

# EUROPEAN PARLIAMENT

18 January 2000

B5-0028/2000 }  
B5-0030/2000 }  
B5-0039/2000 }  
B5-0041/2000 }  
B5-0043/2000 }  
B5-0044/2000 }  
B5-0057/2000 }

}RC1

## JOINT MOTION FOR A RESOLUTION

pursuant to Rule 37(4) of the Rules of Procedure

by the following Members:

Grossetête, Martin, Jarzembowski, Florenz, Morillon and de Sarnez, on behalf of the PPE Group  
Simpson, on behalf of the PSE Group  
Davies, on behalf of the ELDR Group  
Lannoye, on behalf of the Verts/ALE Group  
Wurtz, Markov, González Álvarez, Korakas, Papayannakis and Miranda, on behalf of the GUE/NGL Group  
Souchet and Pasqua, on behalf of the UEN Group  
Bernié, on behalf of the EDD Group

replacing the motions by the following groups:

- UEN (B5-0028/2000)
- GUE/NGL (B5-0030/2000)
- EDD (B5-0039/2000)
- PSE (B5-0041/2000)
- PPE-DE (B5-0043/2000)
- ELDR (B5-0044/2000)
- Verts/ALE (B5-0057/2000)

on the oil slick disaster caused by the wreck of the *Erika*

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Or. en/fr

The European Parliament,

- having regard to Articles 70, 80 and 174 of the Treaty of Amsterdam,
  - having regard to its earlier resolutions and in particular those of 21 January 1993 on the Braer tanker disaster, 27 October 1994 on the oil slick in northern Portugal following the accident which occurred to the tanker 'Cercal', 27 October 1994 and 1 February 1996 on safety at sea, and 27 March 1996 on the 'Sea Empress' tanker disaster and on maritime insurance,
  - having regard to the international Convention of 18 December 1971 on the establishment of an International Oil Pollution Compensation Fund (IOPFC) and its additional protocol of 27 November 1992,
  - having regard to Council Directive 76/464 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community,
  - having regard to Council Directive 93/75 concerning minimum requirements for vessels bound for or leaving Community ports and carrying dangerous or polluting goods,
  - having regard to Council Directive 95/21 concerning the enforcement of international standards for ship safety, pollution prevention and shipboard living and working conditions,
  - having regard to the communication 'Towards a new maritime strategy' (COM(96) 81),
  - having regard to the proposal for a Council Decision setting up a Community framework for cooperation in the field of accidental marine pollution (COM(1998) 769 – A5-0003/99),
  - having regard to European Parliament and Council decision 2179/98 of 24 September 1998 on the review of the European Community programme of policy and action in relation to the environment and sustainable development 'Towards sustainability', and in particular Article 2(4)(d) thereof concerning the submission by the Commission of a White Paper on environmental liability,
- A. whereas the *Erika* sank off the Breton coast on 12 December 1999, and whereas this is not an isolated incident, since Turkey has regularly – and recently – experienced similar disasters,
- B. whereas the coasts of Brittany and the Vendée have suffered five serious pollution incidents in the past 25 years,

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- C. whereas the fishing, oyster/shellfish and tourism industries have been particularly badly hit, and whereas their needs must be considered when assessing follow-up action,
  - D. whereas the *Erika* was a vessel flying the Maltese flag, on which the most recent checks had apparently been carried out by a classification society based in Italy whilst the ship was in dry dock, and by Russian port authorities, in November 1999, whilst the ship was in service,
  - E. whereas the purpose of flying flags of convenience is generally to minimise costs and avoid certain tax regulations by means of complex legal structures, and whereas this creates problems with determining liability in case of accident,
  - F. whereas the bad weather and the lack of the necessary experience with the properties of the fuel oil transported by the *Erika* hindered pumping operations at sea,
  - G. whereas scarcely more than 10% of the fuel oil slick which escaped from the *Erika* has been recovered,
  - H. whereas the wreck, containing 20 000 tonnes of fuel oil lying at a depth of 120 m, represents a serious risk of further pollution,
  - I. whereas this environmental disaster is causing serious harm to the marine ecosystem, biodiversity, in particular birdlife, and fish stocks in an area of major ecological interest, and whereas it will make considerable inroads on the economy and on tourism activities in this coastal region,
  - J. whereas shortage of funds means that not all maritime Member States are able to achieve the inspection level of at least 25% of third country ships putting into EU ports,
  - K. whereas vessels have been taking advantage of the disastrous pollution arising from the wreck of the *Erika* to carry out massive deballasting operations at sea, a practice which is prohibited under Directive 76/464,
1. Expresses its solidarity with and support for the victims of this oil pollution disaster and pays tribute to the effective cooperation of NGOs as well as to the spontaneous help of thousands of volunteers; likewise salutes the initiative taken to draw up an expert report immediately on the state of the beaches in order to make the task of compensating those affected easier;
  2. Calls for a rapid tightening of inspection methods and of the minimum compulsory Community safety rules, and at the same time calls on the Member States and the European Union, in co-operation with the International Maritime Organisation (IMO) to seek actively to tighten international safety and control rules as a whole;

3. Expects the next two Presidencies of the European Union to work together for tougher international and European regulations on maritime transport operations;
4. Calls for a durable, long-term European transport policy to be implemented to prevent the risk of any further oil pollution disasters;
5. Welcomes the initiative seeking to set up a Community cooperation framework in the field of accidental marine pollution (COM(1998) 769 – A5-0003/99), but insists that that this decision must be taken as quickly as possible in order to create the optimum conditions to manage crises like the one caused by the wreck of the *Erika*;
6. Calls upon the Commission to bring forward a clearer definition of the division of responsibility between shipowners and cargo-owners in case of accidents at sea, based on the polluter-pays principle;
7. Calls on the European Union to draw up and introduce as soon as possible rules to prevent vessels flying flags of convenience from evading strict rules and inspections regarding not only maritime safety and environmental protection but also standards of social protection for ships' crews, compliance with which also helps guarantee an increased level of safety;
8. Calls upon the Commission to give priority to Community action to secure the effective and uniform implementation of standards for classification societies and calls upon the Commission and the Council to ensure that the on-going consideration of the proposed directive on ports reception facilities for ship generated waste and cargo residues (COM 98/452) results in a swift and satisfactory conclusion which will really deter dumping at sea and penalise offenders;
9. Believes that the European Union should also be very worried about the quantities of oil and other wastes pumped deliberately from ships' bilges which causes considerably more maritime and coastal pollution than *Erika* type spillages;
10. Calls upon the Commission and the Council to once again consider the implications of an European register for shipping to work alongside port state control;
11. Welcomes any efforts by the Commission to bring forward the date by which oil tankers will all be obliged to have double-hull constructions, and to ensure that there is a focus on safety at sea and maritime pollution in its work programme for 2000;
12. Calls for the international rules on the training of crews and working conditions on board ship to be strictly applied, and for these rules to be revised to give a higher level of protection;

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13. Notes and deploras the inadequacy of the techniques available to combat the consequences of the wreck of the *Erika*, and calls for the development of industrial research in this area;
14. Hopes that the inquiry will cast light on all the factors contributing to the accident and will permit fair reparation to be made for the environmental, economic and social damage caused by this massive oil slick;
15. Calls for the funds of the European Union to be mobilised, as a matter of urgency, in the context of partnership exchanges between the Member States, in order to help:
  - clean up the beaches,
  - assist the businesses affected in the region,
  - increase storage capacity for the waste oil recovered,
  - provide treatment or recycling facilities for such waste;
16. Calls for aid to be released as quickly as possible pursuant to Article 83(2)(b) of the EC Treaty to remedy the damage caused by this disaster;
17. Instructs its President to forward this resolution to the Commission, the Council, the governments of the Member States and candidate states, and to all the relevant marine authorities.