



KIMO RESOLUTION 1/03

Presented by KIMO International Secretariat

SINGLE EUROPEAN UNION DIRECTIVE ON MARITIME SAFETY AND OIL POLLUTION

Background

On the 23rd of March 1989 the Tanker *Exxon Valdez* ran aground on Blight reef in Prince William Sound spilling 48,600,000 litres of crude oil into the sea. This was the biggest environmental disaster in US history and attracted huge media coverage. There was a huge public outcry and demand for action forcing the US administration to launch an immediate review of their legislation on maritime safety and oil pollution. The result was the Oil Pollution Act of 1990 (OPA 90), which was signed into US law on the 18th of August that year, only 16 months after the Exxon Valdez had run aground. Since that time the volume of oil spilt in US waters has reduced from an average of 13,230,000 litres per year to an average of 756,000 litres per year, a fall of 95%¹ and there have been no major maritime pollution incidents.

The reason for the success of the OPA 90 was highlighted in a recent OCIMF report¹ that stated, “OPA 90 has worked because it provides a comprehensive legislative package that addresses all of the issues and because it is rigorously enforced.”

On the 5th January 1993 the Tanker *Braer* lost power and ran aground on the Shetland Islands, UK releasing 84,700 tonnes of Norwegian Gulfaks crude oil into the Sea. Only due to the extreme weather conditions and the light nature of the crude oil, resulting in the natural break up and evaporation, was a major ecological disaster avoided. This should have served as a warning to the EU that action needed to be taken on maritime safety however even after the Donaldson Enquiry published its results no action was taken at a EU level.

It was not until the oil tanker *Erika* sank 40 miles off the coast of Brittany, on the 12th of December 1999, releasing more than 10,000 tonnes of heavy fuel oil that Commission took action. This ecological disaster was far greater than that of the Braer due to the heavy and persistent nature of the oil spilt and intense press coverage and public outrage lead to two packages of measures being developed, Erika I and Erika II. However, unlike the US OPA 90, the packages were not rapidly transposed into national law in fact, by the 23rd of July 2003, only 5 EU countries had transposed both of the Directives relating to the Erika I package.

¹ The Us Oil pollution Act of 1990 – Why has it been so successful at reducing spills?, Oil Companies International Marine Forum, www.ocimf.com

As a result, on the 13th November 2002, the oil tanker *Prestige* broke in two off Galicia in Spain releasing a considerable amount of the 70,000 tonnes of heavy fuel oil onboard. Loyola de Palacio EU Vice-President for transport and energy recently stated that "*We could have avoided the Prestige oil spill had these measures (Erika I) been brought into force earlier as the Commission had originally proposed*".

In addition to the *Prestige*, *Braer* and *Erika* disasters there have been major incidents involving the *Sea Empress*, *Baltic Carrier*, *Tricolour* and *Pallas* to name a few. These incidents have been allowed to happen due to the late introduction of watered down legislation that has been implemented in a piecemeal reactionary fashion.

Therefore KIMO, in recognition of the clear need to improve EU maritime pollution legislation, and having regard to KIMO Resolutions 2/94, 4/94 (amended 96), 1/98 and 7/01:

Urges:

- 1. the European Commission to condense all existing and proposed legislation on maritime safety into a concise and comprehensive single Directive with a minimum standard equal to that of the US OPA 90 (including all-risks insurance) and where appropriate incorporating more stringent requirements.**
- 2. the European Commission to implement a regulation to strengthen the remit of the European Maritime Safety Agency to allow it to intervene in any maritime incident where transfrontier pollution is likely to occur. Furthermore it should be given the power and means to requisition any vessel or equipment from any Member State that it deems necessary to resolve the situation.**
- 3. European Union Member States to ratify the Hazardous and Noxious Substances² and Bunker Oil Conventions³ at the earliest opportunity.**

KIMO members:

Agree to submit this Resolution to all National Governments, the European Commission and other relevant organisations.

**This Resolution was agreed unanimously by Delegates at the 13th KIMO International Annual General Meeting in Nymindegab, Blaabyerg Municipality, Denmark on October 5th 2003 and became KIMO policy upon that date.*

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² 1996 International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea.

³ 2001 International Convention on Civil Liability for Bunker Oil Pollution Damage.