

# EUROPEAN PARLIAMENT

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2 May 2003

**\*\*\*I**

## **REPORT**

on the proposal for a European Parliament and Council regulation amending Regulation (EC) No 417/2002 on the accelerated phasing in of double hull or equivalent design requirements for single hull oil tankers and repealing Council Regulation (EC) No 2978/94 (COM(2002) 780 – C5-0629/2002 – 2002/0310(COD))

Committee on Regional Policy, Transport and Tourism

Rapporteur: Wilhelm Ernst Piecyk

### ***Symbols for procedures***

- \* Consultation procedure  
*majority of the votes cast*
- \*\*I Cooperation procedure (first reading)  
*majority of the votes cast*
- \*\*II Cooperation procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\* Assent procedure  
*majority of Parliament's component Members except in cases  
covered by Articles 105, 107, 161 and 300 of the EC Treaty and  
Article 7 of the EU Treaty*
- \*\*\*I Codecision procedure (first reading)  
*majority of the votes cast*
- \*\*\*II Codecision procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\*III Codecision procedure (third reading)  
*majority of the votes cast, to approve the joint text*

(The type of procedure depends on the legal basis proposed by the Commission)

### ***Amendments to a legislative text***

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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## PROCEDURAL PAGE

By letter of 20 December 2002 the Commission submitted to Parliament, pursuant to Articles 251(2) and Article 80(2) of the EC Treaty, the proposal for a European Parliament and Council regulation amending Regulation (EC) No 417/2002 on the accelerated phasing in of double hull or equivalent design requirements for single hull oil tankers and repealing Council Regulation (EC) No 2978/94 (COM(2002) 780 – 2002/0310 (COD)).

At the sitting of 13 January 2003 the President of Parliament announced that he had referred this proposal to the Committee on Regional Policy, Transport and Tourism as the committee responsible and the Committee on Industry, External Trade, Research and Energy and the Committee on the Environment, Public Health and Consumer Policy for their opinions (C5-0629/2002).

The Committee on Regional Policy, Transport and Tourism appointed Wilhelm Ernst Piecyk rapporteur at its meeting of 21 January 2003.

It considered the Commission proposal and draft report at its meetings of 19 March and 29-30 April 2003.

At the latter meeting it adopted the draft legislative resolution by 38 votes to 0, with 1 abstention.

The following were present for the vote: Rijk van Dam, acting chairman; Gilles Savary, vice-chairman; Wilhelm Ernst Piecyk, rapporteur; Sylviane H. Ainardi, Pedro Aparicio Sánchez (for Danielle Darras), Philip Charles Bradbourn, Paolo Costa (for Luciano Caveri), Christine de Veyrac, Jan Dhaene, Garrelt Duin, Alain Esclopé, Giovanni Claudio Fava, Jacqueline Foster, Mathieu J.H. Grosch, Konstantinos Hatzidakis, Georg Jarzembowski, Dieter-Lebrecht Koch, Giorgio Lisi, Toine Manders (for Dirk Sterckx pursuant to Rule 153(2)), Emmanouil Mastorakis, Enrique Monsonís Domingo (for Herman Vermeer pursuant to Rule 153(2)), Josu Ortuondo Larrea, Samuli Pohjamo, Bernard Poignant, Alonso José Puerta, John Purvis (for Luigi Cocilovo pursuant to Rule 153(2)), Reinhard Rack, Carlos Ripoll y Martínez de Bedoya, Ingo Schmitt, Brian Simpson, Ulrich Stockmann, Margie Sudre, Hannes Swoboda (for Juan de Dios Izquierdo Collado), Joaquim Vairinhos, Daniel Varela Suanzes-Carpegna (for Felipe Camisón Asensio), Christian Ulrik von Boetticher (for Rolf Berend), Mark Francis Watts, Brigitte Wenzel-Perillo (for Renate Sommer) and Jan Marinus Wiersma (for John Hume).

The opinions of the Committee on Industry, External Trade, Research and Energy and the Committee on the Environment, Public Health and Consumer Policy are attached.

The report was tabled on 2 May 2003.

## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a European Parliament and Council regulation amending Regulation (EC) No 417/2002 on the accelerated phasing in of double hull or equivalent design requirements for single hull oil tankers and repealing Council Regulation (EC) No 2978/94

(COM(2002) 780 – C5-0629/2002 – 2002/0310(COD))

(Codecision procedure: first reading)

*The European Parliament,*

- having regard to the Commission proposal to the European Parliament and the Council (COM(2002) 780<sup>1</sup>),
  - having regard to Articles 251(2) and 80(2) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C5-0629/2002),
  - having regard to Rule 67 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 and the Committee on Industry, External Trade, Research and Energy (A5-0144/2003),
1. Approves the Commission proposal as amended;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council and Commission.

Text proposed by the Commission

Amendments by Parliament

Amendment 1  
Recital 1 a (new)

***(1a) The European Commission and the Member States will make every effort to ensure that a similar rule as contained in this Regulation (revision of 417/2002) can be established in 2003 at a worldwide level, through an amendment of the MARPOL Convention. Both institutions welcome the willingness of IMO to hold an additional***

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<sup>1</sup> Not published yet in OJ.

***IMO/MEPC meeting in December 2003 to facilitate an international solution regarding the accelerated phasing out of single hull oil tankers and a short term ban on single hull oil tankers carrying the heaviest grades of oil.***

*Justification*

*An international approach and IMO involvement is required to facilitate an international solution.*

Amendment 2  
Recital 5 a (new)

***(5a) The accelerated phasing out of single hull vessels will lead to a significant increase in the number of vessels for scrapping, and an effort must be made to ensure that scrap vessels are processed in a way which is safe to human beings and the environment.***

*Justification*

*Measures must be taken to prevent vessels from being scrapped in a way which harms people or the environment.*

Amendment 3  
Recital 7 a (new)

***(7a) The Commission should be given a mandate by the Council and the Member States to enable it to negotiate for the adoption of the provisions of this regulation in the International Maritime Organisation;***

*Justification*

*Safety at sea knows no geographical borders. European maritime transport policy is always in a state of tension between international rules (the IMO) and the interests of the Community. The Community can only be a driving force for greater safety at sea and higher environmental standards at international level if it defends its position as a body. The best*

*instrument for this purpose is a clearly defined negotiating mandate for the Commission.*

Amendment 4  
Recital 7 b (new)

***(7b) As the rapidly increasing volume of oil transported through the Baltic Sea poses a threat to the marine environment, especially during the winter season, oil tankers entering or leaving a port or an offshore terminal or anchoring in an area under the jurisdiction of a Member State should have ice strengthening of the ship's structure and propulsion machinery which meets the requirements of the administration of the Member State when the ice conditions require the use of an ice-strengthened vessel.***

*Justification*

*In winter in the Baltic, and particularly off the Finnish coast, the formation of ice is a frequent hazard to the transport of oil by sea. Special ice protection for vessels is essential in these waters.*

Amendment 5  
Recital 7 c (new)

***(7c) It is essential to persuade countries other than EU Member States, particularly applicant countries and countries which are neighbours of the EU, to undertake to stop the use of single hull oil tankers.***

Amendment 6  
Recital 7 d (new)

***(7d) Freight or container ships often contain heavy fuel oil (HFO) as engine fuel in their bunkers, the quantity of which may considerably exceed the cargoes of smaller oil tankers. The Commission should submit a proposal to the Council and Parliament as soon as***

***possible in order to ensure that bunker oil for engine fuel purposes is also stored in safe, double-walled tanks;***

*Justification*

*An 1800 TEU 8 container ship with full bunkers holds some 1600 to 1700 tonnes of heavy fuel oil (HFO) as engine fuel, and a further 300 tonnes of HFO or marine diesel oil (MDO) for auxiliary motors on board. Moreover, there are also much larger container ships at sea with 4000 or more tonnes of HFO in their bunkers, which also represent a serious danger to the marine environment in the event of an accident. Action is therefore needed in respect of these ships as well.*

Amendment 7  
Recital 7 e (new)

***(7e) European shipyards have the necessary know-how to build double-hulled tankers. The Commission and the Member States should accordingly ensure by means of the appropriate instruments and programmes that the increased demand for safe double-hulled tankers resulting from this regulation has positive effects on the Community's shipbuilding industry.***

*Justification*

*The Commission has convincingly proved the blatant dumping practised in international shipbuilding, particularly by Korea. The proceedings currently pending before the WTO should not lead to further disadvantages for the European shipbuilding industry.*



Amendment 8  
ARTICLE 1, POINT 2 (a)  
Article 2, paragraph 1, indent 1 (Reg. 2002/417/EC)

"- entering **into** a port, offshore terminal or **anchorage** area under the jurisdiction of a Member State, irrespective of their flag, or"

“- entering **or leaving** a port **or** offshore terminal or **anchoring in an** area under the jurisdiction of a Member State, irrespective of their flag, or”

*Justification*

*The Commission proposal relates solely to vessels entering ports, offshore terminals or anchorage areas. For the sake of clarity the regulation should also cover vessels entering a port empty and loading oil there.*

Amendment 9  
ARTICLE 1, POINT 2 a (new)  
Article 3, point 10 (Reg. 2002/417/EC)

***2a. Article 3, point 10 is amended as follows:***

***“10. ‘double hull oil tanker’ shall mean an oil tanker meeting the double hull or equivalent design requirements of Regulation 13F of Annex I of MARPOL 73/78; an oil tanker fulfilling the requirements of Paragraph 1 (c) of the revised Regulation 13G of Annex I of MARPOL 73/78 shall also be deemed to be a double hull oil tanker.”***

*Justification*

*The addition concerning Paragraph 1 (c) of the revised Regulation 13G of Annex I of MARPOL 73/78 relates to double hull oil tankers constructed before the current standards became compulsory. These tankers consequently diverge from these standards in certain technical characteristics. However, this exception seems to be acceptable with a view to achieving a compromise with the Council.*

Amendment 10  
ARTICLE 1, POINT 3  
Article 3, point 14 (Reg. 2002/417/EC)

"14. 'heavy grades of oil' shall mean **heavy fuel oil, heavy crude oil, waste oils, bitumen and tar.**

"14. 'heavy grades of oil' shall mean

**(a) crude oils with a density at 15° C of over 900 kg/m<sup>3</sup> <sup>1</sup>;**

**(b) heating oils with a density at 15° C of over 900 kg/m<sup>3</sup> or a kinematic viscosity at 50° C of over 180 mm<sup>2</sup>/s <sup>2</sup>;**

**(c) bitumen and tar and emulsions thereof."**

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**<sup>1</sup> Corresponding to an API grade of less than 25.7.**

**<sup>2</sup> Corresponding to a kinematic viscosity of over 180 cSt.**

#### *Justification*

*This definition, while not quite as wide-ranging as the one in the original Commission proposal, covers the most dangerous types of oil and thus appears acceptable with a view to an agreement with the Council.*

Amendment 11  
ARTICLE 1, POINT 3  
Article 3, point 15 (Reg. 2002/417/EC)

**15. 'heavy fuel oil' shall mean all oil products falling under CN codes [10] 2710 19 51, 2710 19 55, 2710 19 61, 2710 19 63, 2710 19 65 and 2710 19 69. **deleted****

#### *Justification*

*This deletion should be seen in conjunction with the new definition in Amendment 10.*

Amendment 12  
ARTICLE 1, POINT 3  
Article 3, point 16 (Reg. 2002/417/EC)

**16. 'heavy crude oil' shall mean crude oils deleted  
falling under CN code 2709 00 90 and  
where the API grade is lower than 30.**

*Justification*

*This deletion should be seen in conjunction with the new definition in Amendment 10.*

Amendment 13  
ARTICLE 1, POINT 3  
Article 3, point 17 (Reg. 2002/417/EC)

**17. 'waste oils' shall mean wastes deleted  
containing mainly petroleum oils or  
bituminous minerals, mixed or not with  
water, falling under CN code 2710 91 00  
and 2710 99 00.**

*Justification*

*This deletion should be seen in conjunction with the new definition in Amendment 10.*

Amendment 14  
ARTICLE 1, POINT 3  
Article 3, point 18 (Reg. 2002/417/EC)

**18. 'bitumen and tar' shall mean all oil deleted  
products falling under CN code 2713 20 00,  
2713 90 10, 2713 90 90 and 2715 00 00."**

*Justification*

*This deletion should be seen in conjunction with the new definition in Amendment 10.*

Amendment 15  
ARTICLE 1, POINT 4 (a)  
Article 4, paragraph 1 (b), introductory part (Reg. 2002/417/EC)

(b) for category (2) oil tankers:

(b) for category (2) **and (3)** oil tankers:

*Justification*

*The accelerated phase-out by 2010 for category 2 should also be extended to category 3.*

Amendment 16  
ARTICLE 1, POINT 4 (a)  
Article 4, paragraph 1 (c) (Reg. 2002/417/EC)

*(c) for category (3) oil tankers: **deleted***  
*- 2003 for ships delivered in 1975 or earlier,*  
*- 2004 for ships delivered in 1976,*  
*- 2005 for ships delivered in 1977,*  
*- 2006 for ships delivered in 1978 and 1979,*  
*- 2007 for ships delivered in 1980 and 1981,*  
*- 2008 for ships delivered in 1982,*  
*- 2009 for ships delivered in 1983,*  
*- 2010 for ships delivered in 1984,*  
*- 2011 for ships delivered in 1985,*  
*- 2012 for ships delivered in 1986,*  
*- 2013 for ships delivered in 1987,*  
*- 2014 for ships delivered in 1988,*  
*- 2015 for ships delivered in 1989 or later."*

*Justification*

*Deletion made necessary by Amendment 15.*

Amendment 17  
ARTICLE 1, POINT 4 (a) a (new)  
Article 4, paragraph 1 a (new) (Reg. 2002/417/EC)

*(a)a. The following paragraph 1a is added:*  
*“Notwithstanding paragraph 1(a), oil tankers of category 2 or 3 which are equipped only with double floors or double plating not used for the transport of oil and extending for the whole length of the cargo tank, or with double hulled areas not used for the transport of oil and extending for the whole length of the cargo tank, but which do not meet the conditions for exemption from the provisions of*

*paragraph 1 c of the revised Regulation 13 G of Annex I of MARPOL 73/78, may continue to be operated after the date referred to in paragraph 1a, but no longer than the anniversary of the vessel's delivery in the year 2015 or the date on which the vessel reaches the age of 25 years from its date of delivery, whichever is the sooner."*

*Justification*

*An extension of the phasing-out deadlines for tankers of this category appears acceptable with a view to an agreement with the Council.*

Amendment 18  
ARTICLE 1, POINT 4 (b)  
Article 4, paragraph 2 (Reg. 2002/417/EC)

"2. No oil tanker carrying heavy grades of oil, irrespective of its flag, shall be allowed to enter *into* ports, offshore terminals *and anchorage* areas under the jurisdiction of a Member State, unless such tanker is a double hull oil tanker."

"2. No oil tanker carrying heavy grades of oil, irrespective of its flag, shall be allowed to enter *or leave* ports *or* offshore terminals *or to anchor in* areas under the jurisdiction of a Member State, unless such tanker is a double hull oil tanker."

*Justification*

*Necessary clarification.*

Amendment 19  
ARTICLE 1, POINT 4 (b) a (new)  
Article 4, paragraph 2 a (new) (Reg. 2002/417/EC)

*(b)a. The following paragraph is added:  
"2a. Oil tankers operated exclusively in ports and inland navigation may be exempted from the obligation under paragraph 2 provided that they are duly certified under inland waterway legislation.*

*Justification*

*This paragraph makes it clear that the regulation applies solely to seagoing vessels. Oil tankers operated exclusively in ports or in inland navigation must, however, comply with the relevant international, European and national legislation governing inland navigation.*

Amendment 20

ARTICLE 1, POINT 4 (b) b (new)

Article 4, paragraph 2 b (Reg. 2002/417/EC)

***(b)b. The following paragraph is added:***

***“2b. Oil tankers with a deadweight of less than 5000 tonnes must comply with the provisions of paragraph 2 no later than the anniversary in the year 2008 of the delivery of the vessel.”***

*Justification*

*A transitional period for smaller tankers seems appropriate in order not to jeopardise the European Union’s oil supply. With a view to an agreement with the Council, 2008 seems a sensible date.*

Amendment 21

ARTICLE 1, POINT 4 (b) c (new)

Article 4, paragraph 2 c (new) (Reg. 2002/417/EC)

***(b)c. The following paragraph is added:***

***“2c. For a period of two years following the entry into force of this regulation, a Member State may, in cases where owing to ice conditions vessels with ice protection are required to be used, permit single hull oil tankers equipped with ice protection and with a double floor not used for the transport of oil and extending for the whole length of the cargo tank, to enter or leave a port or anchor in an area under its jurisdiction, with a cargo of heavy fuel oil, provided that the heavy fuel oil is transported only in its central tanks.”***

*Justification*

*In winter ice forms frequently in the Baltic Sea, particularly off the Finnish coast, which represents an additional danger to oil transport. There are a number of single hull oil tankers equipped with special ice protection equipment, to provide transport in these regions in all weather conditions. A two-year transitional period for these tankers should ensure that oil supplies are not endangered in the northern regions of the EU.*

Amendment 22

ARTICLE 5, POINT 5

Article 5, paragraph 1 (Reg. 2002/417/EC)

1. *An* oil tanker above 15 years of age shall not be allowed to enter *into* ports, offshore installations or *anchorage* areas under the jurisdiction of a Member State beyond the anniversary of the date of delivery of the ship, in 2005 for Category (2) and Category (3) ships, unless it complies with the Condition Assessment Scheme referred to in Article 6.

1. ***Irrespective of its flag, a single hull*** oil tanker above 15 years of age shall not be allowed to enter ***or leave*** ports ***or*** offshore installations or ***anchor in*** areas under the jurisdiction of a Member State beyond the anniversary of the date of delivery of the ship, in 2005 for Category (2) and Category (3) ships, unless it complies with the Condition Assessment Scheme referred to in Article 6.

*Justification*

*Necessary clarification of text.*

Amendment 23

ARTICLE 1, POINT 5

Article 5, paragraph 2 (Reg. 2002/417/EC)

***2. The competent authorities of a Member State may allow an oil tanker above 15 years of age flying the flag of that Member State to continue operation beyond the anniversary of the date of delivery of the ship in 2005 for Category (2) and Category (3) ships, but only when subject to compliance with the Condition Assessment Scheme referred to in Article 6.”***

***deleted***

*Justification*

*Deletion made necessary by Amendment 22.*

Amendment 24  
ARTICLE 1, POINT 5 a (new)  
Article 6 (Reg. 2002/417/EC)

**5a. Article 6 is amended as follows:  
“For the purposes of Article 5, the  
Condition Assessment Scheme adopted by  
MEPC Resolution 94(46) of 27 April 2001,  
as amended, shall apply.”**

*Justification*

*The addition to the original text of the regulation of the words ‘as amended’ is intended to ensure that the most recent version of the Condition Assessment Scheme adopted by the MEPC is always applied to this regulation.*

Amendment 25  
ARTICLE 1, POINT 5 c (new)  
Article 8, paragraph 1, introductory phrase (new) (Reg. 2002/417/EC)

**5c. In Article 8, the introductory phrase to  
paragraph 1 shall read as follows:  
“1. By way of derogation from Articles 4, 5  
and 7, the competent authority of a  
Member State may, subject to national  
provisions, allow, under exceptional  
circumstances, an individual ship to enter  
or leave the ports or offshore terminals  
under the jurisdiction of that Member State  
or anchor in an area under its jurisdiction  
when:”**

*Justification*

*Brings the clause concerning ships in difficulty into line with the new regulation.*



## EXPLANATORY STATEMENT

### 1. INTRODUCTION

#### 1.1. The Commission's original recommendation

Following the disastrous oil slick off the coast of Brittany in December 1999 resulting from the wreck of the 25-year-old single-hulled oil tanker 'Erika', flying the Maltese flag, the Commission proposed in March 2000 in the context of the 'Erika I package', among other measures, the establishment of a timetable for the accelerated phasing out of single-hulled oil tankers, as follows:

- Vessels built before 1982 which do not meet the technical criteria of the MARPOL Convention: to be phased out by 2005 – age limit 23 years.
- Vessels built after 1982 which meet the technical criteria of the MARPOL Convention: to be phased out by 2010 – age limit 28 years.
- Vessels not covered by the size categories of the MARPOL Convention (30 000 and 20 000 tonnes respectively): to be phased out by 2015 – age limit 25 years, or 30 years with a deadweight of over 600 tonnes.

#### 1.2. The current rules

Following tough negotiations, on 27 April 2001 the IMO Marine Environment Protection Committee (MEPC) drew up a timetable for the phasing out of single-hulled oil tankers. This timetable has been incorporated in Chapter 13G of Annex I of the MARPOL Convention (73/78). The final version of the Convention provides for the following:

1. Phasing out on the basis of the date of delivery of the vessel (i.e. at the end of the relevant year of the ship's age).
2. The timetable for the phasing out of Category 1 ('pre-MARPOL') vessels sets 2007 as the final date for phasing out.
3. The final date for phasing out Category 2 ('post-MARPOL') vessels is 2015.
4. The deadweight limit for Category 3 vessels (less than 20 000 or 30 000 tonnes respectively) is increased to 5000 tonnes. The final date for their phasing out is 2015.
5. To compensate for the setting of 2015 as the final date, vessels in Categories 2 and 3 will be permitted to remain in operation until 2017 or until they reach the age limit of 25 years. States which so desire will, however, be permitted to ban such vessels from entering ports or offshore terminals within their jurisdiction (When this text was adopted, the Commission announced that the European Union would be making use of this provision).

The Council and Parliament adopted the above-mentioned extended timetable at second reading and announced that the solution arrived at was satisfactory particularly in the light of a worldwide compromise, and reflected their intention to seek solutions principally in the context of the International Maritime Organisation.

Article 7 of the Regulation provides that the Member States will no longer allow the operation of oil tankers in Categories 2 and 3 flying their flags. After 2015 they will also prohibit oil tankers in the above-mentioned categories which fly the flag of a third country from entering ports or offshore terminals in their territorial waters.

The Regulation also lays down that vessels in Category 1 which are more than 25 years old must comply with particular technical requirements (Article 4(2)) in order to remain in operation. Vessels in Category 1 or 2 will be allowed to remain in operation after 2005 or 2010 respectively only if they meet the criteria of a special condition assessment scheme (Article 5).

## **2. THE PROPOSED AMENDMENT**

The proposed amendment to the current regulation needs to be seen in the light of the recent wreck of the oil tanker 'Prestige' off the coast of Galicia. This single-hulled oil tanker was 26 years old and was carrying 77 000 tonnes of heavy fuel oil. The wreck caused a devastating environmental disaster, the consequences of which for people and the environment cannot yet be fully predicted and which has severely affected not only the Spanish Atlantic coast but also parts of France.

The Commission proposes **three fundamental amendments to the current regulation:**

1. Introduction of a provision that heavy fuel oils may be transported only in double-hulled tankers (Article 4(2)).
2. A re-drafting of the phasing-out rules, particularly in order to guarantee that single-hulled oil tankers in Category 1 may be operated only up to the age of 23 years and at any rate no later than 2005, those in Category 2 up to the age of 28 years and no later than 2010, and those in Category 3 up to the age of 28 years and no later than 2015.
3. More comprehensive application of the special inspection provisions for oil tankers (the condition assessment scheme) whereby the structural solidity of single-hulled tankers older than 15 years is inspected.

### **2.1. Transport ban**

In connection with the ban on the transport of heavy fuel oils in single-hulled tankers, the Commission specifies the types of heavy fuel oils which should not be permitted to be transported in single-hulled tankers entering or leaving a port, offshore terminal or anchorage area of an EU Member State. The heavy oils in question are heavy fuel oil, heavy crude oil, waste oils, bitumen and tar (Article 3(14)). The same article also goes into more detail on the characteristics of such oils, using the definitions in Directive 1832/2002. These substances are principally oils with high viscosity which in the event of an accident either sink or form slicks

on the surface, thus causing the most serious types of pollution affecting marine and coastal ecosystems.

It should be mentioned here that the Commission is extending the ban on the transport of heavy fuel oils to tankers with a deadweight of 600 tonnes and over, as opposed to the lower limit of 5000 tonnes which applies to the rest of the regulation (Article 2(1)).

## **2.2. Accelerated phase-out**

The timetable for the phasing out of single-hulled oil tankers is amended in order to incorporate the age limit of 23 years for vessels in Category 1 and 28 years for those in Categories 2 and 3. New deadlines for phasing out are set, namely 2005 (Category 1), 2010 (Category 2) and 2015 (Category 3). The Commission is thus returning to its original proposal which is also in line with the relevant US legislation.

## **2.3. Condition Assessment Scheme**

Finally, the Commission proposes amending the provisions of the current regulation governing the requirement to comply with the condition assessment scheme (CAS), in order to ensure that, from 2005, all single-hulled tankers in Categories 2 and 3 which are older than 15 years at that date are banned from entering ports and offshore terminals of EU Member States, regardless of what flag they are flying, if they do not meet the requirements of the CAS. If these oil tankers are flying the flag of a Member State and do not meet the criteria of the CAS, they will be taken out of service (Article 5).

Finally, the Commission extends the scope of the regulation to cover anchorage areas within the jurisdiction of an EU Member State (Article 1).

## **3. COMMENTS**

Your rapporteur considers that the Commission's rapid reaction to the resolutions of Parliament and the Council of Ministers on this matter following the wreck of the 'Prestige' is very much to be welcomed, and that the Commission's proposal should be regarded as a positive and correct measure to improve safety at sea and ensure more effective protection of the marine environment.

An examination of the proposal raises two fundamental questions.

1. Should the proposed solution be implemented solely at Community level or should a worldwide solution rather be sought in the context of the IMO?
2. Will the proposed measure lead to the sudden scrapping of single-hulled tankers and have negative consequences on the supply of heavy fuel oils to the EU? This question has also been raised in the European Parliament, which called upon the Commission in its resolution of 19 December to carry out an analysis of the consequences of the measure adopted.

On the first question: the EU must implement this measure at Community level and at the

same time pursue, through negotiations in the IMO, the accelerated phase-out of single-hulled tankers worldwide. Experience has shown that the relatively slow procedures in the IMO can be speeded up under the pressure of a common EU position.

On the second question, the Commission showed in a study of 28 January 2003 that the acceleration of phase-out will not significantly reduce oil tanker capacity. It states by way of example that, if the measure were to be implemented worldwide, the loss of Category 1 vessels (in 2003 vessels with a deadweight totalling 38.6 million tonnes would have to be taken out of service, as against 2.1 million tonnes under the current provisions) would largely be cancelled out by the oil tankers ordered for 2003 with a total deadweight of 29.7 million tonnes. Taken together with the existing over-capacity in terms of vessels, this leads us to the conclusion that the consequences of this measure would be bearable, particularly given that, in your rapporteur's opinion, an accelerated phase-out of single-hulled tankers would increase safety at sea in EU territorial waters and help reduce the probability of accidents such as those of the 'Erika' and the 'Prestige'. Accordingly your rapporteur supports the Commission's proposal which he finds practicable and appropriate.

Of course, even a double-hulled tanker cannot offer complete safety in the event of a collision or rough seas. Vessel maintenance, the level of training of the crew and other factors are also of crucial importance. However, double-hulled tankers are an essential part of a strategy to ensure safety at sea and to protect the EU's coasts, since a double hull provides greater stability and can, in the event of an accident, prevent the worst happening.

Your rapporteur considers that the Council and the European Parliament owe it to the people of Europe, to our environment and not least to those affected in the fishing and tourism industries, following the terrible shipping accidents of recent years, to come to an agreement quickly and to give the Commission proposal the force of law.

It seems at the moment that the Council is also interested in a rapid implementation of the Commission proposals. At its December meeting, the Council reached a de facto political agreement on this matter. The Council also clearly advocated the accelerated phasing-out of the unsafe single-hulled tankers and urged the Commission to submit a proposal on the subject. This proposal should, according to the wish of the Council, be adopted no later than 1 July 2003. The Council has also agreed that heavy types of oil should be transported only in double-hulled tankers.

For this reason your rapporteur has refrained from tabling amendments which could slow down the procedure unnecessarily. If, after consultations with the Council Presidency, any change should occur in his assessment, your rapporteur reserves the right to table further amendments.

The additional recitals proposed in these amendments should not present any difficulties in the forthcoming procedures. However, it seems necessary to draw attention to the problem areas relating to this complex of issues.

23 April 2003

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

for the Committee on Regional Policy, Transport and Tourism

on the proposal for a European Parliament and Council regulation amending Regulation (EC) No 417/2002 on the accelerated phasing in of double hull or equivalent design requirements for single hull oil tankers and repealing Council Regulation (EC) No 2978/94. (COM(2002) 780 – C5-0629/2002 – 2002/0310(COD))

Draftsman: John Purvis

### **PROCEDURE**

The Committee on Industry, External Trade, Research and Energy appointed John Purvis draftsman at its meeting of 20 February 2003.

It considered the draft opinion at its meetings of 25 March and 23 April 2003.

At the last meeting it adopted the following amendments by 30 votes to 2, with no abstention.

The following were present for the vote Jaime Valdivielso de Cué (chairman), John Purvis (draftsman), Gordon J. Adam (for Massimo Carraro), Per-Arne Arvidsson (for Sir Robert Atkins), Luis Berenguer Fuster, Guido Bodrato, David Robert Bowe (for Olga Zrihen Zaari), Giles Bryan Chichester, Harlem Désir, Concepció Ferrer, Francesco Fiori (for Paolo Pastorelli), Colette Flesch, Norbert Glante, Alfred Gomolka (for Konrad K. Schwaiger), Wilfried Kuckelkorn (for Mechtild Rothe pursuant to Rule 153(2)), Bernd Lange (for Hans Karlsson), Rolf Linkohr, Caroline Lucas, Hans-Peter Martin (for Myrsini Zorba), Eryl Margaret McNally, Angelika Niebler, Giuseppe Nisticò (for von Umberto Scapagnini), Seán Ó Neachtain, Reino Paasilinna, Bernhard Rapkay (for Erika Mann), Imelda Mary Read, Christian Foldberg Røvsing, Esko Olavi Seppänen, Ole Sørensen (for Willy C.E.H. De Clercq pursuant to Rule 153(2)), Gary Titley, Roseline Vachetta and Alejo Vidal-Quadras Roca.

## SHORT JUSTIFICATION

After the Prestige accident, the European Parliament called on the Council and Member States to speed up implementation of the measures adopted as part of the Erika I and II packages. The Council also took up this call.

The Commission has responded with three amendments to regulation 417/2002:

- heavy grades of oil to be transported in double hull tankers only (over 600 tons deadweight)
- faster phasing out of single hull vessels of categories I, II and III
- broader application of the special inspection regime for tankers.

The proposal leaves areas and regulations, which still need revising, while it will also cause problems for the oil and shipping industries. Amendments are therefore necessary.

### 1. Areas needing revision

- **Involvement of IMO**  
It is necessary to work together with the IMO so as to reach global regulations. The EU Member States are parties to the IMO conventions. Any measures taken should respect these conventions or at least be enacted in consultation with IMO or in anticipation of adoption by IMO in due course. It is not clear if the IMO could follow the EU in accelerating the phasing out of single hull vessels. The Commission should concentrate on obtaining international agreement on this issue.
- **Non-EU flag tankers plying between non-EU ports**  
These often traverse or come close to EU waters, as the Prestige did. Efforts must be increased to prevent sub-standard tankers from entering EU waters, coastguard regimes must be better coordinated and EU waters must be better policed. Best of all would be IMO agreement to eliminate or regulate such vessels.
- **Transition from single-hull to double-hull**  
A scheme to support the scrapping of single-hull tankers and building of double-hull tankers, especially in the smaller (i.e. under 5000 tons) range is necessary, if a transition is to be realised quickly.
- **Hazard reaction scheme**  
In October 2001, a Community mechanism to facilitate reinforced cooperation in civil protection assistance interventions was established. This includes a monitoring and information centre, which is able to react 24 hours a day. The Commission also established an emergency communication and information system and the capability to mobilise small teams of experts. Member States should play a bigger role in these schemes. The EP should request an assessment as to how this mechanism responded to the Prestige crisis and to recommend improvements.

### 2. Amendments

As the Prestige carried heavy fuel oil, it is understandable that the Commission concentrates on this type of cargo. However, the proposed definition of heavy oil is arbitrary and unnecessarily onerous. Oils are classified according to American Petroleum Institute standards into API grades. The Commission categorises oils with an API lower than 30° as heavy. If response to dispersants in the event of a spill is taken into account, API 22° is a better limit. The US department of energy defines crudes of 22° or below as heavy, between 22° and 38° as intermediate and over 38° as light. If the EU wants to set an international standard, which IMO might consider in future, it is better to adopt globally accepted standards. EU oil producers would prefer a cut-off at 17.5° API, which is based on the defined level for readier dispersal through evaporation and would incidentally exclude most North Sea crude oils, but the draftsman feels it more consistent to adhere to generally accepted standards for heavy and intermediate.

A second critical point is the proposed prohibition of carriage of heavy oils in any single hull ship over 600 tons deadweight. Heretofore, the limit has been 5000 tons. Vessels between 600 and 5000 tons are mainly used in short sea shipping and within harbours to load larger vessels. Some such sized ships and barges use inland waterways. Regulation 13G of MARPOL annex 1 does not apply to vessels below 5000 tons. Regulation 13F applies to tankers of 600 tons and above ordered from 1993 and requires that they must have at least double bottoms. If they are more than 5000 tons deadweight, they must be double hulled. The worldwide fleet of vessels below 5000 tons amounts to 3512 vessels. Of these, only 151 are double hulled. A further 223 are either double bottomed or double sided. There are only 83 double hulled vessels in this category belonging to EU ship owners and probably trading in the EU.

The application of this Commission proposal would disrupt supplies to islands in the EU, coastal shipping in the Baltic, North Sea and Mediterranean and the bunkering of larger vessels. Besides, ships that are used mainly in harbours and for short sea shipping can be inspected regularly. Ultimately it is good management, maintenance and seamanship which avoids catastrophic accidents and monitoring of these aspects is vital.

## **AMENDMENTS**

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 amendments in its report:

Amendment 1

ARTICLE 1, POINT 2b)

Article 2, paragraph 1 (Regulation (EC) No 417/2002)

"For the purpose of Article 4.2, this Regulation shall apply to oil tankers of **600** tons deadweight and above."

"For the purpose of Article 4.2, this Regulation shall apply to oil tankers of **5000** tons deadweight and above. ***From XX.XX.XXXX<sup>1</sup> on, it shall apply to oil tankers of 600 tons deadweight and above.***"

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***1. five years after the coming into force of the regulation***

*Justification*

*At the moment, there are not enough vessels with a deadweight between 600 and 5000 tons to assure the supply of islands within the EU and bunkering of larger vessels in harbours. This amendment should provide the time needed to renew the vessels in this range.*

Amendment 2

ARTICLE 1, POINT 3

Article 3, point 16 (Regulation (EC) No 417/2002)

16. 'heavy crude oil' shall mean crude oils falling under CN code 2709 00 90 and where the API grade is lower than **30**.

16. 'heavy crude oil' shall mean crude oils falling under CN code 2709 00 90 and where the API grade is lower than **22**.

*Justification*

*If the response to dispersants in the event of a spill is considered, then an upper limit of API 22 is high enough.*

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<sup>1</sup> OJ C ... / Not yet published in OJ.



Amendment 3  
ARTICLE 1, POINT 4b) A (NEW)  
Article 4, paragraph 2 a (new) (Regulation (EC) No 417/2002)

***2a. During the two years following the entry into force of this Regulation, a Member State may allow an ice strengthened single hull oil tanker fitted with double bottoms not used for the carriage of oil and extending to the entire cargo tank length, carrying heavy grades of oil to enter a port or offshore terminal or anchor in an area under the jurisdiction of that Member State, when the ice conditions require the use of an ice strengthened vessel, provided that the heavy grades of oil are only carried in the centre tanks of the oil tanker.***

*Justification*

*A concern for the environment and pragmatism must go hand in hand. In particular the Baltic Sea is extremely sensitive and the increasing oil transports do pose a serious challenge. Nevertheless, there are two issues that have to be taken into account with respect to oil transportation in winter conditions.*

*1) Requirement for ice strengthening of oil tankers: Both the hull of a ship and the propulsion machinery have to have an adequate strengthening against ice.*

*2) Need to ensure the availability of ice strengthened oil tankers: When the use of single hull tankers for transportation of heavy grades of oil is banned, the need to ensure the availability of ice strengthened oil tankers in cold winter conditions must be taken into account. For instance in Finland, almost all fairways to the ports are usually covered by ice during the winter. Thus navigation in coastal areas is only possible by using ice-strengthened vessels. Due to the limited availability of ice strengthened double hull tankers, more time is needed to replace the existing ice strengthened double bottom tankers by new ice strengthened double hull tankers.*

*Therefore, the following is proposed: The use of ice strengthened single hull tankers for transportation of heavy fuel oil should be allowed during a short transitional period under the following conditions:*

- Heavy fuel oil is transported only in centre tanks of the vessel;*
- The vessel has a double bottom;*
- The ice conditions require the use of ice strengthened vessels.*

*Such a vessel transporting heavy fuel oil only in centre tanks would structurally almost*

*correspond to a double hull tanker, since the vessel has a double bottom. Such exemptions would be needed only for the period of two years (2 winter seasons), during which the capacity of ice strengthened double hull tankers for coastal trade can be acquired.*

*This amendment has been agreed upon in the Council and would not delay the entering into force of this amended regulation.*

23 April 2003

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

for the Committee on Regional Policy, Transport and Tourism

on the proposal for a European Parliament and Council regulation on amending Regulation (EC) No 417/2002 on the accelerated phasing in of double hull or equivalent design requirements for single hull oil tankers and repealing Council Regulation (EC) No 2978/94 (COM(2002) 780 – C5-0629/2002 – 2002/0310(COD))

Draftsman: Astrid Thors

### **PROCEDURE**

The Committee on the Environment, Public Health and Consumer Policy appointed Astrid Thors draftsman at its meeting of 28 January 2003.

It considered the draft opinion at its meetings of 25 March 2003 and 23 April 2003 .

At the last meeting it adopted the following amendments by 45 votes with 1 abstention.

The following were present for the vote Caroline F. Jackson, chairman; Astrid Thors, draftsman; Bent Hindrup Andersen, María del Pilar Ayuso González, Jean-Louis Bernié, Hans Blokland, David Robert Bowe, John Bowis, Martin Callanan, Carmen Cerdeira (for Elena Valenciano Martínez-Orozco), Morterero, Dorette Corbey, Alexander de Roo, Anne Ferreira, Christel Fiebiger (for Pernille Frahm), Marialiese Flemming, Karl-Heinz Florenz, Cristina García-Orcoyen Tormo, Neena Gill (for María Sornosa Martínez), Laura González Álvarez, Jutta D. Haug (for Torben Lund), Marie Anne Isler Béguin, Hedwig Keppelhoff-Wiechert (for Paolo Costa), Christa Klab, Eija-Riitta Anneli Korhola, Bernd Lange, Peter Liese, Caroline Lucas (for Hiltrud Breyer), Minerva Melpomeni Malliori, Emilia Franziska Müller, Riitta Myller, Giuseppe Nisticò, Ria G.H.C. Oomen-Ruijten, Béatrice Patrie, Marit Paulsen, Fernando Pérez Royo (for Rosemarie Müller), Dagmar Roth-Behrendt, Guido Sacconi, Yvonne Sandberg-Fries, Karin Scheele, Bart Staes (for Patricia McKenna), Catherine Stihler, Antonios Trakatellis, Kathleen Van Brempt, Peder Wachtmeister, Phillip Whitehead.

## SHORT JUSTIFICATION

### Background

The oil spill caused the tanker Prestige in November 2002 is the latest in a long line of accidents involving oil tankers. It strongly illustrated that the provisions introduced by Regulation 417/2002 on the accelerated phasing-in of double hull oil tankers do not guarantee a sufficient level of protection of the marine environment. This is, in part, due to the fact that the above-mentioned regulation as adopted in co-decision is less ambitious concerning the timetables for the phasing-out of certain categories of single-hull oil tankers than had originally been proposed by the Commission. A revision of the existing regulation, in particular an acceleration of the calendar for the phasing out of single-hull oil tankers, is therefore indispensable with a view to minimising the risks of future accidents.

### Amendments

The Environment Committee broadly welcomes the direction of the amendments proposed by the Commission. However, it believes that more stringent provisions would be both necessary and feasible in some respects.

- The Committee strongly supports the proposed immediate ban on the transport of heavy oil grades in all single-hull oil tankers bound for or leaving European ports. Since this most polluting type of oil (high viscosity) today is regularly carried in older single-hull tankers, this measure would, if adopted, reduce drastically the risk of environmental disasters such as those caused by the Prestige and Erika accidents. In addition, however, the regulation should also provide for a ban of the transport of heavy oil grades in tankers not suited for the prevailing ice conditions according to maritime authorities.
- With respect to the proposed revision of the scheme for an accelerated phasing out of single-hull oil tankers in general, more ambitious timetables and age limits may be appropriate than those contained in the Commission's proposal. Such measures are not likely to cause widespread disruption of shipping markets as any shortfall could be made up by modern double-hull vessels. Furthermore, there appears to be sufficient spare capacity in the market to absorb the proposal to speed up, at European level, the phase out of single hull tankers for the transport of all types of oil without any disruptions to the oil supply. On the other hand, a stricter timetable may reduce the risks of future oil spills significantly. In particular, the most dangerous category 1 tankers (so called "pre-MARPOL" single-hull tankers) having no segregated ballast tank in protective location should be banned as soon as possible, i.e. before 2005. As regards category 2 (so called "MARPOL" single-hull tankers), it is suggested to tighten the age limits proposed by the Commission to 26 years, while leaving the timetable for complete phase out unchanged. Finally, as far as category 3 tankers are concerned, the fact that these include only tankers up to size limits of 20000 tons dead weight does not justify it to extend the timetable for their complete phase out to 2015. This holds in particular, given that category 3 includes tankers without segregated ballast tank in protective location and given that these ships, although smaller, can still cause severe pollution. They should therefore be phased out by 2010 at the latest.

- The proposed modifications on the application of the Condition Assessment Scheme (CAS) are generally welcomed but may need to be upgraded with a view to introducing reinforced inspections to all remaining single-hull oil tankers regardless of their age. This would be crucial, since the safety of a ship is not only determined by its age, but also its structural integrity, often affected by, for instance, maintenance.

### **Stricter requirements for sensitive areas**

Member States should be allowed to take more stringent measures than is foreseen by this Regulation to protect ecologically sensitive areas falling within their respective areas of jurisdiction. Such areas may include those designated under international conventions designed to protect the marine environment as well as Particularly Sensitive Areas (PSSA's) recognised by the International Maritime Organisation (IMO) because of their ecological, economic, cultural or scientific significance and their vulnerability to harmful impacts of shipping activities. More stringent measures taken by Member States may include the banning of single-hull tankers from designated waters at an earlier date than is foreseen under the general phase-out scheme of the Regulation.

### **International level**

The requirements of this Regulation should soon become international standard within the IMO in order to both bring about international consistency and avoid that the problem is merely shifted to waters outside the EU. Hence, the EU should encourage the IMO to introduce equivalent requirements at international level.

## AMENDMENTS

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 amendments in its report:

Text proposed by the Commission<sup>1</sup>

Amendments by Parliament

Amendment 1  
Recital 1 a (new)

***(1a) Many Member States have failed to satisfy the expectations of the Community with regard to maritime safety, particularly by delaying the implementation of existing directives and regulations.***

### *Justification*

*Recent accidents involving oil tankers have demonstrated the shortcomings which exist in this field. In this context, we have seen that Europe was wrongly accused, in that the legislation exists but is not being applied properly.*

Amendment 2  
Recital 4 a (new)

***(4a) As a rapidly increasing volume of oil transported through the Baltic Sea poses a threat to the maritime environment, especially during the winter season, oil tankers entering or leaving a port or an offshore terminal or anchoring in an area under the jurisdiction of a Member State of that region should have ice strengthening of the ship's structure and propulsion machinery meeting the requirements of the Administration of the Member State when the ice conditions require the use of an ice-strengthened vessel.***

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<sup>1</sup> Not yet published in OJ.

Amendment 3  
Recital 7 a (new)

***(7a) It is essential to persuade countries other than EU Member States, particularly applicant countries and countries which are neighbours of the EU, to undertake to stop the use of single hull oil tankers.***

Amendment 4

ARTICLE 1, POINT 2A (new)

Article 3, paragraph 6 (Regulation (EC) No 417/2002)

***2A) Article 3, paragraph 6 is replaced by the following:***

***6. "category (1) oil tanker" shall mean an oil tanker of 20 000 tons deadweight and above which does not comply with the requirements for new oil tankers as defined in Regulation 1(26) of Annex I of MARPOL 73/78.***

*Justification*

*In order to reduce the risk of fresh pollution caused by single hull tankers, the rules on weak vessels carrying more or less hazardous cargoes should be made more stringent.*

Amendment 5ARTICLE 1, POINT 2B (new)  
Article 3, paragraph 7 (Regulation (EC) No 417/2002)

***2B) Article 3, paragraph 7 is replaced by the following:***

***7. "category (2) oil tanker" shall mean an oil tanker of 20 000 tons deadweight and above which complies with the requirements for new oil tankers as defined in Regulation 1(26) of Annex I of***

**MARPOL 73/78.**

*Justification*

*In order to reduce the risk of fresh pollution caused by single hull tankers, the rules on weak vessels carrying more or less hazardous cargoes should be made more stringent.*

Amendment 6

ARTICLE 1 POINT 4 A)

Article 4, paragraph 1, point (a) (Regulation 417/2002/EC)

“(a) for category (1) oil tankers:

- 2003 for ships delivered in 1980 or earlier,

- 2004 for ships delivered in 1981,

- **2005 for ships delivered in 1982 or later;**

“(a) for category (1) oil tankers:

- 2003 for ships delivered in 1980 or earlier,

- 2004 for ships delivered in 1981 **or later,**

**deleted**

*Justification*

*Category 1 tankers are the most dangerous and should be phased out by 2004 at the latest.*



Amendment 7  
ARTICLE 1 POINT 4 A)  
Article 4, paragraph 1, point (b) (Regulation 417/2002/EC)

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|---|--|
| <p>(b) for category (2) oil tankers:</p> <ul style="list-style-type: none"><li>- 2003 for ships delivered in <b>1975</b> or earlier,</li><li>- 2004 for ships delivered in <b>1976</b>,</li><li>- 2005 for ships delivered in <b>1977</b>,</li><li>- 2006 for ships delivered in <b>1978 and 1979</b>,</li><li>- 2007 for ships delivered in <b>1980 and</b> 1981,</li><li>- 2008 for ships delivered in 1982,</li><li>- 2009 for ships delivered in 1983,</li><li>- 2010 for ships delivered in 1984 or later;</li></ul> | <p>(b) for category (2) oil tankers:</p> <ul style="list-style-type: none"><li>- 2003 for ships delivered in <b>1977</b> or earlier,</li><li>- 2004 for ships delivered in <b>1978</b>,</li><li>- 2005 for ships delivered in <b>1979</b>,</li><li>- 2006 for ships delivered in <b>1980</b>,</li><li>- 2007 for ships delivered in 1981,</li><li>- 2008 for ships delivered in 1982,</li><li>- 2009 for ships delivered in 1983,</li><li>- 2010 for ships delivered in 1984 or later;</li></ul> |
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*Justification*

*The upper age limit for all category 2 tankers should be 26 years.*

Amendment 8 ARTICLE 1 POINT 4 A)  
Article 4, paragraph 1, point (c) (Regulation 417/2002/EC)

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|---|---|
| <p>c) for category (3) oil tankers:</p> <ul style="list-style-type: none"><li>- 2003 for ships delivered in 1975 or earlier,</li><li>- 2004 for ships delivered in 1976,</li><li>- 2005 for ships delivered in 1977,</li><li>- 2006 for ships delivered in 1978 and 1979,</li><li>- 2007 for ships delivered in 1980 and 1981,</li><li>- 2008 for ships delivered in 1982,</li><li>- 2009 for ships delivered in 1983,</li><li>- 2010 for ships delivered in 1984,</li><li>- 2010 for ships delivered in 1984,</li><li>- <b>2011 for ships delivered in 1985,</b></li></ul> | <p>c) for category (3) oil tankers:</p> <ul style="list-style-type: none"><li>- 2003 for ships delivered in 1975 or earlier,</li><li>- 2004 for ships delivered in 1976,</li><li>- 2005 for ships delivered in 1977,</li><li>- 2006 for ships delivered in 1978 and 1979,</li><li>- 2007 for ships delivered in 1980 and 1981,</li><li>- 2008 for ships delivered in 1982,</li><li>- 2009 for ships delivered in 1983,</li><li>- 2010 for ships delivered in 1984,</li><li>- 2010 for ships delivered in 1984 <b>or later,</b></li><li><b>deleted</b></li></ul> |
|---|---|

- 2012 for ships delivered in 1986, *deleted*
- 2013 for ships delivered in 1987, *deleted*
- 2014 for ships delivered in 1988, *deleted*
- 2015 for ships delivered in 1989 or later, *deleted*

*Justification*

*Category 3 tankers should be phased out by 2010 at the latest*

Amendment 9

ARTICLE 1 POINT 4 BA (new)

Article 4, paragraph 2 a (new) (Regulation 417/2002/EC)

***BA) The following paragraph is added:***

***2a. In accordance with international standards and regulations, Member States may lay down technical requirements for the protection of oil tankers against damage by ice, such as ice strengthening of the ships' structure and propulsion machinery. Oil tankers entering into a port, offshore terminal or anchorage area under the jurisdiction of a Member State, shall comply with these requirements, if the competent authority deems it necessary due to the prevailing ice conditions.***

*Justification*

*In order to avoid the risk of future accidents tankers should be suitably equipped for the prevailing ice conditions.*

Amendment 10

ARTICLE 1 POINT 4 BB (new)

Article 4 paragraph 2 b (new) (Regulation 417/2002/EC)

***BB) The following paragraph is added:***

***2b. Member States may ban single-hull tankers from operating in waters (within their jurisdiction) that are designated as ecologically sensitive under international conventions. This ban may take effect at an earlier date than is foreseen under paragraph 1 .***

*Justification*

It would be appropriate to establish stricter requirements for particularly sensitive areas in order to protect the marine environment.

Amendment 11

ARTICLE 1 POINT 5

Article 5 paragraph 1 (Regulation 417/2002/EC)

1. ***An oil tanker above 15 years of age*** shall not be allowed to enter into ports, offshore installations or anchorage areas under the jurisdiction of a Member State beyond the anniversary of the date of delivery of the ship, in 2005 for Category (2) and Category (3) ships, unless it complies with the Condition Assessment Scheme referred to in Article 6.

1. ***Oil tankers*** shall not be allowed to enter into ports, offshore installations or anchorage areas under the jurisdiction of a Member State beyond the anniversary of the date of delivery of the ship, in 2005 for Category (2) and Category (3) ships, unless it complies with the Condition Assessment Scheme referred to in Article 6.

*Justification*

The application of the Condition Assessment Scheme (CAS) should be mandatory for all remaining single-hull oil tankers regardless of their age.

Amendment 12

ARTICLE 1 POINT 5

Article 5 paragraph 2 (Regulation 417/2002/EC)

2. The competent authorities of a Member

2. The competent authorities of a Member

State may allow ***an oil tanker above 15 years of age*** flying the flag of that Member State to continue operation beyond the anniversary of the date of delivery of the ship in 2005 for Category (2) and Category (3) ships, but only when subject to compliance with the Condition Assessment Scheme referred to in Article 6.

State may allow ***oil tankers*** flying the flag of that Member State to continue operation beyond the anniversary of the date of delivery of the ship in 2005 for Category (2) and Category (3) ships, but only when subject to compliance with the Condition Assessment Scheme referred to in Article 6.

#### *Justification*

*The application of the Condition Assessment Scheme (CAS) should be mandatory for all remaining single-hull oil tankers regardless of their age.*

Amendment 13 ARTICLE 1, POINT 5A (new)  
Article 8, paragraph 2 a (new) (Regulation (EC) No 417/2002)

***5A) In Article 8, the following paragraph is added:***

***2a. Member States shall designate – within the time limit recommended by the Transport Council on 6 December 2002 – ports or areas of refuge to receive ships in distress and shall equip such places accordingly. The European map of places of refuge shall be accessible for the public.***

#### *Justification*

*Such places of refuge are important to prevent an anticipated disaster from becoming more serious and so that these installations can assist ships which present difficulties. The publication of the map is intended to encourage coastal States to avoid any further delay in the designation of these places.*