Parliamentary Assembly
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**Resolution 1229 (2000)**[1]

# Accidents causing damage to the environment

Parliamentary Assembly

1. The Assembly reaffirms the need for policies of prevention and remediation of accidents to the environment, based on a coherent set of objectives for the Greater Europe. This need was dramatically illustrated by four disastrous accidents which occurred within the three-month period from mid-December 1999 to mid-March 2000:

1.1. on 12 December 1999, the 25-year-old Maltese-registered single-hull oil tanker Erika, chartered by Total Fina, broke in two off the coast of Brittany in France, spilling between 10 and 15 000 tonnes of heavy fuel oil, thereby polluting about 400 kilometres of Europe's coastline, and causing severe damage to fauna, flora, fisheries and tourism – with implications also for public health;

1.2. on 29 December 1999, the 25-year-old Russian tanker Volgoneft 248, also carrying heavy fuel oil and restricted in principle to fair-weather seasonal trading, ran aground in bad weather and broke up off the coast near Istanbul, spilling 1 300 tonnes of its cargo in the already seriously polluted Sea of Marmara;

1.3. on 30 January 2000 in north-west Romania a dam burst, releasing 100 000 cubic metres of waste water contaminated with cyanide from the Baia Mare Aurul gold mine into the Lapus and Somes tributaries of the river Tisza, a tributary of the Danube;

1.4. on 10 March 2000 in north-west Romania, sludge with high concentrations of heavy metals (in particular lead and zinc) was discharged from the sedimentation pond of a non-operating mine in Baia Borse into the river Visheu, also a tributary of the Danube.

As a consequence of the river pollution caused by the above-mentioned accidents, the entire local economy which is based on fisheries and water resource agricultural management has been ruined.

2. The Assembly applauds the immediate and spontaneous mobilisation of public opinion and voluntary efforts which followed the Erika accident, together with the reports of the inquiry commissions of the French National Assembly and Senate and takes note of the proposals quickly brought forward by the European Commission (European Union) for the introduction of:

2.1. directives and a regulation on enforcement of existing international standards by port authorities and classification societies, and on the accelerated phasing-in of double-hull oil tankers;

2.2. greater transparency in the shipping industry in order that no charterer, insurer, financier, etc. of a sub-standard ship will in future be able to claim not to have known about its poor condition;

2.3. improved surveillance of potentially dangerous ships;

2.4. measures to ensure that the volume of sub-standard shipping under the flags of member states of the European Union does not increase with the accession of any state, especially Malta and Cyprus, which now have, respectively, the fourth and fifth largest fleets in the world;

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1. Assembly debate on 29 September 2000 (32nd Sitting) (see Doc. 8760, report of the Committee on the Environment, Regional Planning and Local Authorities, rapporteur: Sir Sydney Chapman and Doc. 8839, opinion of the Committee on Agriculture, Rural Development and Food, rapporteur: Mr Goulet). Text adopted by the Assembly on 29 September 2000 (32ndSitting).

2.5. the establishment of a European maritime safety agency, or "coastguard", with the mission of enforcing effective safety inspections;

2.6. the raising of ceilings for levels of compensation under the existing international oil pollution liability and compensation regime, which has hitherto functioned satisfactorily, but which now needs to be made to respond more promptly to the needs of victims whilst incorporating stronger incentives against the use of sub-standard ships.

3. The Assembly welcomes the co-operation between the public authorities and Governments of Romania and Hungary which was established immediately after the accidents in north-west Romania and which has since been pursued on specific issues. It agrees with the White Paper on Environmental Liability of the European Commission (European Union), issued on 9 February 2000, in which accession by the European Community to the Council of Europe's Convention on Civil Liability for Damage Resulting from Activities Dangerous to the Environment (Lugano 1993) is presented as a possible move in the interests of the Greater Europe which would be complementary to the drawing-up of a framework directive, yet notes that Romania is among the many states which have still not signed the Council of Europe's convention.

4. The Assembly reaffirms its view (Recommendation 1431 (1999)) that liability under law, financially guaranteed, for damage to the environment – to property, persons, their economic livelihoods and to the shared public assets represented by natural resources and bio-diversity – will provide incentives for safer and cleaner industrial operations and transportation and is thus among the essential means of preventing future accidents. It reaffirms in this respect the pertinence of the principle that "the polluter pays" and the need to apply it and, with this in view, clearly and distinctly to establish the responsibilities of all the parties involved.

5. The Assembly reaffirms its view (Recommendation 1330 (1997)) that rehabilitation of the ecological systems of the Black Sea and the Danube basin remains a matter of vital common European interest, especially as:

5.1. the Black Sea – of which the six littoral states are members of the Council of Europe, with three applying to join the European Union – is assessed as 90% biologically dead, the Danube being the source of 80% of its pollution;

5.2. the future of the Mediterranean, linked through the Sea of Marmara, is at risk;

5.3. an effective response will have positive implications for the remediation of intensely polluted marine environments in the far north of Europe.

6. The Assembly notes that the excessive use of the Black Sea, especially for the transport of oil and other hazardous materials, could further worsen the already delicate situation of biological diversity of the Black Sea.

7. Recalling its long-established position on "North-South relations" and its vocation to protect everyone's rights in the Greater Europe, the Assembly considers that regions and areas where higher environmental standards prevail must not be under pressure to lower them:

7.1. accordingly, with regard to moves for enforcing international standards in shipping and for the phasing-in of double-hull oil tankers, care must be taken not to drive sub-standard ships to the oceans of the poorest and most vulnerable countries, a fortiori to the waters of countries which are recognised as candidates for accession to the European Union or their neighbours;

7.2. the International Maritime Organisation (IMO), being the natural forum in which all Member states of the Council of Europe participate, should voice a common interest in raising international shipping safety and pollution-prevention standards, and for reaching agreement on specific measures and on time-tables for introducing them;

7.3. nevertheless, the Assembly rejects the view of the Oil Companies International Marine Forum (OCIMF) that an additional European "third tier" of funding for prompt compensation of victims of oil pollution in European waters would destabilise the current international oil pollution liability and compensation regime. This is a proposal which it strongly endorses.

8. The Assembly notes with interest the forthcoming report of the Committee on Economic Affairs and Development on the financing of safety measures connected with the nuclear industries.

9. Accordingly, the Assembly:

9.1. calls on the governments of member states of the Council of Europe to express, within the frame of the International Maritime Organisation (IMO), a concerted position on the European Union's proposals for improving the safety of oil shipping, particularly:

*a.* by modifying the international regulations in force, in particular by raising compensation limits, drawing on the criteria applied in the United States (Oil Pollution Act), which take account of damage caused to the environment;

*b.* by reviewing the operation of the International Oil Pollution Compensation (IOPC) Fund, in particular with regard to its concept of "reparable damage";

*c.* by supporting the development of the Equasis (European Quality Shipping Information System) programme, a harmonised and computerised safety-related shipping monitoring and information system;

*d.* by providing training in maritime safety in maritime training establishments and by setting up a European training centre in this field, with responsibility for training inspectors and staff who may be called upon in the event of an accident in any member state;

*e.* by requiring ship-owners and charterers to declare the exact nature of hydrocarbons or chemical or toxic substances transported and to submit a sample;

9.2. stresses the need for an international control of the activities of vessels in international waters, including a strict control, by the means of Earth observation satellites, on the deliberate spilling of polluting substances in the sea;

9.3. recalls in particular the opportunities offered by the EUR-OPA Major Hazards Agreement of the Council of Europe, which is a suitable platform for co-operation between Eastern Europe, the South of the Mediterranean basin and Western Europe in the field of major natural and technological disasters;

9.4. calls on the governments of member states of the Council of Europe to make efforts to conclude and implement bilateral and multilateral agreements aimed at ensuring the appropriate compensation to parties who have suffered from accidents causing damage to the environment;

9.5. calls on the European Union:

*a.* to exhaust all possible means of seeking consensus within the frame of the IMO before pressing ahead with its own proposals for an accelerated timetable for the phasing-in of double-hull oil tankers and limitation of access to European waters; and

*b.* to develop, in the interests of the Greater Europe, the option of its accession to the Council of Europe's Lugano Convention on civil liability for environmental damage;

9.6. calls on all the governments of member states of the Council of Europe which are candidates for accession to the European Union to sign and ratify the Council of Europe's Lugano Convention on civil liability for environmental damage, with a view to preparing their alignment on the acquis communautaire of the European Union;

9.7. invites the Government and Parliament of Romania, having regard also to the reply of the Committee of Ministers to Assembly Recommendation 1330 (1997), to re-activate under the Stability Pact for Southeastern Europe discussions between riparian states on the draft European Charter for the Danube Basin.