Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 1439 (2005)[1]

Sea pollution

Parliamentary Assembly

1. The Parliamentary Assembly recalls that Europe has experienced several maritime disasters in recent years which had very severe effects on the environment. Two of the most dramatic incidents were the sinking of the Erika, in December 1999, off the coast of Brittany (France) and the Prestige accident in November 2002 off the shores of Galicia (Spain), both of which caused very substantial pollution of the sea and coastline through oil spills.

2. It has been deeply touched by the hardships endured by the local communities concerned and the spontaneous drive of solidarity shown by citizens who came to their aid. It notes that action plans do not provide for adequate resources to remedy the social and environmental consequences of such catastrophes.

3. The Assembly deplores the enormous economic, social and environmental costs of accidental sea pollution and believes that the compensation provided for by the International Oil Pollution Compensation Funds (IOPC Funds) and national compensation systems is still far from covering those costs in full (despite the reform adopted by the International Maritime Organization (IMO) on 16 May 2003 which has brought the IOPC Funds compensation ceiling to approximately US$1).

4. The Assembly had put forward concrete proposals for improving the safety of maritime oil shipping following the Erika accident (Resolution 1229 (2000) on accidents causing damage to the environment). Following the sinking of the Prestige, its Resolution 1317 (2003) on marine pollution reiterated the measures required to effectively protect Europe's maritime area.

5. It regrets that the measures it had proposed, as well as those recommended by the European Union and numerous international organisations competent in this field, have not been fully implemented in order to substantially reduce the risks of accidental sea pollution, particularly off European coasts.

6. It welcomes the setting up of the European Maritime Safety Agency (EMSA) and wishes this body to become a leading player in the prevention of ecological damage inflicted on the marine environment by human activity. It is also satisfied to see that the European Union is developing a strategy for the protection of the marine environment.

7. The Assembly recalls that the waters of western Europe and the Baltic Sea are particularly sensitive sea areas requiring special protection owing to their vulnerability to the consequences of shipping and related activities. Therefore coastal states should be able to control the passage of ships more strictly, and single-hull oil tankers should be forbidden.

8. It points out that, in addition to the effects of accidental sea pollution, there is the far more substantial impact of deliberate pollution caused by discharges of oil waste and flushing of ballast tanks, which can now be detected but remains common practice, despite the existing legal ban and related penalties.

9. It notes that, while there are serious malfunctions in the application of European Community and international regulations, Europe is facing grave dangers of marine pollution, particularly in semi-enclosed seas.

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1. Assembly debate on 29 April 2005 (16th Sitting) (see Doc. 10485, report of the Committee on the Environment, Agriculture and Local and Regional Affairs, rapporteur : Mr Lengagne). Text adopted by the Assembly on 29 April 2005 (16th Sitting).

10. Consequently, the Assembly invites the governments of member states to fully apply existing international regulations in the area of maritime shipping and in particular to :

adopt the necessary measures to receive ships in distress in their territorial waters, provide places of refuge and draw up appropriate action plans ;

ensure the building of specific port facilities for receiving ship-generated waste and cargo residues and draw up plans for processing such waste ;

ensure improved training for seafarers in order to reduce the risks of maritime accidents, 80% of which are caused by human error.

11. The Assembly invites European Union member countries in particular to fully transpose all the measures recommended under the “Erika I” and “Erika II” packages and non-European Union members to draw on those measures to improve their domestic legislation.

12. It also invites the member states of the Council of Europe to :

introduce or develop coastguard services for the tasks of maritime safety and port security and also of protection of the marine environment ;

ensure that any offshore oil exploitation complies with the most stringent operating regulations to minimise the risk of accidental pollution ;

encourage the transport of oil via pipelines wherever possible ;

develop surveillance systems for discharges of oil waste and flushing of ballast tanks, including satellite monitoring, air surveillance of coasts, port checks, etc. ;

provide for effective, proportionate and dissuasive penalties for those responsible for any sea pollution, including the possibility of prison sentences in cases of deliberate pollution ;

draw up a register of the natural resources (fauna and flora) and economic resources (fishing, tourism, etc.) of coastal areas in order to have a prior inventory for assessing damage caused by an oil slick ;

sign and/or ratify the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea (HNS) and the Council of Europe Convention on the Protection of the Environment through Criminal Law (ETS No. 172) ;

work towards setting up an international maritime criminal court.

13. The Assembly invites the governments of member states to consult and agree on a common position within the IMO with the aim of :

empowering that body to monitor the application of its international conventions, by carrying out audits of member states’ services responsible for monitoring compliance with maritime regulations ;

introducing regulations enabling a state which has suffered damage from ship-based pollution to demand reparation from the state whose flag the ship flies, where it is established that the damage is linked to the flag state’s failure to exercise appropriate control of the vessel concerned ;

extending the possibilities of engaging the civil liability of the shipowner, the charterer, the classification society or the flag state in the event of ship-based pollution ;

reforming the IOPC Funds so that the victims of maritime disasters receive rapid and satisfactory compensation.

14. The Assembly invites the European Union to ensure that the EMSA is given the resources it needs to work effectively against sea pollution and proposes that the agency co-ordinate national coastguard services, particularly their surveillance and monitoring of vessels that constitute a potential danger to the environment.