

PRESS RELEASE

4009/93 (Presse 8)

Extraordinary meeting of the Council

- ENVIRONMENT AND TRANSPORT -

Brussels, 25 January 1993

President:

Mr Guy COEME (+),

Deputy Prime Minister and
Minister for Communications
of the Kingdom of Belgium

(+) Replacing the Danish Minister being sworn in as a member of the Danish Government.

The Governments of the Member States and the Commission of the European Communities were represented as follows:

Belgium:

Ms Laurette ONKELINX Minister for the Environment

Denmark:

Mr Joergen BREDHOLT State Secretary for Industry
Mr Erik LINDEGAARD State Secretary for the Environment

Germany:

Mr Günther KRAUSE Minister for Transport
Mr Klaus TOEPFER Minister for the Environment

Greece:

Mr Alexandros PAPADOGONAS Minister for Merchant Shipping
Mr Achilleas KARAMANLIS Minister for the Environment, Regional
Planning and Public Works

Spain:

Mr José BORRELL Minister for Public Works, Transport and
Communications

France:

Ms Ségolène ROYAL Minister for the Environment
Mr Charles JOSSELIN State Secretary for Maritime Affairs

Ireland:

Mr David ANDREWS Minister for the Marine
Mr John BROWNE Minister for the Protection of the
Environment

Italy:

Mr Giancarlo TESINI Minister for Transport, and temporarily
Minister for Merchant Shipping
Mr Carlo RIPA DI MEANA Minister for the Environment

Luxembourg:

Mr Alex BODRY Minister for the Environment

Netherlands:

Ms J.R.H. MAJ-WEGGEN Minister for Transport

Portugal:

Mr Eduardo AZEVEDO SOARES Minister for Maritime Affairs
Ms Teresa GOUVEIA State Secretary for Environment
Mr Joao BEBIANO State Secretary for Maritime Affairs

United Kingdom:

Mr John MacGregor State Secretary for Transport
Mr Ian LANG Secretary of State for Scotland
Lord CAITHNESS Minister of State, Department of Transport

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Commission:

Mr Abel MATUTES Member
Mr Ioannis PALEOKRASSAS Member

SHIPPING SAFETY AND POLLUTION PREVENTION IN THE COMMUNITY

After hearing statements from the Spanish and United Kingdom delegations on the recent oil tanker accidents at La Coruña and the Shetlands, the Council held a general discussion on shipping safety and pollution prevention in the Community, after which it approved the following conclusions:

"THE COUNCIL,

Recording its great concern for the large number of maritime accidents that have occurred, in particular those involving the loss of human life and those which destroy the marine environment, such as the recent oil spillages at La Coruña and the Shetlands,

Welcoming the prompt and effective response of the Spanish and United Kingdom authorities to these incidents,

Welcoming the swiftness of aid by the Commission to the regions concerned;

Regretting the number and increased frequency of serious accidents that have recently occurred at sea, in particular to oil tankers, leading to major damage to the marine ecosystem;

Recognizing that, despite the measures over the last thirty years, shipping activity still poses risks to the marine and coastal environments and that, in consequence, further concerted action at national and Community levels and in the IMO is essential to minimize threats to those environments from oil and hazardous cargoes;

Stressing the high priority given by the Community to the protection of natural habitats and wild flora and fauna;

Recalling that the EC Treaty, as amended by the Single Act, lays down that Community environmental action shall be based on the principle of preventive action, taking into account the Council Resolution on the fifth Environmental Action Programme which stresses the importance of integrating environmental policies into other policies, such as transport policies,

Bearing in mind the provisions of the Treaty on European Union, signed at Maastricht on 7 February 1992,

Recalling the Council Resolution of 25 February 1992, on the future Community policy concerning the protection of European coastal zones, Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Council Resolution 90/C206/01 on the prevention of accidents causing marine pollution,

Recognizing the need for intensified action at Community or national level, as appropriate, to ensure more adequate protection of the fishery resources and coastal areas of the Community,

Recalling the Resolutions adopted by the European Parliament on 17 December 1992 and on 22 January 1993 on safety at sea and prevention of pollution,

Noting that the environmental action programme (agenda 21) adopted by the United Nations Conference on Environment and Development (UNCED) stresses that new approaches - integrated in content and precautionary in scope - are required for marine and coastal area management and development at national, subregional, regional and global levels,

Stressing the role of the International Maritime Organisation (IMO) with regard to maritime safety and the prevention of marine pollution,

Drawing attention to the value of national contingency planning and

the Council Resolution of 26 June 1978 setting up an action programme of the European Communities on the control and reduction of pollution caused by hydrocarbons discharged at sea, which provides an immediate response capability,

Reiterating the need to comply with the rules of international law,

Having noted

- the IMO's recent adoption of more rigorous measures concerning construction of oil tankers, including double hull or other alternative methods which will enter into force on 6 July 1993, and a related phasing-out scheme for existing oil tankers,
- current work in the IMO on improving the regulations for ships, including those for oil tankers, chemical tankers, bulk carriers and passenger ships,
- IMO initiatives on ensuring that existing regulations are complied with in an effective and harmonized way by all flag States,
- that a number of "areas to be avoided" and "deep water routes" have been established in European waters within the IMO framework,
- on-going work within the four regional agreements on co-operation in dealing with pollution in the North Sea (Bonn Agreement), the Mediterranean (Barcelona Convention), the North-East Atlantic (Lisbon Agreement) and the Baltic Sea (Helsinki Convention),
- the importance of the human element in the safe operation of ships,
- the need for emergency towing under all weather conditions of damaged or abandoned ships,
- the recent preliminary conclusion of the Council on the content of the draft Council Directive concerning minimum requirements for

vessels entering or leaving Community ports and carrying dangerous or polluting goods and in particular the acceptance by the Commission of the Council's request for the submission of new proposals for the introduction of a fuller reporting system for the Community which may also cover those ships only transiting along the coasts of the Community,

Stressing the importance of European co-operation within the Paris Memorandum in order to improve the effectiveness of port state control, including operational control,

Bearing in mind that the implementation of the action required will also safeguard the functioning of the internal market,

Welcoming the recent announcement from the Commission in its White Paper on the Future Development of the Common Transport Policy of a specific Communication on "A common policy on safe seas",

Noting the Commission's intention to develop a Community action programme to

- establish strict convergent implementation for the whole Community of international rules,
- reinforce port state control through appropriate measures,
- promote coherent and harmonized development of maritime infrastructure, including traffic surveillance, aids to navigation, routing systems and reception facilities,
- promote the adoption by the IMO of adequate and up-to-date regulations and standards,
- establish minimum training requirements for crews of Community vessels and associated training programmes,
- develop relevant research and development projects,

Whereas this Communication will address, in particular, how the Community and its Member States can play a greater role in the development of international safety and pollution prevention standards, in particular in the IMO, and in their enforcement,

Recognizing that, although the investigations of the causes of the recent accidents have not yet been completed, the lack of effective and uniform implementation of existing international rules is a major cause of maritime pollution accidents,

A. URGES THE COMMUNITY AND THE MEMBER STATES

1. as appropriate, to support and promote further and more co-ordinated and firm action in the on-going work in the IMO concerning inter alia the following areas:

- = the establishment of requirements for recognition of classification societies,
- = the establishment of requirements for the delegation of statutory surveys from flag States, with a view to limiting the misuse of flags of convenience,
- = the development of guidelines for improved surveys of oil tankers,
- = the development of adequate and up-to-date rules and standards,
- = the reduction of accidents caused by human error,
- = a revision of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW), including special qualification requirements for tanker crews,
- = the development of the ability to communicate in a common language on board ships,

- = the reduction of the safety gap between new and existing ships by up-grading and/or phasing-out existing ships, including ferries, built to earlier standards after a reasonable period of operation, paying particular attention to oil tankers not meeting the MARPOL standards which entered into force in 1982,
 - = the promotion of early adoption and full implementation of the IMO's safety management code and ship identification scheme,
 - = the submission, as appropriate, of proposals to the IMO for additional mandatory routing measures applicable to vessels carrying hazardous cargoes in order to protect vulnerable areas,
 - = assurance that environmental considerations are taken explicitly into account in the formulation of its actions,
 - = the mandatory reporting of ships entering an area covered by Vessel Traffic Services (VTS),
2. to ensure more effective application and enforcement of adequate international maritime safety and environment protection standards and to implement the new measures when adopted,
 3. to revise and if necessary improve existing contingency planning and emergency measures at EC and international level, also taking into consideration the best available technologies,
 4. to consider whether and if so how the principles of potential risk assessment developed for other major risks can be applied to the sea transport of freight,
 5. to examine the feasibility of developing a system of penalties and civil liability for environmental pollution,

6. to implement IMO Resolution A.722 (17) on the application of tonnage measurement of ballast spaces in segregated ballast oil tankers,
7. to review uniform requirements for the use of pilotage on approaches to EC ports.

B. URGES THE MEMBER STATES

1. to ratify as soon as possible

= the International Convention on civil liability for oil pollution damage, 1969 (CLC) and the 1971 International Convention on the establishment of an International Fund for Compensation for Oil Pollution Damage, 1971 (FUND) where they have not yet been ratified,

= the protocols to the 1969 Liability Convention and to the 1971 Fund Convention, as agreed upon in 1984 and revised in 1992, and concerning increased compensation amounts,

= the 1989 International Convention on Salvage,

= the 1990 International Convention on Oil Pollution Preparedness, Response and Co-operation,

2. to take into consideration the possibility of establishing an exclusive economic zone, or at least extending the jurisdiction of the coastal State to implement and enforce marine environment protection provisions more effectively.

C. URGES THE MEMBER STATES AND THE COMMISSION, within the framework of the Paris Memorandum on Port State Control,

1. to reinforce port state control through appropriate measures, including the mandatory implementation of agreements reached

under the Paris Memorandum with special emphasis on the control of operational requirements related to the safety of ships, pollution prevention and adequate qualification of the crew,

2. as a matter of priority to develop procedures for targeting ships for priority inspections - including the possibility of publishing the results - and harmonized criteria for detaining substandard ships, irrespective of flag,
3. to promote co-operation with other countries and regions for the implementation and development of similar ship control systems,
4. to convene as soon as possible a Ministerial conference on port state control in order to decide the measures which should be adopted to achieve the objectives of the Memorandum.

D. URGES THE COMMISSION

to present without delay its communication on "A common policy on safe seas", which will comprise a cohesive action programme on priority measures to be taken by the Community and its Member States to enhance maritime safety and pollution prevention, noting that the Commission intends to include initiatives to:

1. establish strict convergent implementation for the whole Community of international rules, in particular on
 - = construction, certification and maintenance of vessels,
 - = the revision of port and transit dues which have the effect of penalizing modern vessels,
 - = the possibility of refusing access to European Community ports to ships found to be below internationally agreed standards and which refuse to be upgraded as required,
 - = a study of the financial liability of owners of hazardous cargoes using substandard ships,

2. promote the cohesive and harmonized development of maritime infrastructure including:
 - = traffic surveillance and aids to navigation, such as the establishment of Vessel Traffic Systems (VTS) and the installation of shore-based radiocommunications facilities to support the "Global Maritime Distress and Safety Systems (GMDSS) as well as additional technical equipment to be installed on board to facilitate control,
 - = the identification of zones of great ecological interest in the Community with regard to the adoption, through the IMO, where necessary of appropriate traffic restrictions, including routing measures and areas to be avoided,
 - = a fuller ship reporting system which may be extended to ships in transit along the coastal waters of the Community, taking into account a possible Electronic Data Interchange Systems (EDI) application,
 - = appropriate measures concerning emergency services, in particular towing and co-ordination of the availability of salvage capacities,
 - = appropriate action for the creation of reception facilities and waste management,
3. establish minimum training requirements and, taking due account of existing Community support instruments, appropriate training programmes, ensuring in particular:
 - = the employment of highly qualified and specifically trained seafarers on board vessels carrying hazardous cargo,
 - = the improvement of vocational training,
4. develop relevant research and development projects, in particular with regard to:

- = the promotion of advanced technological solutions to the problems of maritime safety and the protection of the environment,
 - = safety features for oil tankers, chemical tankers, bulk carriers and passenger ships,
 - = environment-friendly oil tankers, chemical tankers, bulk carriers and passenger ships,
 - = human error in shipping,
5. assess scrapping requirements and facilities for phased-out ships,
 6. submit a revised proposal on the introduction of a Community register (EUROS) also with a view to safety at sea under European flags;

THE COUNCIL

AGREES to examine as soon as possible, both in its composition of Ministers of Transport and of Ministers for the Environment, the Commission communication on "A Common Policy on Safe Seas" at the latest at its meeting in March 1993 with the objective of giving further impetus to decisions as of June 1993".

Bruxelles, le 26 janvier 1993

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**NOTE BIO(93) 13 (suite 1) AUX BUREAUX NATIONAUX
CC. AUX MEMBRES DU SERVICE DU PORTE-PAROLE**

Conseil transports et environnement (Bruno JULIEN + Paula LAISSY)

Après un long débat, le Conseil a adopté à l'unanimité les conclusions qui avaient été préparées par la Présidence en apportant quelques modifications au texte de compromis du COREPER.

Il faut souligner que le texte adopté a précisé dans l'ensemble des options qui sont plus favorables à la défense de l'environnement et à la sauvegarde de la sécurité au niveau du transport que ne le laissait présager le texte initial en envisageant en particulier les mesures à proposer non pas seulement pour les tankers mais également pour les navires transportant des marchandises dangereuses ainsi que pour les ferries. Le texte adopté envisage l'étude de faisabilité d'un système de pénalité et de responsabilité pour la pollution environnementale. Les principales dispositions du texte adopté mettent l'accent sur différents niveaux d'actions qui peuvent être envisagés dans le domaine des transports et de l'environnement, tant au niveau des Etats membres, (directement ou par le biais d'une action concertée et résolue au sein de l'Organisation Maritime Internationale - OMI) qu'au niveau de la Communauté.

- Actions à prendre par les Etats membres au niveau de l'OMI

- . définition d'exigences pour la reconnaissance des sociétés de classification
- . contrôle du fonctionnement des sociétés de classification pour éviter qu'elles ne se fassent les complices des pavillons de complaisance (en accordant son pavillon, tout Etat prend la responsabilité du bateau. Très souvent, l'Etat délègue le contrôle de la sécurité du bateau à une société de classification. Du sérieux de cette société dépend la sécurité du bateau. En outre, des impératifs économiques peuvent conduire une société de classification à agréer des bateaux peu fiables).
- . lignes directrices pour le renforcement des inspections des pétroliers,
- . amélioration du niveau de qualification des équipages,
- . mesures destinées à assurer la capacité de communication entre les membres d'équipages,
- . élimination des bateaux les moins sûrs,
- . notification obligatoire de tout navire pénétrant dans une zone régie par le système de gestion de trafic (VTS).

- Actions à prendre par les Etats membres individuellement

Diverses conventions internationales relatives à la responsabilité en général et en matière d'environnement, à la création d'un fonds d'indemnisation, au sauvetage en mer... ne sont pas encore ratifiées par tous les Etats membres.

En acceptant les conclusions de ce Conseil, les Etats membres ont pris l'engagement de mener à bien les démarches de ratification de ces conventions.

Il s'agit d'un pas important qu'il ne faut pas minimiser, car dans ce domaine comme dans d'autres (application convention OMI par exemple), la sécurité a plus à gagner d'une meilleure application des mesures existantes que de la mise au point de nouvelles mesures.

- Actions à prendre par les Etats membres et la Commission dans le cadre du Memorandum de Paris sur le contrôle de l'Etat du port

Le Memorandum de Paris signé par tous les Etats membres (sauf Luxembourg qui n'a pas de port) prévoit des contrôles de la sécurité des bateaux qui entrent dans les ports des Etats signataires. Au besoin, un bateau présentant de graves déficiences devra être réparé avant de pouvoir reprendre la mer.

En se ralliant aux conclusions présentées aujourd'hui, les Etats membres ont pris l'engagement de renforcer et d'étendre ces contrôles et de convoquer pour ce faire une Conférence Ministérielle.

- Actions futures des Etats membres dans le cadre de la Communauté

La Commission élaborera sans tarder sa communication sur la sécurité maritime, qui sera présentée oralement lors du Conseil Transports de mars.

Les Conseils transports et environnement à venir s'en saisiront d'abord pour débattre des actions à prendre, ensuite pour en décider.

En conclusion des débats, le Commissaire Paleokrassas a souligné le fait que dans la perspective du débat sur la subsidiarité, le débat du Conseil avait prouvé qu'en matière d'environnement, il était clair de que nombreuses mesures pouvaient être décidées au niveau communautaire même si elles pouvaient être complétées aux niveaux nationaux et internationaux.

Dans le domaine de la responsabilité évoqué par le Conseil, le Commissaire a fait part de son engagement à soutenir la finalisation d'un Livre Vert en Commission sur ce thème dans les prochaines semaines en vue de son adoption pour débat lors du prochain Conseil environnement. Les Etats membres ont été invités à proposer prochainement la délimitation de zones écologiques sensibles dans lesquelles des mesures pourront être prises pour la réglementation du trafic maritime.

A la proposition de quelques Etats membres de créer une taxe sur les transports de marchandises dangereuses ou de pétrole pour financer des actions d'indemnisation en cas d'accidents, M. Paleokrassas a indiqué qu'il s'agissait d'une très bonne proposition mais qu'elle devait être examinée avec prudence en rappelant les débats actuels sur les écotaxes et l'implication des Ministres des finances.

En conclusion, le Commissaire a estimé que le débat et les décisions reflétaient parfaitement les perspectives du cinquième programme environnement et illustre l'intégration de la dimension environnementale dans la politique des transports.

M. Matutes, Commissaire chargé des Transports, a noté que les orientations données par le Conseil étaient plus ambitieuses que celles auxquelles l'on pouvait s'attendre au départ, ceci démontrant que les Etats membres étaient capables de réagir à la demande de l'opinion publique.

M. Matutes a ainsi annoncé une série de mesures que la Commission envisage de prendre pendant l'année 1993, espérant qu'elles seront retenues par le Conseil. Ces mesures se classeraient en deux volets:

- Normes de sécurité - Création de normes communes exigeant les mêmes spécifications techniques.
- Facteur humain - Mesures visant à élever le niveau de formation professionnelle des équipages. Comme l'a souligné le Commissaire, l'erreur humaine serait la cause de près de 60% des accidents maritimes.



Amitiés,
Bruno DETHOMAS

