

EUROPEAN ECONOMIC AREA
STANDING COMMITTEE
OF THE EFTA STATES

2/00/W/063
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Brussels

SUBCOMMITTEE II ON
FREE MOVEMENT OF CAPITAL AND SERVICES

EFTA COMMENT ON THE COMMISSION COMMUNICATION ON THE
SAFETY OF THE SEABORNE OIL TRADE
COM (2000) 142 final, of 21.03.2000

EXECUTIVE SUMMARY

The EFTA EEA States welcome and appreciate that the European Commission has proposed measures to enhance safety and prevent pollution in maritime transport.

The EFTA EEA States generally can support most of the proposed measures to improve the Port State Control. (Council Directive 95/21/EC). However, some aspects to it should be further considered as to their cost-effectiveness.

The EFTA EEA States consider improved procedures and obligations for classification societies to be a major requirement for enhanced maritime safety. Consequently, they welcome the proposed measures for amendments to Council Directive 94/57/EC.

The EFTA EEA States consider it questionable whether the proposed measures to accelerate the phasing in of double hull or equivalent design requirements for single hull oil tankers would actually be a cost-effective means of improving maritime safety in the present context. Furthermore, they consider that proposed measures such as this should rather be channelled through the International Maritime Organisation. However, they could support an amendment of the MARPOL Convention to include oil tankers and product carriers below the present weight limits.

As to the suggestions for future measures, the EFTA EEA States would welcome proposals for improving the existing regime on compensating damage caused by oil spills, provided such proposals are channelled through the IMO.

The EFTA EEA States would welcome opportunities to contribute to the further developments of the Commission proposals and would appreciate being kept informed on the progress of the legislative proposals.

I GENERAL COMMENTS

1. The EFTA EEA States welcome and appreciate that the European Commission has proposed measures to enhance safety and prevent pollution in maritime transport, and would accordingly like to offer some comments and suggestions regarding the various proposals for immediate legislative measures and the proposals for future measures.
2. The EFTA EEA States find that the information in Part I provide a clear presentation of the situation of oil transports. It is, however, difficult to find basis in the analysis and statistics presented therein for a solely age-based accelerated phasing-out of the single hull vessels. Admittedly, however, these statistics do indicate a need for increased and improved inspections and maintenance schemes, in particular for vessels in the group where the rate of loss is the highest.
3. The EFTA EEA States agree, as stated on page 16 in the Communication, that the Enhanced Survey Programme has had a significant effect in reducing losses and incidents causing pollution. This clearly demonstrates the effects of effective inspections and maintenance. The EFTA EEA States also agree that double hull tankers need special attention with regard to maintenance and inspection of ballast spaces.

II PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING COUNCIL DIRECTIVE 95/21/EC, CONCERNING PORT STATE CONTROL

4. The EFTA EEA States welcome a proposal to improve the enforcement of Port State Control, and they can support most of the proposed amendments.
5. The proposal for an amendment of Article 7 would, however, have quite considerable economic and practical consequences for the port states. It is also questionable whether this proposal would have the expected effect, as the expanded inspection only to a little extent will concern the structural condition of vessels. Consequently, the cost-effectiveness of this measure should be further considered.

III PROPOSAL FOR A DIRECTIVE, AMENDING COUNCIL DIRECTIVE 94/57/EC ON COMMON RULES AND STANDARDS FOR SHIP INSPECTION AND SURVEY ORGANISATIONS AND FOR THE RELEVANT ACTIVITIES OF MARITIME ADMINISTRATIONS.

6. The EFTA EEA States appreciate the proposal to improve the directive on the work of classification societies, and they particularly support the proposal concerning additional control and information in cases of transfer of class. In addition, the EFTA EEA states can support the proposal concerning improvement on the establishment of the working relationship between the Member States and the organisations authorised to work on their behalf, more precisely the financial liability of the classification societies.
7. The EFTA EEA States consider improved procedures and obligations for classification societies to be a major requirement for enhanced maritime safety.

IV PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE ACCELERATED PHASING-IN OF DOUBLE HULL OR EQUIVALENT DESIGN REQUIREMENTS FOR SINGLE HULL OIL TANKERS.

8. The proposal appears to assume that double hull vessels are always safer than single hull vessels, due to their construction, and that the condition and quality of vessels are inversely proportional with age.
9. Double hull vessels will be a better design, in relation to some types of accidents, such as groundings or collisions. In accidents, like the ERIKA disaster, where structural weakness caused by corrosion and lack of maintenance are main causes, it will be of little importance whether the vessel has single or double hull. Age itself can not be a decisive criterion for judging the seaworthiness of a tanker. The focus should rather be on inspections and maintenance. Improved maintenance, combined with more effective inspections, is far more cost-effective as to the prevention of accidents like the ERIKA disaster, compared to the proposal of accelerated phasing-out of single hull vessels.
10. An accelerated phasing-out of single hull vessels would have serious economic consequences for the maritime industry, in particular for the investments of the shipping companies. The proposed regulation would force the owners of single-hull tankers to scrap vessels and write off investments. Such costs of the proposed measures are considered to be much higher than the expected environmental gains.
11. The EFTA EEA States could, however, support a proposal to amend the MARPOL Convention to include crude oil tankers and product carriers in size range 600-20 000/30 000 dwt. Such an amendment would also, generally, be considered as an improvement of the Convention.
12. The EFTA EEA States emphasise the need for arriving at international solutions in this matter, taking into account that shipping is a truly global industry. The EFTA EEA States consider that environmental problems in the international maritime industry should first and foremost be addressed and solved within the context of the International Maritime Organisation, by adopting amendments in MARPOL 73/78. Measures taken on a regional basis would undermine the work and status of the IMO. Accordingly, the EFTA EEA States recommend that proposals on this matter should be channelled through the IMO. If and when the MARPOL 73/78 is changed, the EFTA EEA States would welcome a harmonisation of implementation within the EEA of a revised MARPOL Convention.
13. All the EEA States concerned are contracting parties to the MARPOL Convention, and accordingly bound by the obligations of that Convention. It is doubtful, in terms of international law, whether some contracting states may adopt rules, derogating from the MARPOL 73/78, that will also affect vessels from other contracting states. It is, furthermore, questionable whether it is sufficient, according to the Convention of the Law of the Sea Article 211, only to notify the IMO about an accelerated phasing-out of single hull vessels.

V PROPOSALS FOR FUTURE MEASURES

14. As for the future measures, the EFTA EEA States welcome a proposal for improvements to the existing regime on compensating damage caused by oil spills. However, the EFTA EEA States consider that any initiatives by the EU, with regard to the system of maritime liability, should be taken at an international level through the IMO in order to preserve the global scope of the regime.

15. The EFTA EEA States would appreciate the opportunity to participate in the appropriate forums on the further development of the Commission proposals, and would, furthermore, appreciate being kept informed on the progress of the legislative proposals.

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