ceiling to EUR 1 billion, as opposed to the current limit of EUR 185 million; calls on the Member States to ratify without delay the protocol setting up a supplementary fund to compensate damage caused by oil pollution; if this is not done, the Commission's proposal to create the COPE Fund will need to be swiftly adopted as a matter of urgency;
72. Calls on the European Union to agree promptly to raise the insurance ceiling for the chain of operators in sea transport;
73. Deplores the lack of Community action in a sector that is so sensitive for the economies of the areas affected, namely tourism, which has been seriously jeopardised; calls on the Council and the Commission to adopt the necessary measures to address problems in the tourism sector in the short and long term in coastal areas hit by environmental disasters like that caused by the *Prestige*, including aid to those affected, incentives for the recovery of private initiative and promotional campaigns, once the environmental damage has been fully rectified;
74. Calls on the Commission to pay special attention to problems in the various sectors of the economy and especially tourism, fisheries and shellfish sectors in the short and long term in coastal areas hit by environmental disasters like that caused by the *Prestige*;
75. Takes the view that powerful emergency drive systems clearly increase the manoeuvrability of large tankers in dangerous situations and may help to avoid imminent accidents; points to already existing emergency drive designs in European shipbuilding technology and calls on the Commission in this context to support and promote the fitting of vessels with powerful emergency drive systems;
76. Reminds the Council and Commission of the need to mobilise all the necessary funds to alleviate the damage done by the wreck of the *Prestige*; calls, in addition to the rehabilitation of the environmental features, for fair compensation for all the social and economic damage, giving special attention to restoring the industrial base in the areas affected, which includes, apart from fisheries, other business sectors such as canning, commerce, transport, repairs and maintenance, hotels and catering, tourism etc;
77. Calls on the Council and Commission to ensure that the use of aid for individuals and businesses in the Spanish fisheries, seafood and fish-farming sectors can be maintained under the Council Regulation of 20 December 2002 for all those who are still suffering the effects of the shipwreck, especially the people and enterprises most directly affected; calls also on the Commission to put forward a proposal for the French regions similar to that presented in the case of the Spanish coastal areas affected;
78. Calls for the mobilisation of all Community funds and technical resources, without exception, (ERDF, Cohesion Fund, Interreg III, IFOP, EU Solidarity Fund, Sixth framework research, technological development and demonstration programme, etc)

and the adoption of new budgetary proposals and allocations for pilot projects or specific measures, environmental impact assessments, compensation for losses not covered by a current international agreement, the creation of a network for the exchange of experience of hydrocarbon pollution, etc. For all these purposes, and especially on the use of the ERDF funds and their derivatives, allocations made to Objective 2 regions will have the same level of Community co-financing as Objective 1 regions, thus avoiding imbalances in treatment that would be unjustified in the case of damage caused by agencies outside the actual areas affected;

79. Asks the Commission to inform Parliament about any possible reprogramming of the Structural Funds and the Cohesion Fund for 2000-2006, which may be necessary in order to allocate aid to the areas affected by the Prestige accident in Spain and France; recommends that this reprogramming should be carried out swiftly, and should target both the environmental regeneration of the coastline and the economic recovery of the sectors affected;
80. Considers that major marine disasters such as the one caused by the 'Prestige' should be covered by the European Solidarity Fund against natural disasters or a specific aid fund for serious environmental damage;
81. Calls on the Commission to include in the working programme for 2004 of the Sixth framework RTD programme, research for the establishment of Emergency Action Plans for all Community coasts, to make it possible to deal with any kind of risk or disaster, and for the design and construction of new technologically advanced vessels for recovering and cleaning up polluting spillages at sea and the promotion of new environmental recovery and waste treatment technologies;
82. Calls on the Commission, one year after the Prestige disaster, to draw up an assessment report on the impact of the Community measures designed to alleviate the effects of the disaster, with particular reference to the recovery of the environment and aid to the various fishing sectors and industries affected;

Environmental aspects

83. Draws attention to the need to salvage hazardous shipwrecks in European waters with a view to maritime safety and the environment; calls on the Commission to encourage investment to that end;
84. Notes that the accelerated phasing out of single hull vessels will lead to a significant increase in the number of vessels for scrapping; calls in the interest of safeguarding human health and the environment for mandatory IMO guidelines addressing among others the preparation of ships for recycling, the reduction of waste and of the use of hazardous materials and the promotion of international co-operation on this issue,
85. Takes the view that, in the framework of the international negotiations within the IMO, it would be useful to consider in more detail the conditions in which single-hulled vessels are scrapped and also the working conditions of those who work on them in the developing countries;

86. Notes that, from the public health angle, no data have been published on internal contamination levels among people who may have been directly or indirectly affected by pollution from the *Prestige*, and regrets that crucial time is being lost in obtaining data on the consequences of the spill among the population;
87. Calls upon the Commission to amend the EU directives relating to sulphured heavy fuel No 2, which is banned from use within the EU but which is nonetheless produced in, and transported through, Europe and its ports and is exported to other countries as an energy source; calls, therefore, for the production of this type of hydrocarbon to be banned;
88. Insists that the harmful environmental effects suffered by the proposed Natura 2000 sites and by the ecologically valuable areas located within the region affected by the oil spill be assessed and that action be taken in order to repair the damage caused; calls for the proposed Natura 2000 sites to be adopted immediately;
89. Calls for urgent enforcement of the Habitats Directive in the ecologically valuable areas located within the appropriate maritime regions of the EU and for their immediate inclusion in the Natura 2000 Network;
90. Recalls that many Community ports lack equipment and installations to receive and treat waste; calls, therefore, for the requisite infrastructure for degassing and cleaning vessels to be installed at all Community ports by means of a European plan; considers that these ports must be able to cope with several major difficulties simultaneously;
91. Calls for the EU to join the IMO, for the Member States to ratify the 1996 HNS Convention on hazardous substances and for the Montego Bay Convention on the International Law of the Sea to be strengthened in the area of safety at sea and protection of the marine environment, particularly in Part XII thereof;
92. Calls for the entire EU coastline to be covered by an EU Emergency Action Plan designed to combat any major threat or disaster; proposes that an EU civil-defence force be set up to intervene in the event of an environmental disaster and that it be suitably equipped for such intervention, including at sea;
93. Calls for EU research into the evolution and the restoration of ecosystems and for an epidemiological study of people exposed to fuel so that data can be obtained regarding the effects on health in the short term (conjunctivitis, headaches, respiratory problems) and in the medium and long term (effects which may appear in the future owing to chronic exposure to potentially toxic compounds);
94. Calls on the Commission to propose measures to prevent any pollution of quays, which seriously aggravates the degradation of the marine environment and damages the health of the personnel concerned;
95. Calls for better, more effective and swifter coordination of measures to remedy the situation of wild fauna when maritime disasters occur; considers that infrastructure for the rehabilitation of animals, high standards and structured networks of experienced organisations should be established;

96. Calls for bodies with experience in cleaning up animals and birds which have been soiled by pollutants to be granted adequate financial resources for their task;
97. Proposes the setting-up of a Community archive on oil spills (historical data, studies, measurements taken), which would comprise an up-to-date database readily accessible for all institutions and all sections of the public;

Social aspects

98. Stresses the need for effective and urgent action to ensure maritime safety and prevent ecological accidents, which unfortunately also have serious environmental and socio-economic consequences and regularly highlight the vulnerability of Community coastlines in the face of the growing risks posed by increased oil tanker traffic;
99. Points out that the training of seafarers is essential for improving maritime transport safety and preventing accidents; with this in view, the European Parliament has already called on several occasions for an action programme to be submitted to promote the maritime professions;
100. Points to the importance of qualified seafarers for the necessary preventive ship maintenance, since they are most familiar with the state and imperfections of their ships;
101. Draws attention to the importance of qualified seafarers, and calls on Member States to conduct, in particular, checks during harbour inspections to ensure that crew members have the necessary qualifications and experience; at the same time calls for an improvement in their training and in their living and working conditions, which would pay dividends in terms of maritime safety; urges the Commission to promote the harmonisation and enhance the status of this profession at European level;
102. Calls on the Commission, when drawing up rules on maritime safety, to take into account the safety of crews with regard to possible salvage operations in the event of accidents;
103. Points out that training in health and safety at work must be accompanied by continuous efforts to promote a culture of prevention, taking into account the specific risks associated with this activity, the demographic structure of the maritime professions and the fact that a seafarer's ship is his 'home'. All this should be done in the spirit of the European strategy on health and safety at work 2002-2006;
104. Submits for the consideration of the Commission and the Member States, within their sphere of competence and via international organisations, the need for a thorough overhaul of international maritime law in response to the requirements of modern maritime transport as regards the health and safety of workers;
105. Welcomes the initiative by private companies to encourage employment in the zones concerned, such as the Costa de la Morte, one of the worst affected parts of the Galician coastline;

106. Draws the attention of the Commission and the Member States to the need for sweeping changes to international maritime law to deal with matters such as health and safety at work and the requirements of contemporary maritime transport;

Fisheries' aspects

107. Notes that fishers and aquaculturists are most directly concerned since, as their resource is directly affected, they suffer a considerable loss of income;
108. Points out, and pays tribute to, the great involvement and motivation shown by fishers and aquaculturists in the fight against pollution by setting up, on their own initiative and using their own tools, remarkably effective anti-pollution fishing fleets; warmly congratulates the many volunteers from all over Europe for their cleaning efforts;
109. Calls on the Commission to finance a programme to facilitate the involvement of fishers and aquaculturists in the conservation of the marine environment in the event of possible disasters, so that they may be equipped with the most suitable means of doing so, on the basis of past experience;
110. Reiterates, therefore, the requests adopted by the plenary of the European Parliament in its resolutions of 21 November 2002 on the 'Prestige' oil tanker disaster off the Galician coast¹ and of 19 December 2002 on the 'Prestige' oil tanker disaster², to create European sea fishing areas designated as sensitive because of the richness of their fish and shellfish resources and the population's heavy dependence on these resources, as was seen in the case of Galicia;
111. Calls for the areas of activity of fishers and aquaculturists to be taken into account when places of refuge are being established;
112. Requests that anti-pollution fishing fleets should from now on constitute part of the emergency plans, so that fishermen may be fully involved in combating pollution and be recognised as effective and motivated participants;
113. Instructs its President to forward this resolution to the Council and the Commission.

¹ P5_TA(2002)0575.

² P5_TA(2002)0629.

EXPLANATORY STATEMENT

On 19 November 2002 the oil tanker Prestige sank off the coast of Galicia (Spain) after drifting aimlessly for six days in rough weather. By taking on water and eventually sinking, the Prestige brought about an ecological and economic disaster of exceptional proportions. The fisheries and tourism sector in Galicia and bordering regions were particularly hard hit. The oil spread over a large area and caused pollution to areas of the French and Portuguese coasts.

If effective lessons are to be learned from this disaster it will be essential to have access to reliable information and expert analysis of its causes and the circumstances in which they arose. It was for that reason that the European Parliament held a public hearing in Brussels on 19 and 20 March, and a European Parliament delegation made visits to Galicia from 24 to 26 March, and to Brest (France) from 15 to 16 April.

The findings of the public hearing in Brussels and the working visits to Galicia and Brest provide a substantial part of the basis for this report.

The loss of the Prestige and what caused it

On the basis of the information submitted to the European Parliament by various parties, the following reconstruction can be made of events between 13 and 19 November 2002:

At about 3.00 p.m. on 13 November, the crew of the Prestige heard the sound of an explosion and felt abnormal vibrations. Within a quarter of an hour, the ship was listing 25 degrees to starboard and leaking oil from its butterfly openings. Some two hours later the crew, except the captain and two other crew members, were evacuated by helicopter. The captain then ordered the two port-side ballast tanks to be fully opened, given that the engine room was taking water.

At 6.00 a.m. on 14 November the Spanish coastguard and inspectors came aboard to assess the situation. After numerous failed attempts, two Spanish tugs made fast to the Prestige at 12 noon. The vessel was by then lying three miles off Cabo Torinana. The Spanish authorities then instructed the captain to restart engines and head away from the Spanish coast. The captain protested that he feared that starting the engines and heading back out to open waters would further damage the ship, but he carried out the order. At about 2.00 p.m. the Smit salvage team arrived in La Coruña. But the team did not receive permission from the Spanish authorities to go aboard immediately. The Smit team advised the authorities to have the ship brought into a harbour or safe haven, but the Spanish authorities instructed Smit to tow the vessel a minimum of 120 miles off the Spanish coast. Smit would only be allowed aboard if it accepted those instructions. It accepted them under protest.

Owing to adverse weather conditions, the salvage team could not be got aboard until the night of 15 November. The ship was towed first in a westerly and then in a southerly direction, and the engines shut down. The salvage operators identified a 35 metre crack below the waterline. At daybreak it was observed that the outer skins of two tanks had disappeared and part of the cargo had been lost. The salvage-team captain on board again repeated his request for a safe

haven, but to no avail. In the course of the morning Smit's on-shore representative again officially asked for the vessel to be brought into harbour or a safe haven.

On 16 November the towing speed was cut back in order to reduce all stress on the vessel to a minimum. On 17 November Smit was ordered by the Spanish authorities to tow the ship still further out to sea. On 18 November, however, the Portuguese navy prohibited the salvage operators from continuing in a southerly direction. That meant returning to a south-westerly course, which brought the vessel into heavy cross-seas. On 19 November, consequently, the vessel broke in two amidships at 8.00 a.m. and sank in the course of the afternoon (the stern at midday, the forward end at 4.15 p.m.). The tanker continued to leak oil even after the sinking.

A number of fundamental points remain to be clarified or are the subject of contradictory testimony:

Was the damage suffered on 13 November the result of a collision, a construction defect, previous damage to the ship, or a combination of factors? When the initial damage was done to the Prestige on 13 November 2002, did it shed its load only through the butterworth openings, or had there already been significant oil pollution? Were the crew evacuated at their own request or at the behest of the authorities? To what extent did the Prestige's captain contribute, and was the captain's conduct professional or not? Why did the authorities keep the salvage operators on shore for longer than was strictly necessary?

Various investigations are still being conducted into the precise causes of the disaster and responsibility for it. The vessel itself is at the bottom of the ocean, which makes it technically well-nigh impossible to conduct inspections. On the basis of information obtained, a number of lessons can, even so, be learned. And there, the Prestige disaster illustrates the importance of:

- effective checks on full compliance with existing European and international maritime safety rules;
- availability of contingency plans, safe havens, and salvage and oil-slick control facilities (resources and expertise);
- a clear chain of command and unambiguous political responsibility in emergencies at sea;
- improved checks on shipping in transit;
- high standards of ship maintenance, subject to stringent regular inspections.

Those lessons give rise to various proposals, some of which are outlined below.

Rapporteur's proposals

1. Implementation of and checks on compliance with existing EU and international law

The greater part of the rules and regulations needed to promote safety at sea already exists both at European level and internationally. The measures laid down in the two Erika packages in particular could have helped to prevent a shipping disaster on the scale of the Prestige

(transponders, phasing-out of single-hulled tankers, compulsory fitting of black boxes, routing systems, more stringent port state controls, etc).

In addition, safety at sea can be significantly improved if existing international rules are complied with. And there the first requirement is for Member States to transpose the Erika legislation already adopted without delay into national law and monitor strictly for compliance with it. Monitoring for compliance with international legislation will also be of fundamental importance.

2. Improving maritime safety at European and world level

The next step must be to adopt a number of new measures and tighten up on arrangements previously entered into.

2.1. Facilities to accommodate vessels in distress: contingency plans and safe havens

When a ship gets into difficulties, the authorities responsible must be able to take quick decisions on the basis of full, high-quality information. The availability of a contingency plan is thus essential to rapid decision-making.

The Council has called on Member States to have such contingency plans in readiness not later than 1 July 2003.

Your rapporteur attaches fundamental importance to having Member States implement those arrangements in good time and in full. The plans should, in your rapporteur's opinion, stipulate who is responsible for taking what decisions, and after consulting whom. The plans should, in addition, indicate what action should be taken in response to different kinds of emergency. Member States should also have at their disposal adequate and well equipped places of safety (safe havens or other suitable anchoring locations). Contingency plans should also specify what places of safety should be used and in what circumstances. The plans should give the authorities responsible the option of making it *compulsory* in certain circumstances for ships to use a place of safety.

Directive 2002/59 lays down (recital 16), on a proposal by your rapporteur, that the Commission should investigate the option of financial compensation for safe havens, and submit a report not later than 5 February 2007. That option should, in your rapporteur's view, be investigated more quickly. A Member State that rescues a vessel in distress must be able to count on prompt and full recovery of the costs that such operations can entail.

2.2. Chain of command and decision-making in emergencies

The chain of command and decision-making in responding to emergencies varies widely by Member State. It is, in your rapporteur's opinion, extremely important for there to be in each Member State an authority (ultimately) responsible that can weigh the different requirements up against each other after consulting the relevant experts. The authority, individual or organisation concerned must be independent, and have at their disposal the financial and legal powers necessary for taking a decision that they can make binding on all concerned parties:

the vessel in distress, the salvage operators, the harbour master or the Member-State authorities concerned. A number of good examples have already been set. Following the Braemar (1993) and Sea Empress (1996) disasters, the British established just such independent authorities after a searching inquiry (Donaldson rapport) . The Secretary of State's representative (SOSREP) can issue orders to a harbour master when a ship runs into difficulties. And France's *Préfecture maritime* has a range of extensive powers at its disposal. Your rapporteur therefore calls on the Commission to study existing smooth-running command structures, and to propose guidelines or minimum requirements on decision-making in emergencies.

2.3. Availability of facilities and European cooperation

Time is of the essence in a maritime emergency. Salvage and oil-slick containment vessels must be quickly on the spot. The above-mentioned contingency plan arrangements include no firm commitments on the availability of such facilities. The Commission should tighten up in that connection and submit proposals for minimum availability of resources. It should take into account such factors as risk, shipping-density, and vulnerability of coastal area.

Your rapporteur is aware that any expansion of such a network of facilities will require serious financial commitments by Member States. It will therefore be essential for it to cooperate across borders, and for clear agreements to be established on cross-border availability and deployment of resources and organisational expertise. Your rapporteur hopes that the Commission will look into opportunities for financial and operational cross-border cooperation.

2.4. Banning single-hulled tankers

The Council of Ministers can be expected routinely to approve the proposal for decommissioning single-hull tankers sooner than originally intended. Your rapporteur approves that decision in principle, but notes that double-hulled tankers are themselves not without risk. Your rapporteur consequently urges further investigation of the safety risk.

A number of Member States have followed the example of France and Spain (Malaga Agreement) in banning single-hulled vessels carrying hazardous or polluting cargoes from the 200-mile zone off their coastlines. In practice, this means that vessels in transit from the Baltic may no longer go through the English Channel, but must proceed by way of the Irish Sea. After consulting with a number of seafarers, your rapporteur is convinced that this is not the right answer. If a ship is 200 mile off a coast, it will be unable to make for shelter in a storm. If it has suffered damage, it will be much harder for it to be brought to a safe location, and it will be much harder for crew and vessel to be rescued. The impact of such measures could thus be further-reaching than expected. Your rapporteur consequently advocates more stringent checks on such vessels by way of adjustments to the UNCLOS convention.

2.5. *Adjustments to the United Nations Convention on the Law of the Sea (UNCLOS)*

Under the Convention, coastal states have no authority over vessels transiting along their coastlines but not flying the flag of that state and remaining outside its territorial waters (i.e. within the exclusive economic zone or on the open sea). They may not require a vessel that represents a threat to the environment to seek shelter. The Convention consequently is no longer in touch with maritime reality. The Commission must, as a matter of urgency, be given a negotiating mandate by the Council. The coastal state concerned is in the best position to monitor any vessel causing problems along its coasts, and should be empowered to respond as necessary to exceptional circumstances.

11 June 2003

OPINION OF THE COMMITTEE ON INDUSTRY, EXTERNAL TRADE, RESEARCH AND ENERGY

for the Committee on Regional Policy, Transport and Tourism

on improving safety at sea in response to the *Prestige* accident (2003/2066(INI))

Draftsman: Josu Ortuondo Larrea

PROCEDURE

The Committee on Industry, External Trade, Research and Energy appointed Josu Ortuondo Larrea draftsman at its meeting of 24 April 2003.

It considered the draft opinion at its meetings of 22 May and 10 June 2003.

At the last meeting it adopted the following conclusions unanimously.

The following were present for the vote: Peter Michael Mombaur, chairman; Josu Ortuondo Larrea, draftsman; Konstantinos Alyssandrakis, Per-Arne Arvidsson (for Concepció Ferrer), Sir Robert Atkins, María del Pilar Ayuso González (for Bashir Khanbhai), Luis Berenguer Fuster, Guido Bodrato, Gérard Caudron, Giles Bryan Chichester, Nicholas Clegg, Alfred Gomolka (for Paul Rübig), Michel Hansenne, Dimitrios Koulourianos (for Fausto Bertinotti), Werner Langen, Peter Liese (for Umberto Scapagnini), Caroline Lucas, Eryl Margaret McNally, Marjo Matikainen-Kallström, Bill Newton Dunn (for Willy C.E.H. De Clercq), Angelika Niebler, Giuseppe Nisticò (for Konrad K. Schwaiger), Marcelino Oreja Arburúa (for Jaime Valdivielso de Cué, pursuant to Rule 153(2)), Josu Ortuondo Larrea, Paolo Pastorelli, John Purvis, Imelda Mary Read, Mechtild Rothe, Christian Foldberg Rovsing, Esko Olavi Seppänen, W.G. van Velzen, Alejo Vidal-Quadras Roca and Olga Zrihen Zaari.

CONCLUSIONS

The Committee on Industry, External Trade, Research and Energy calls on the Committee on Regional Policy, Transport and Tourism, as the committee responsible, to incorporate the following points in its motion for a resolution:

1. Reiterates the urgent need to implement legislative measures concerning safety at sea, especially those regarding double hulls for oil tankers and mechanisms of an exceptional nature to encourage the renewal of Community fleets, so that European shipyards may take advantage of these new opportunities;
2. Reminds the Council and Commission of the need to mobilise all the necessary funds to alleviate the damage done by the wreck of the *Prestige*; calls, in addition to the rehabilitation of the environmental features, for fair compensation for all the social and economic damage, giving special attention to restoring the industrial base in the areas affected, which includes, apart from fisheries, other business sectors such as canning, commerce, transport, repairs and maintenance, hotels and catering, tourism etc;
3. Points out that in the case of the *Prestige*, which sank off the Galician coast, there is still a risk of serious pollution, in view of the fact that the vessel may lose all the fuel oil it contains, bearing in mind, moreover, that emissions continue to be produced and may reach the coasts affected;
4. Calls on the Council and Commission to ensure that the use of aid for individuals and businesses in the Spanish fisheries, seafood and fish-farming sectors can be maintained under the Council Regulation of 20 December 2002 for all those who are still suffering the effects of the shipwreck, especially the people and enterprises most directly affected; calls also on the Commission to put forward a proposal for the French regions similar to that presented in the case of the Spanish coastal areas affected;
5. Expresses its admiration for the extraordinary work done by fishermen and fishermen's organisations and volunteers, which was decisive in preventing fuel oil from entering sea inlets in the countries affected, and for carrying out the enormous and necessary task of cleaning up;
6. Calls for the mobilisation of all Community funds and technical resources, without exception, (ERDF, Cohesion Fund, Interreg III, IFOP, EU Solidarity Fund, Sixth framework research, technological development and demonstration programme, etc) and the adoption of new budgetary proposals and allocations for pilot projects or specific measures, environmental impact assessments, compensation for losses not covered by a current international agreement, the creation of a network for the exchange of experience of hydrocarbon pollution, etc. For all these purposes, and especially on the use of the ERDF funds and their derivatives, allocations made to Objective 2 regions will have the same level of Community co-financing as Objective 1 regions, thus avoiding imbalances in treatment that would be unjustified in the case of damage caused by agencies outside the actual areas affected;

7. Welcomes the sensible measures introduced by the Commission so far to tackle the Prestige problem; calls on the member states of the International Maritime Organisation to ratify as soon as possible the protocol adopted in May 2003 increasing fivefold the compensation for sea pollution from the International Oil Pollution Compensation Fund (IOPC), although the new amount will not apply to accidents which have already happened, as in the case of the Prestige, but to those which may occur in the future;
8. Asks the Commission to inform Parliament about any possible reprogramming of the Structural Funds and the Cohesion Fund for 2000-2006, which may be necessary in order to allocate aid to the areas affected by the Prestige accident in Spain and France; recommends that this reprogramming should be carried out swiftly, and should target both the environmental regeneration of the coastline and the economic recovery of the sectors affected;
9. Calls on the Commission to include in the working programme for 2004 of the Sixth framework RTD programme, research for the establishment of Emergency Action Plans for all Community coasts, to make it possible to deal with any kind of risk or disaster, and for the design and construction of new technologically advanced vessels for recovering and cleaning up polluting spillages at sea and the promotion of new environmental recovery and waste treatment technologies;
10. Calls on the Commission, one year after the Prestige disaster, to draw up an assessment report on the impact of the Community measures designed to alleviate the effects of the disaster, with particular reference to the recovery of the environment and aid to the various fishing sectors and industries affected;
11. Requests that the ban on the entry into EU ports or anchorages of single-hull vessels carrying heavy fuel oil or dangerous cargo in general should be extended, by the creation of a specific Union law, to ships in transit through Community waters;
12. Since the state of the tanker fleet is not the only factor determining the risk of oil spills, considers that the generalised introduction of double-hulled tankers must be accompanied by studies, guidelines and measures concerning the legal liability of the whole sea transport chain; it is important, in particular, to ensure the strengthening of Community competence with a view to creating an 'European area of safety at sea', in order to reduce the time taken to react to accidents at sea and the overlapping of national and European legislation and to ensure equal respect for Community legislation in all the Member States;
13. Reiterates the need to devise, at both international and Community level, exhaustive technical inspection mechanisms to provide reliable information about the actual condition of vessels;

14. Calls for the approval by the Council and the immediate introduction, particularly in the case of the Prestige accident, of the European Compensation Fund for Tanker Pollution (CTPE) already approved by the European Parliament on 14 June 2001;
15. Considers that the European Maritime Safety Agency should be involved in a region characterised by a large volume of international sea traffic and subject to particular risks of accidents off its coastline. The circumstances of the Prestige accident demonstrate this need;
16. In the context of the measures to be taken to improve the conditions of maritime traffic in Community waters, calls for the creation of a European Coastguards Service;

25 June 2003

OPINION OF THE COMMITTEE ON EMPLOYMENT AND SOCIAL AFFAIRS

for the Committee on Regional Policy, Transport and Tourism

on improving safety at sea in response to the *Prestige* accident
(2003/2066(INI))

Draftsman: Manuel Pérez Álvarez

PROCEDURE

The Committee on Employment and Social Affairs appointed Manuel Pérez Álvarez draftsman at its meeting of 29 April 2003.

It considered the draft opinion at its meeting of 11 June 2003.

At the latter meeting it adopted the following conclusions unanimously.

The following were present for the vote: Theodorus J.J. Bouwman, chairman; Marie-Hélène Gillig, vice-chairman; Marie-Thérèse Hermange, vice-chairman; Manuel Pérez Álvarez, draftsman; Jan Andersson, Elspeth Attwooll, Regina Bastos, Hans Udo Bullmann (for Enrico Boselli), Alejandro Cercas, Brian Crowley (for Nello Musumeci), Harald Ettl, Carlo Fatuzzo, Ilda Figueiredo, Fiorella Ghilardotti (for Elisa Maria Damião), Anne-Karin Glase, Lisbeth Grönfeldt Bergman (for Philip Bushill-Matthews), Stephen Hughes, Elizabeth Lynne, Thomas Mann, Mario Mantovani, Claude Moraes, Ria G.H.C. Oomen-Ruijten (for Luigi Cocilovo), Bartho Pronk, James L.C. Provan, Herman Schmid, Miet Smet, Ieke van den Burg and Sabine Zissener (for Enrico Ferri).

CONCLUSIONS

The Committee on Employment and Social Affairs calls on the Committee on Regional Policy, Transport and Tourism, as the committee responsible, to incorporate the following points in its motion for a resolution:

1. Stresses the need for effective and urgent action to ensure maritime safety and prevent ecological accidents, which unfortunately also have serious environmental and socio-economic consequences and regularly highlight the vulnerability of Community coastlines in the face of the growing risks posed by increased oil tanker traffic;
2. Points out that the training of seafarers is essential for improving maritime transport safety and preventing accidents; with this in view, the European Parliament has already called on several occasions for an action programme to be submitted to promote the maritime professions;
3. Points out that training in health and safety at work must be accompanied by continuous efforts to promote a culture of prevention, taking into account the specific risks associated with this activity, the demographic structure of the maritime professions and the fact that a seafarer's ship is his 'home'. All this should be done in the spirit of the European strategy on health and safety at work 2002-2006;
4. Regrets that the Council has not accepted the Commission's proposal to set up a compensation fund for victims of oil spills in European waters (COPE Fund), which was intended to raise the overall compensation ceiling to EUR 1 billion, as opposed to the current limit of EUR 185 million; calls on the Member States to ratify without delay the protocol setting up a supplementary fund to compensate damage caused by oil pollution; if this is not done, the Commission's proposal to create the COPE Fund will need to be swiftly adopted as a matter of urgency;
5. Welcomes the recent approval by the IMO on 16 May 2003 of the setting up of an international supplementary fund for compensation for oil pollution damage, under which the maximum amount of compensation will be EUR 750 million in special drawing rights (around EUR 1 billion depending on exchange rates) and which will come into force three months after at least eight states which have received a combined total of 450 million tonnes of contributing oil/year have ratified the new protocol;
6. Supports the Commission's proposal to launch coordinated action by Member States to study and examine various formulae enabling measures to be taken to protect their coastal waters, in particular territorial waters and the exclusive economic zone, from vessels posing a threat to the marine environment, by requiring coastal states to refuse access to their coastal waters to vessels posing a clear threat to the environment and failing to observe basic safety rules;

7. Calls on the Commission, when drawing up rules on maritime safety, to take into account the safety of crews with regard to possible salvage operations in the event of accidents;
8. Applauds the outstanding efforts by seafarers, fishermen and others, who made a significant contribution to combating the oil spillage affecting Europe's coasts, undertaking tasks which could only be done by hand, and highlighting once again their determination to combat pollution and protect fishery resources and the environment
9. Welcomes the initiative by private companies to encourage employment in the zones concerned, such as the Costa de la Morte, one of the worst affected parts of the Galician coastline;
10. Draws the attention of the Commission and the Member States to the need for sweeping changes to international maritime law to deal with matters such as health and safety at work and the requirements of contemporary maritime transport.

18 June 2003

OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND CONSUMER POLICY

for the Committee on Regional Policy, Transport and Tourism

on improving safety at sea in response to the *Prestige* accident
(2003/2066(INI))

Draftsman: Marie Anne Isler Béguin*)

(*) Enhanced cooperation between committees - Rule 162a

PROCEDURE

The Committee on the Environment, Public Health and Consumer Policy appointed Marie Anne Isler Béguin draftsman at its meeting of 19 February 2003.

It considered the draft opinion at its meetings of 21 May and 17 June 2003.

At the last meeting it adopted the following conclusions by 34 votes to 21, with 1 abstention.

The following were present for the vote Caroline F. Jackson, chairman; Mauro Nobilia, Alexander de Roo and Guido Sacconi, vice-chairmen; Marie Anne Isler Béguin, draftsman; María del Pilar Ayuso González, Jean-Louis Bernié, Hans Blokland, David Robert Bowe, John Bowis, Hiltrud Breyer, Philip Bushill-Matthews (for Marialiese Flemming), Martin Callanan, Dorette Corbey, Chris Davies, Bárbara Dührkop Dührkop (for Elena Valenciano Martínez-Orozco), Jillian Evans (for Patricia McKenna), Christel Fiebiger (for Pernille Frahm), Karl-Heinz Florenz, José Manuel García-Margallo y Marfil (for Giuseppe Nisticò, pursuant to Rule 153(2)), Cristina García-Orcoyen Tormo, Salvador Garriga Polledo (for Avril Doyle, pursuant to Rule 153(2)), Laura González Álvarez, Robert Goodwill, Koldo Gorostiaga Atxalandabaso (for Hans Kronberger, pursuant to Rule 153(2)), Françoise Grossetête, Cristina Gutiérrez Cortines, María Esther Herranz García (for Raffaele Costa, pursuant to Rule 153(2)), Juan de Dios Izquierdo Collado (for Béatrice Patrie, pursuant to Rule 153(2)), Christa Klaß, Peter Liese, Giorgio Lisi (for Jorge Moreira da Silva), Torben Lund, Minerva Melpomeni Malliori, Rosemarie Müller, Riitta Myller, Raimon Obiols i Germà (for Anne Ferreira, pursuant to Rule 153(2)), Ria G.H.C. Oomen-Ruijten, Mihail Papayannakis, Marit Paulsen, Dagmar Roth-Behrendt, José Ignacio Salafranca Sánchez-Neyra (for Emilia Franziska Müller, pursuant to Rule 153(2)), Yvonne Sandberg-Fries, Karin Scheele, Horst Schnellhardt, Inger Schörling, Jonas Sjøstedt, María Sornosa Martínez, Dirk Sterckx (for Jules Maaten), Catherine Stihler,

Nicole Thomas-Mauro, Antonios Trakatellis, Rijk van Dam, Daniel Varela Suanzes-Carpegna (for Eija-Riitta Anneli Korhola, pursuant to Rule 153(2)), Peder Wachtmeister and Phillip Whitehead.

CONCLUSIONS

The Committee on the Environment, Public Health and Consumer Policy calls on the Committee on Regional Policy, Transport and Tourism, as the committee responsible, to incorporate the following points into its motion for a resolution.

1. Notes with regret that the *Prestige* accident has demonstrated the need to urgently strengthen at European level safety measures for the maritime transport of hydrocarbons;
2. Deplores Spain's decision to ignore the advice of the professional salvage operators and tow the *Prestige* out to sea, whereas a decision to bring it into calm waters (and even into a safe haven) would have made it possible to contain and limit the extent of a disaster which was clearly going to happen;
3. In view of the fact that the disaster was eminently foreseeable, considers the preventive action taken (pumping out/transshipment of the fuel at sea, arrangements for cleaning up the beaches and for enlisting the services of volunteers) and the specialist equipment available for use by the Spanish authorities proved inadequate to prevent the pollution;
4. Calls for full light to be shed on the matter by means of a European Parliament committee of inquiry or temporary committee, so that the precise causes of the *Prestige* disaster can be pinpointed and so that the lessons drawn will enable further oil spills to be prevented;
5. Regrets that, more than six months after the accident occurred, around 35 000 tonnes of fuel oil remain in the sunken vessel, with a leakage rate of around a tonne a day, and the Spanish authorities have failed to find a definitive solution to halt the discharge of fuel; points out, in this connection, that recovery of the fuel which is still inside the wreckage of the *Prestige* must be a priority; considers, with regard to the heavy fuel recovered, both directly from the discharges and in the form of tar collected along the coasts, that action must be taken to guarantee that it is PROCESSED and stored in a suitable protected place; in this connection, calls for a list of the places in which pollutants from previous oil spills along the EU's shores are stored, for information to be requested from the authorities concerned on the treatment of waste and the treatment systems used, and for a timetable to be drawn up for the disposal or processing of such substances, permitting incineration as a processing method only if it is done in accordance with Community legislation;
6. Notes that, from the public health angle, no data have been published on internal contamination levels among people who may have been directly or indirectly affected by pollution from the *Prestige*, and regrets that crucial time is being lost in obtaining data on the consequences of the spill among the population;
7. Calls upon the Commission to amend the EU directives relating to sulphured heavy fuel No 2, which is banned from use within the EU but which is nonetheless produced in, and transported through, Europe and its ports and is exported to other countries as

an energy source; calls, therefore, for the production of this type of hydrocarbon to be banned;

8. Insists that the harmful environmental effects suffered by the proposed Natura 2000 sites and by the ecologically valuable areas located within the region affected by the oil spill be assessed and that action be taken in order to repair the damage caused; calls for the proposed Natura 2000 sites to be adopted immediately;
9. Calls for urgent enforcement of the Habitats Directive in the ecologically valuable areas located within the appropriate maritime regions of the EU and for their immediate inclusion in the Natura 2000 Network;
10. Calls for protection, prevention and shipping-lane monitoring programmes to be implemented in the most vulnerable areas which are at greatest risk from accidents involving chemical or petroleum products; calls on the Commission and the Council to submit to the IMO a coordinated proposal identifying sensitive shipping lanes along the EU's coastline, spelling out the need for 'zero' pollutants to be discharged and banning the carriage of hazardous goods;
11. Recalls that many Community ports lack equipment and installations to receive and treat waste; calls, therefore, for the requisite infrastructure for degassing and cleaning vessels to be installed at all Community ports by means of a European plan; considers that these ports must be able to cope with several major difficulties simultaneously;
12. Calls for the EU to join the IMO, for the Member States to ratify the 1996 HNS Convention on hazardous substances and for the Montego Bay Convention on the International Law of the Sea to be strengthened in the area of safety at sea and protection of the marine environment, particularly in Part XII thereof;
13. Calls for the entire EU coastline to be covered by an EU Emergency Action Plan designed to combat any major threat or disaster; proposes that an EU civil-defence force be set up to intervene in the event of an environmental disaster and that it be suitably equipped for such intervention, including at sea;
14. Calls for a volunteers' training and management programme to be introduced as a framework for the activities of volunteers during clean-up operations and as a means of conferring on those volunteers (in cooperation with associations) a proper EU status establishing rights and guarantees in respect of health protection and monitoring;
15. Calls for EU research into the evolution and the restoration of ecosystems and for an epidemiological study of people exposed to fuel so that data can be obtained regarding the effects on health in the short term (conjunctivitis, headaches, respiratory problems) and in the medium and long term (effects which may appear in the future owing to chronic exposure to potentially toxic compounds);
16. Calls upon the Commission to clarify the concept of safe areas, to allocate the latter appropriate equipment and financial resources and to set aside compensation to be paid should pollution-causing vessels enter those areas;

17. Is aware that defence matters are exclusively the competence of the individual Member States, but nevertheless urges them to eliminate from their naval fleets single-hull tankers and tankers which should be withdrawn from European waters under Community legislation;
18. Calls on the Commission to propose measures to prevent any pollution of quays, which seriously aggravates the degradation of the marine environment and damages the health of the personnel concerned;
19. Calls for better, more effective and swifter coordination of measures to remedy the situation of wild fauna when maritime disasters occur; considers that infrastructure for the rehabilitation of animals, high standards and structured networks of experienced organisations should be established;
20. Calls for bodies with experience in cleaning up animals and birds which have been soiled by pollutants to be granted adequate financial resources for their task;
21. Insists that a list of the products being transported and an indication of their location on the vessel (together with comprehensive information regarding the composition of the products) be available - both on board the vessel and on land - at all times and for the purpose of any checks which may have to be carried out, and that such lists be forwarded to the Community authorities at the pre-notification stage;
22. Calls for the 'polluter pays' principle to be fully enforced at sea by means of a criminal-liability scheme enabling those responsible for incidents to be penalised and further developing an international compensation fund system, based on the 'polluter pays' principle, intended to compensate coastal communities and finance the cleaning up of the environment. The financing of the fund would be spread over the entire transport chain (flag states, charterers, the owners of the cargo and the owners of the vessel). The fund would consist of two parts: one relating to the carriage of hydrocarbons and the other to the carriage of other hazardous substances;
23. Proposes the setting-up of a Community archive on oil spills (historical data, studies, measurements taken), which would comprise an up-to-date database readily accessible for all institutions and all sections of the public.

12 June 2003

OPINION OF THE COMMITTEE ON FISHERIES

for the Committee on Regional Policy, Transport and Tourism

on improving safety at sea in response to the *Prestige* accident
(2003/2066(INI))

Draftsman: Bernard Poignant

PROCEDURE

The Committee on Fisheries appointed Bernard Poignant draftsman at its meeting of 24 April 2003.

It considered the draft opinion at its meetings of 19 May, 20 May and 10 June 2003.

At the last meeting it adopted the following conclusions unanimously.

The following were present for the vote: Struan Stevenson, chairman; Rosa Miguélez Ramos, vice-chairman; Hugues Martin, vice-chairman; Elspeth Attwooll, Niels Busk, Ian Stewart Hudghton, Salvador Jové Peres, Carlos Lage, Heinz Kindermann, Ioannis Marinos, John Joseph McCartin (for Arlindo Cunha), Seán Ó Neachtain, Manuel Pérez Álvarez, Catherine Stihler and Daniel Varela Suanzes-Carpegna.

CONCLUSIONS

The Committee on Fisheries calls on the Committee on Regional Policy, Transport and Tourism, as the committee responsible, to incorporate the following points in its motion for a resolution:

1. Notes that fishers and aquaculturists are most directly concerned since, as their resource is directly affected, they suffer a considerable loss of income.
2. Points out, and pays tribute to, the great involvement and motivation shown by fishers and aquaculturists in the fight against pollution by setting up, on their own initiative and using their own tools, remarkably effective anti-pollution fishing fleets; warmly congratulates the many volunteers from all over Europe for their cleaning efforts;
3. Requests the Commission to conduct a study on the impact of the Prestige oil spill on the fishery resources and other components of the marine ecosystem, in order to better assess the environmental damage caused, facilitate financial compensation and ensure environmental liability;
4. Takes the view that the priorities are, firstly, to protect the safety of people at sea since, in the event of a serious accident at sea, it must always be possible to locate and save the crew and, secondly, to safeguard their economic activity and ensure that the resource is protected;
5. Stresses that in the case of the *Prestige* the priority for the fishers was to retrieve as rapidly as possible the fuel oil still in the ship and on the sea bed; as soon as the substance is on the sea bed there is a serious risk of pollution in view of the fact that the vessel may lose all the fuel oil it contains, bearing in mind that emissions continue to reach the affected coasts; calls for collaboration and assistance on the part of the EU to meet the unprecedented technological and financial challenge this operation presents;
6. Calls on the Commission to finance a programme to facilitate the involvement of fishers and aquaculturists in the conservation of the marine environment in the event of possible disasters, so that they may be equipped with the most suitable means of doing so, on the basis of past experience;
7. Takes the view that establishing compulsory routes to keep dangerous vessels separate can only be beneficial; experience with the 'rail d'Ouessant' in France, off the Pointe de Bretagne, suggests that it has played a definite role in making this area safe, as well moving the Finisterre shipping corridor farther away from the coastline of Galicia;
8. Calls for the establishment within the Marpol Convention of particularly high-risk zones; the English Channel, the North Sea and the coasts of Galicia and Brittany, for example, are extremely busy routes with a continental shelf rich in resources; conflicts of use lead to a great many collisions between trawlers and large vessels;9.Reiterates, therefore, the requests adopted by the plenary of the European Parliament in its resolutions of 21 November 2002 on the 'Prestige' oil tanker disaster off the Galician

coast¹ and of 19 December 2002 on the 'Prestige' oil tanker disaster², to create European sea fishing areas designated as sensitive because of the richness of their fish and shellfish resources and the population's heavy dependence on these resources, as was seen in the case of Galicia;

10. Takes the view that, in implementing plans to receive vessels in places of refuge, States and decision-makers must be allowed a margin of manoeuvre so that account can be taken in an emergency of the local situation; also takes the view that there must be a clear political line of decision;
11. Considers it necessary to draw up specific emergency plans in areas where there is a large volume of shipping traffic and that the authorities of the regions concerned should have the autonomy they need to take action in the event of serious accidents;
12. Calls for the areas of activity of fishers and aquaculturists to be taken into account when places of refuge are being established;
13. Welcomes the proposal for a directive on pollution caused by ships and on the introduction of sanctions, including criminal sanctions, to penalise pollution offences, since unlawful dumping at sea is the cause of most marine pollution;
14. Takes the view that, as well as instituting a system of sanctions for offenders, it would be desirable to consider introducing responsibility in decision-making on the part of public and political authorities at local and national level;
15. Calls for the approval by the Council and the immediate introduction of the European Compensation Fund already approved by the European Parliament;
16. Takes the view that an evaluation of the transposition of the 'Erika' directives into the domestic law of the Member States should be rapidly undertaken and that the information aspect of their responsibility for enforcing Community law should be reinforced;
17. Takes the view that serious consideration should be given to financing feasibility studies and construction of oil recovery vessels; considers that the Maritime Safety Agency could take the initiative in this;
18. Requests that anti-pollution fishing fleets should from now on constitute part of the emergency plans, so that fishermen may be fully involved in combating pollution and be recognised as effective and motivated participants;
19. Takes the view that, in the framework of the international negotiations within the IMO, it would be useful to consider in more detail the conditions in which single-hulled vessels are broken up and also the working conditions of those who work on them in the developing countries;

¹ P5_TA(2002)0575.

² P5_TA(2002)0629.

20. Submits for the consideration of the Commission and the Member States, within their sphere of competence and via international organisations, the need for a thorough overhaul of international maritime law in response to the requirements of modern maritime transport as regards the health and safety of workers;
21. In the context of the measures to be taken to improve the conditions of maritime traffic and protect fishery resources in Community waters, calls for the creation of a European Coastguards Service;
22. Requests, likewise, that the EU should promote the building of double-hull vessels in European shipyards, especially, if possible and as a compensatory measure, in those regions most affected by accidents caused by the transport of dangerous cargo by sea;
23. Calls for stricter legislation and controls on flags of convenience in the transport of dangerous cargo by sea;
24. Considers that major marine disasters such as the one caused by the 'Prestige' should be covered by the European Solidarity Fund against natural disasters or a specific aid fund for serious environmental damage.