

# EUROPEAN PARLIAMENT

1999



2004

---

*Session document*

17 December 2002

B5-668/2002

## MOTION FOR A RESOLUTION

further to the Commission statement

pursuant to Rule 37(2) of the Rules of Procedure

by Monica Frassoni, Daniel Marc Cohn-Bendit, Nelly Maes, Camilo Nogueira Román, Jan Dhaene, Josu Ortuondo Larrea, Marie Anne Isler Béguin and Theodorus J.J. Bouwman

on behalf of the Verts/ALE Group

on the aftermath of the accident involving the oil tanker 'Prestige' off the coast of Galicia and the North of Spain

**European Parliament resolution on the aftermath of the accident involving the oil tanker 'Prestige' off the coast of Galicia and the North of Spain**

*The European Parliament,*

- having regard to the Erika I and II packages proposed by the Commission with a view to establishing a Community framework for combating marine pollution as a result of accidents, packages which have been partly adopted by the Council,
  - having regard to the Commission's Communication on improving safety at sea in response to the Prestige accident (3 December 2002) and to the conclusions of the Transport Council (6 December 2002), the Environment Council (9 December 2002) and the Copenhagen European Council (12 and 13 December 2002),
- A. whereas the fuel oil spilt from the Prestige tanker and the resulting oil slick will affect the Galician and Northern Spanish as well as the Portuguese and French coastlines for a long time to come, and whereas these areas are of major importance for their biodiversity and fishing resources,
- B. whereas the proposal to establish an additional compensation fund, COPE, to deal with oil-related accidents in EU waters has not yet been adopted by the Council,
- C. whereas the oil spill from the 'Prestige' is also causing substantial damage to marine fauna and flora, in particular in areas of ecological interest under the 'Natura 2000' programme,
- D. whereas the damage to coastlines and beaches caused by the oil spill will leave tourism-related occupations facing losses on a scale which cannot easily be assessed,
- E. whereas, while the oil company involved in the Exxon Valdez accident has been ordered by the US Court to pay \$4 billion (€3.9 billion), Total Fina, the oil company involved in the Erika accident, has been requested to pay only €11 million,
- F. whereas many dangerous ships carrying heavy fuel oil determine their routes in international waters following the speculative trends of the oil market and by doing so represent a permanent threat to the marine environment,
1. Calls on the Commission and the Council to clarify what measures they will take in order to tackle the issue of the oil gradually leaking from the Prestige cargo lying at the bottom of the ocean;
  2. Requests an EP Committee of Inquiry to clarify the responsibilities for the accident and the subsequent rescue and emergency operations; considers that the committee of inquiry should work in close cooperation with the European Agency for Maritime Safety, focusing in particular on:
    - the type of vessel and the causes of the accident,

- the origin and destination of the cargo,
  - the degree of responsibility that lies with the shipping company, the captain of the vessel, the state in which the vessel was registered and the owner of the cargo,
  - the individuals involved in the shipment of the fuel oil,
  - the crew's working conditions,
  - the quality of the inspections carried out,
  - the ports used,
  - and the degree of responsibility that lies with the state and regional authorities, and in particular the Spanish and Galician ones, involved in the rescue and cleaning up operations;
3. Welcomes the Commission's Communication on improving safety at sea in response to the Prestige accident (3 December 2002); regrets that the Council agreed only partially upon the proposals made by the Commission and considers that all the measures proposed by the Commission both to speed up the implementation of and to complete the Erika I and II packages should apply without delay; urges the Council to take unilateral decisions on maritime safety if the international community is not ready to follow in the framework of the International Maritime Organisation;
  4. Considers that the following additional measures should also be taken:
    - port state control inspections (Directive 95/21/EC) must be carried out on at least 25% of the fleet entering each individual port in the Member States, and not as an average calculation to be estimated on a national level;
    - besides prohibiting the transport of heavy fuel oil in single hull vessels, new rules should ensure that such dangerous substances are transported in tankers with a maximum capacity of 10 000 tons, given the fact that the total tanker accident spill world-wide per year (between 100 000 and 400 000 tons) is caused by a small number of large spills from supertankers;
    - the proposed EU COPE Fund for compensation for oil pollution damage should be adopted without delay and should be financed by all relevant parties: not only oil companies and shipowners but also charterers, operators or managers of ships and flag states; considers, furthermore, that the aim of the fund should be expanded to include costs of regeneration of the damaged environment;
    - a protection, prevention and monitoring plan for maritime transport routes in the regions which are most vulnerable to accidents involving oil and chemicals (in particular Galicia and Brittany) should be drafted, and these areas should be identified as Particularly Sensitive Sea Areas by the International Maritime Organisation;
  5. Calls on the Commission to create a special internal Task Force to coordinate the different services in order to tackle all issues related to the Prestige accident in the best way;
  6. Calls for the setting-up of:
    - a European Coastguard Service which can work in close cooperation with maritime traffic controllers in the regions concerned;
    - an EU rapid intervention force for emergency and civil defence operations in case of future accidents, in particular drawing on the experience gained in the USA by the Federal Emergency Management Agency; such a civil protection body would operate in

the territory and surrounding waters of the Union under an emergency plan;

7. Considers that the European Union should adopt the same financial liability regime for oil spills which applies in the United States, where shipowners have unlimited financial liability if the accident is due to their actual fault;
8. Considers that the EU should provide adequate financial help through the Structural Funds and, if appropriate, through the Solidarity Fund to meet the needs of Galicia and the North of Spain in recovering from the catastrophe; considers that special plans for regeneration of the affected NATURA 2000 areas should be elaborated by the Commission and the Spanish authorities;
9. Believes that the Council should select the definitive seat of the European Agency for Maritime Safety as soon as possible, and considers that the budgetary reserve for this Agency voted by the EP at the first reading of the 2003 budget should be made available in order to facilitate the work of this Agency at such a dramatic time; considers that, when the Agency's seat is chosen, due account should be taken of the frequency of maritime accidents and the density of maritime traffic in the region concerned;
10. Believes that the Commission's environmental liability directive proposal should include the marine environment as well, given the fact that damage to the marine environment does not receive adequate compensation resources and that the polluter-pays principle, as enshrined in the Treaty on European Union, must be applied to the letter with a view to securing reparation for the short- and long-term environmental damage caused;
11. Calls for a funding mechanism to support the work of volunteers (local population, NGOs, etc.) in case of an ecological accident to be set up at the European level; EU citizens could also contribute to this funding mechanism on a voluntary basis; calls, further, for exceptional aid measures to assist the nature conservation associations which have voluntarily and spontaneously taken on the task of collecting and cleaning birds and marine fauna;
12. Calls on the Member States to ratify as quickly as possible the 1996 HNS Convention creating a liability regime for the maritime transport of hazardous and noxious substances;
13. Calls for a reform of the IMO rules under which decision-making power is currently allocated among States on the basis of the tonnage of their fleets, with the result that such power rests primarily with countries whose laws authorise flags of convenience;
14. Draws attention to the urgent need for the European Union to review its energy policy and to give priority to sustainable forms of land transport, such as the railways, thereby reducing its dependence on oil;
15. Instructs its President to forward this resolution to the Commission, the Council, the governments of the Member States, the regional governments concerned and the International Maritime Organisation.