



*European Communities
Commission
Background Report*

20 Kensington Palace Gardens
London W8 4QQ
Telephone: 01-727 8090

ISEC/B47/78

June 28, 1978

NEW EEC PROPOSALS TO COMBAT OIL POLLUTION AT SEA

The stranding of the Eleni V off the Norfolk coast, and of the Amoco Cadiz on the rocks of Brittany, showed that neither individual governments, nor the present array of international regulations, can be effective in preventing oil spills, or in dealing with them when they occur.

But plans for collective action by EEC governments, already formulated by the EEC Commission last year, before either of these incidents took place, could provide some of the remedies.

One of the first steps proposed by the EEC Commission to the Council of Ministers would be a census on a Community-wide basis of all specialist teams, vessels, equipment, chemicals etc available for dispersing oil slicks at sea, in shallow waters or on beaches and of the towing arrangements needed for tankers in difficulties.

Scale of the problem

There were 642 oil spills around Britain's coasts last year. The press has recently reported a near-miss for the biggest tanker disaster ever, in the Dover Straits. The EEC, in the interests of fish, fishermen and holiday makers has just published a study of the reasons why and of the ways in which the number of incidents could be cut.

Part of the problem for Britain arises from the growing number of tankers - including VLCCs (Very Large Crude Carriers) - using the English Channel and North Sea on their ways to refineries in Britain and the continent. Yet efforts by the U.N. Agency IMCO (the International Maritime Consultative Organisation) to oblige shipping, including tankers, to use safety lanes, have been resisted. Shippers like to hug the coastline and cut corners to save costs, and navigating can be easier close to land. Only after the Amoco Cadiz incident did IMCO's Committee on Maritime Safety feel able to move the shipping lanes in the Channel further away from the Brittany coast.

*** Note: Background reports are intended as non-copyright ready-reference material on topics of current interest concerning the European Community. An index will be provided periodically so anyone receiving the reports can refer to each number more easily.

Moreover, even when traffic rules have been established, the countries with most at stake - in this case Britain and France, stand little chance of enforcing them. Vessels on the high seas are not obliged to disclose their whereabouts to a control centre, and are free, if they care to take the risk, to flout the regulations. Nor can they be compelled to alter course unless they are actually within the territorial waters of the state concerned.

Only if an incident has already occurred and is causing or is liable to cause oil pollution can a threatened state take action on the high seas to prevent it, and even then it must, except in an emergency, consult the state under whose flag the ship is sailing before taking action.

No doubt it would be desirable in some ways if control over the movements of ships including tankers were to be extended beyond territorial waters out to the limits of the 200 mile economic zone claimed by each coastal state, but, as the EEC Commission study points out, a number of countries participating in the UN Law of the Sea Conference believe that this extension could prove a hazard to freedom of navigation on the high seas.

In a more restricted sphere, eight North Sea countries have agreed that all vessels using their ports should maintain agreed standards covering the minimum ages of the crew, food and accommodation, certificates of competence, and medical care, and the EEC Commission, as such, plans to adopt the terms.

Meanwhile the problem of improving the aids to navigation to be carried by tankers, and of training the crews to use them has not been solved, mainly because the international agreements prescribing the requirements for installation and inspection of equipment and for the construction and stability factors have not secured the minimum number of ratifications needed to bring them into force. One of the causes of the wreck of the Amoco Cadiz, namely the lack of duplicated steering gear, would, it appears have been avoided if these protocols had been in force.

However ratification by itself is no guarantee that the provisions of the agreement will be enforced. Ships flying flags of convenience might well be granted certificates of convenience. Nor would it always be possible for flag states to verify that the necessary standards were being maintained.

EEC view on international agreements

The Commission believes, nevertheless that there should now be simultaneous ratification by all EEC members on a Community basis of the existing international agreements concerned with oil pollution, but with reservations declared in cases where the arrangements for control and enforcement are considered to be inadequate.

The Community as such should also accede to the regional agreements already made to deal with pollution in the North Sea and Mediterranean. Furthermore, as part of a united front, all EEC members should maintain territorial sea limits at 12 miles, removing the anomaly where some still have only three.

Practical action

However, in addition to proposals dealing with the prevention of oil pollution, the EEC study suggests practical methods to be used for methods for speedy detection and action when dealing with oil spillages which have actually occurred either accidentally or deliberately. These matters are also covered by international conventions which are either not yet in force or are inadequate for coping with large oil slicks.

At present no action can be taken against a rogue tanker until after it has discharged its oil into the sea, and then only if the oil has been noticed and its connection with the ship could be established in a court of law. Once the suspect has left the territorial waters of the polluted state, there is very little chance of getting a conviction. Prosecution remains in the hands of the flag state, and many of these have passed laws permitting only small maximum fines - so small that tanker masters may find it cheaper to pay them than to remain in port cleaning tanks with equipment especially provided there for the purpose.

Here the EEC hopes to work through IMCO to allow the state that detects the pollution to prosecute the offender and to establish a kind of interpol along the lines of the system of international cooperation used in the Civil Aviation Organisation.

The EEC study also suggests a specific programme for dealing with accidental oil pollution threatened or caused by collision, shipwreck, or as happened in the Ekofisk Field last year, a blow-out. These include a census of specialist teams, vessels, equipment and chemicals available for dispersing oil slicks at sea, in shallow waters and on beaches. A similar census would be made of the structure and potential hazards to be expected from tankers using European ports.

This would allow the necessary action squads to be set up, equipped and regionally allocated with towage facilities under international control if necessary.

The EEC Commission would favour tanker captains being obliged to report their positions regularly, to allow emergencies to be dealt with as speedily as possible; the Commission's view is that the captain should not be the sole judge of whether his ship needs a pilot or a tow. The Commission also calls for an increased ceiling for compensation to cover not only the cost of cleaning-up polluted beaches - at present limited to 30 million dollars - but also compensation to fishermen, hoteliers and others who have suffered from the consequences of oil pollution.

New Research

Finally the Commission proposes a wide ranging research programme. Instruments which oil companies use when prospecting to detect small traces of hydrocarbons in the air would also help to detect oil spillage. Methods for combatting oil pollution, about which there is some disagreement between maritime powers, need investigation.

At the time of the Ekofisk blow-out, the Norwegians argued that less damage would be done to fish stocks if the oil were left sitting atop the water to disperse naturally, whereas the British favour sinking the oil with detergents partly to reduce the number of sea-bird casualties. The pros and cons of burning up the oil, skimming it off or getting microbes to decompose it also need to be looked into.

The EEC Commission has asked the Council of Ministers to approve their proposals within nine months.