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## MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Commission

pursuant to Rule 103(2) of the Rules of Procedure

by Gerardo Galeote Quecedo, Luís de Grandes Pascual and Georg Jarzembowski

on behalf of the PPE-DE Group

on the sinking of the 'New Flame' and its consequences for the Bay of Algeciras

**European Parliament resolution on the sinking of the 'New Flame' and its consequences for the Bay of Algeciras**

*The European Parliament,*

- having regard to its earlier resolutions on maritime safety,
  - having regard to 103(2) of its Rules of Procedure,
- A. whereas on 12 August 2007 the Panamanian scrap vessel 'New Flame' ran aground off the coast of Algeciras (Cadiz province, Spain) and Gibraltar, and whereas between 28 August 2007 and 10 February 2008, the date on which the vessel sank, there occurred as many as seven oil spillages, affecting some 2 km of the Algeciras coast,
- B. whereas the Strait of Gibraltar and, in particular, the Bay of Algeciras are home to a high-intensity maritime traffic of some 100 000 vessels per annum, in an area where there takes place a large amount of 'bunkering' (fuel transfer operations between vessels at sea), making it the world's fourth most important location for that activity and thus earning it the nickname of the 'petrol depot for the Strait', with a transit level totalling some 7 m tonnes of marine fuel each year,
- C. whereas bunkering is a high-risk manoeuvre, often resulting in fuel spillages, and in many cases sufficient attention is not paid to environmental safety issues; whereas proportionality needs to be ensured with the risks inherent to the activity as such, especially when it is carried out near special conservation zones,
- D. whereas the coast of the Strait area includes protected areas under Natura 2000, such as the Strait of Gibraltar coastal strip (LIC ES 6120012), which is gravely affected on a daily basis by the bunkering carried out there,
- E. whereas the pollution of maritime waters by products originating from vessels, and in particular of the Strait of Gibraltar and the Bay of Algeciras, tends to be the result of small but continuous and deliberate discharges of polluting products in the form of residual ballast, water for cleaning tanks, spillages occurring when fuelling, etc,
- F. whereas, however, a proportion of the spillages (under 10%) arises directly from losses of cargo or fuel resulting from maritime accidents, and it is these that public opinion is most aware of,
- G. whereas, apart from issues of origins and causes, these spillages are a serious threat to the natural and marine resources of the Strait of Gibraltar and the Bay of Algeciras,
- H. whereas the case of the 'New Flame' has revealed the existence of a chain of errors and failure to take responsibility as regards the inspection of that vessel, both before and after

the collision, thanks to which it remained aground for more than eight months in the Bay of Algeciras, without being refloated and with no action taken to recover its cargo,

- I. whereas the cargo of the 'New Flame' consisted of 42 500 tonnes of scrap, whose origin and toxicity remain unknown to the general public, while none of the authorities responsible has been able to guarantee that it is not so far polluting or hazardous to human health, marine species or the environment,
1. Calls on the Commission to supply Parliament with all the information on the case of the 'New Flame' provided by the relevant national and regional authorities, especially all data on the request made for aid via the Community aid intervention mechanisms in the field of civil protection, including accidental marine pollution, set up by Decision 2001/792/EC, Euratom<sup>1</sup>, under which the Member State affected by an accident may ask for the use of anti-pollution vessels from the European Maritime Safety Agency;
2. Urges the Commission, in its capacity as 'guardian of the Treaties', to determine whether the authorities responsible have taken proper action to prevent a disaster pursuant to their obligations under Articles 2, 3, 6, 10, 80(2), 174(1), 174(2) and 175(4) of the EC Treaty, and to adopt any judicial measures thence arising;
3. Asks the Commission to investigate whether the pollution arising from bunkering-related spillages in the Bay of Algeciras constitutes a breach of EU environment law in general and in particular of Directive 2005/35/EC of the European Parliament and the Council of 7 September 2005 on ship-source pollution and on the introduction of penalties for infringements;
4. Asks the Commission to determine whether, in the Strait of Gibraltar and specifically in the Bay of Algeciras, there is proper compliance with the existing Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system, given the presence in the area of a high-intensity maritime traffic of almost 100 000 vessels per annum;
5. Asks the Commission, further, to determine whether the authorities responsible have met their obligations under Directive 1995/21/EEC of 19 June 1995 regarding compliance with the international rules on maritime safety, the prevention of pollution and living conditions on board by vessels using Community ports or installations located in waters under the jurisdiction of the Member States, and under Directive 2004/35/EEC of 21 April 2004 on environmental liability to avoid and restore environmental damage;
6. Calls on the Commission to determine whether Spain and the UK have correctly transposed the above-mentioned Community legislation;
7. Calls on the Commission to ask the relevant authorities to supply information on the content of the cargo of the wreck and the plans and timetable for refloating the vessel and monitoring the potential pollution risks from the cargo, and to forward the information received to Parliament;

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<sup>1</sup> OJ L 297, 15.11.2001, p. 7.

8. Calls on the Commission to urge those Member States which have not yet done so to ratify forthwith the international convention of 2001 on Civil Liability for Bunker Oil Pollution Damage (the Bunker Oil 2001 Convention) and the international convention of 1996 on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea (the HNS Convention), so as to enable them to come into force, thus ensuring further progress on maritime safety for Europe's coasts and legal protection for the victims in terms of compensation for the damage caused by pollution from fuel and harmful and potentially hazardous substances;
9. Urges the Commission, with the aid of the European Maritime Safety Agency, to take due account of scientific advances in the fight against pollution from vessels, including that caused by fuel or by harmful and potentially hazardous substances, and to incorporate the findings in the Community legislation, pursuant to Article 8(2) of Regulation (EC) No 2038/2006 on multiannual funding for the actions of the European Maritime Safety Agency in the field of response to pollution caused by ships and amending Regulation (EC) No 1406/2002;
10. Suggests that the Commission intervene with the relevant national and regional authorities with a view to their agreeing on a public protocol for action in the Strait of Gibraltar and the Bay of Algeciras, on lines similar to those of the existing bilateral and regional agreements between coastal states, including provision for mutual assistance in cases of marine pollution, with a view to avoiding any recurrence of the chain of errors and disputes over competences which characterised the 'New Flame' case;
11. Urges the Commission, in the light of the existing information and should it be confirmed that the authorities responsible have failed to comply with their responsibilities under Community law, to take out infringement proceedings at the European Court of Justice;
12. Instructs its President to forward this resolution to the Council, the Commission and the Governments and Parliaments of Spain and the United Kingdom.