

## **Seine river carriage developments and prevention of accidental pollutions: Is there a need for improvement?**

### **Introduction**

Hopefully, the industry may expect that P&I correspondent would be less and less involved in oil pollution cases.

The entire shipping community has during the last twenty years strongly focussed on this problem and improvements in many respects have been achieved. The next phase might be the development of regional antipollution response plans, in which public and private entities would be fully cooperating. This is another issue which would not be purpose of this presentation even if to a certain extent, it would be a related matter.

However, the war against accidental pollution is still not over and our duty is to ensure that all of us remain awake and aware that a major pollution may happen at any time and be ready.

Most of the accidental ship pollutions occur during commercial operations. The extent of these pollutions is generally quickly minimised, mainly due to an excellent preparation from both sides, ie the shore terminal and the vessel.

However, if some satisfaction can be drawn from this improvement, we need to remain aware of other sources of pollutions which may again give an unacceptable negative image of the shipping business.

Two casualties which occurred on the river Seine can be remembered.

The collision which took place on the 23<sup>rd</sup> of June 1987 between the VITORIA and the FUYOH MARU at Aizier on the river Seine.

Whilst the Vitoria was on her ballast leg from Rouen to Le Havre, she entered into collision with the tanker FUYOH MARU, fully loaded with kerosene. As a result of the collision, an explosion on board the Japanese vessel occurred. 4 seamen plus the French pilots lost their lives during this drama, and 22 seamen were fortunately enough saved. Although the oil spill as a result of the collision was less than 15 tons, the anti-pollution works were difficult to perform. The response organisation involved equipment and craft from the oil terminal, the port of Rouen and the firemen brigade.

The second casualty is the KATJA on 7 August 1997 at 00 h 20. Although the spill did not exceed a quantity of 187 CBM of fuel N°2, the measures taken to minimise the pollution were not only fastidious but highly expensive. In addition to the fog which caused some worries, the ebb tides played a quite substantial contributory negative role in respect of this pollution.

It is certain that the interest which was brought to these two events at the material time would not at all be the same if a similar event occurs in 2009 on the river Seine.

However, the purpose of this presentation is not straightforwardly to reply to this question.

The target is to evaluate if there is any need for improvement of the measures dedicated to minimize or prevent pollution on the river Seine?

During the last ten years in France, the inland water/river carriage of all types of goods has increased due to mainly the increase of oil prices as well as attractive logistical tariffs. The crucial issue with this new development of the inland water/river carriages promoted as one of the most environment-friendly modes of carriage is the increase of the risk of a major pollution. The point is that if a major pollution takes place, this will have a negative impact on all the industry, including its shipping arm.

### **I – The River Seine : Elements of a potential increase of the pollution risk**

One of the factors increasing the danger of an accident which may lead to pollution is the multiplicity of the types of ships transiting the river Seine.

Due to the number of ports located on the river Seine, a very large variety of cargoes can be found being transported on the river. The risk of pollution is not limited to oil substances but also encompasses any other types of products, such as HNS substances. Additionally and even if not quite politically correct, one should accept that two different communities coexist: the sailors and the boatmen. These two worlds are not subject to the same works constraints, economical environment or regulations.

a) The gradual increase of the activity between the various ports located on the river Seine:

At a macro economic level, the increase of the carriage activity on the river Seine over the last 15 years can be considered as the result of the substantial increase of international trade. However, at a micro economic level, the following elements need to be taken into account:

- The steady activity of the commercial ports located over the Seine.

Usually, people ignore that in France and especially on the river Seine, the administrative limits of the Sea subject to some French administrative law technicalities end in Rouen, which is located at about NM from the Channel.

- Le Havre

Although Le Havre should be more perceived as “a door” opened to international trades, its growing influence in respect of the Seine traffic cannot be ignored.

Nowadays, Le Havre tends to become the first door of the Ports located upriver on the Seine.

- Ports of Rouen

Although Rouen is traditionally considered as a grain port, it has also been able over the last 15 years to develop other trades including oil, chemical products and other type of harmful cargoes. Additionally, specific river traffics have been developed between Rouen and the Ports of Paris, especially Gennevilliers.

- Ports of Paris

In fact, Ports of Paris have over the last ten years benefitted from the development of multimodal transports. Thanks to the stronger emphasis on the environment, the future project of “Seine Nord”

and the taxation on CO2 intensive modes of transport, Ports of Paris will probably see its traffic growing rapidly.

As result of this activity and the variety of actors, one may consider that safety of navigation on the Seine may impose a more global approach. However, this global approach cannot relieve the various local Port Authorities of their current existing obligations and liabilities. On the contrary, the suggestion would be to support a stronger cooperation between each port authority.

This cooperation should permit the organisation of exchange of all information, projects and actions in respect of the protection of the environment and contingency planning, but more importantly to be in position to adopt a long term policy in pooling the necessary investments required to be made.

#### b) The diversity of actors operating on the river Seine

Due to the development of multimodal activities as well as the increase of oil prices, transport intermediaries have now re-discovered the interest of using the river transport. Now, on the river Seine, various types of operators can found.

Although the operators of sea vessels or river ships navigating on the Seine are all fully aware of the safety aspects of navigation, there is still room for improvement for a common appraisal of safety issues.

These operators are not subject to the exact same obligations when dealing with accidents. Therefore, it may be necessary to organise a forum where these various actors could meet together and adopt common standards of actions or response in case of pollution.

However, the activity on the river Seine cannot be dealt with without evoking its hinterland.

The Seine between Le Havre and Paris does not only cross bucolic places, towns and villages, but also industrial areas. Some of them are already subject to a specific regime in respect of prevention against pollution like Seveso II. The same industrial sites or others may have a vital role for the local, regional or national economy in case of any event preventing their access for a long period.

Ship Operators on the Seine have to remain conscious that in addition the nearby environment and also, the population, the Seine plays a vital role for the economy of the entire region, including Paris.

The target is not to add legislation to already existing ones but to ensure that between these various private actors operating on the Seine River, a common understanding is achieved permitting to have an homogenous and coherent line of action in case of casualty which may lead to spill and pollution.

## **II – Authorities and Actors**

In order to ensure the most efficient intervention, a line of command between the authorities being empowered to intervene depending of the exact location of the event has to be organised.

The organisation and the distribution of powers between all these authorities in respect of contingency planning is mainly covered by a statute known as “**Loi n°2004-811 du 13 août 2004 de modernisation de la sécurité civile**”, which is considered as the evolution of the famous Plan Orsec.

The objective of this plan is to provide a network capable of assisting any administrative operating centre in order to coordinate and intervene in respect of particular events, including pollutions.

The various authorities gain operating experience from drills, thus permitting to determine potential improvements to be made. Although this plan is very thorough and detailed, it may be considered that there is still some room for improvement concerning pollutions which may occur on rivers.

The two main authorities in respect of this plan Orsec would be:

### **The Mayor : An elected public authority**

The Mayor remains an essential shackle in the chain of command. In fact, the mayor is the first authority concerned by any pollution occurring within the territorial limits of the town or village. Regarding the Seine, it would be naïve to consider that pollution will be always limited to the territorial limits of one town or village. Further, even if a town invests in pollution prevention equipment, there is still a lot of room for progress in respect of proactive pollution policies, including in investment for information, equipment and response planning. Pooling investment between various villages or towns might be one of the key factors for improvement.

### **The Prefect : The main Authority**

This public authority has the widest scope of intervention and has very large powers in this respect. It should also be noted that our administrative organisation has led to the implementation of zones known as “defence zones” entrusted to a specific prefect called the Prefect of the Defence Zone. The duty of this Prefect is to ensure the most efficient coordination of the actions taken in respect of civil protection.

Regarding the river Seine, in fact, two different defence zones are concerned: The West Zone, whose headquarters are located in Rennes and the Zone of “Ile of France” whose headquarters are located in Paris.

The powers of the Prefect prevail over those of the Mayor in respect of any event occurring in a zone classified as Seveso II.

The Prefect has the power to organise, coordinate and direct all the agencies and entities in charge of civil security.

The main public services assisting the Prefect in this respect are the ones hereafter listed.

### **Centres Opérationnels Départementaux d'Incendie et de Secours (CODIS)**

Codis are in fact the firemen centres located in the various counties. Their tasks are mainly to ensure the supply of resources, the coordination and the reporting to the Prefect of the measures engaged as result of a casualty or event which may affect the environment and or the population.

### **Direction Départementale des Affaires Maritimes (DDAM)**

The Maritime Affairs are the local representation of the State for any matter related to the sea activities. Their main tasks are: (1) to ensure the local compliance with the regulations adopted by the State in respect of the sea activities, (2) the control of the condition of the ships and the issue of certificates in respect of French ship or crafts, and the most important

regarding the present topic, (3) the safety at sea and assistance for any emergency through the famous Cross.

### **Directions Régionales de l'Industrie, de la Recherche et de l'Environnement (DRIRE)**

The DRIRE has four main missions: (1) the support to the developments of the industrial technologies and economy, (2) insure the physical safety of the distribution and supply of oil and gas and any other harmful or noxious energetic resources, (3) inspection and control of industrial sites and (4) prevention of the pollution and intervention in case of any pollution of the water, air or lands.

### **Direction Régionale de l'Environnement (DIREN)**

The Diren could be considered as the regional representative of the Ministry of the Ecology. This regional authority has for purpose to coordinate the policy of the State in respect of the environment as well as to provide all the assistance and resources which may be required either by the Prefect or by the Prefect in charge of the defence zone or the region Seine Normandy. Regarding the river Seine, this authority will have a quite important role as result of its mission to preserve the water resource.

### **Directions Départementales des Affaires sanitaires et sociales (DDAS)**

This Authority which is in charge of the social and sanitary matters will be involved as soon as the pollution event may cause or affect the health of the population living nearby.

However, regarding the Seine, in fact, other bodies or entities may be concerned and may be in a position to assist in case of pollution. The most important are the ones mentioned here-below.

### **The Ports**

The Port of Le Havre, the Ports of Rouen and the Ports of Paris have their own contingency plans in case of pollution. They have also at their disposal various equipments and crafts which may be used to minimise any pollution. But more importantly, they have to a certain degree more experience than the other authorities for handling pollutions.

### **The Oil/Gas and other private and semi public terminals**

These terminals have a legal duty to organise emergency and response pollution plans. Additionally, as “oil minded” experts, they should be able to provide advice and assistance.

### **The regular Seine barge operators**

The possibility of benefiting of the know-how of companies which are daily involved in the transport on the Seine River should not be ignored. They could provide highly valuable assistance due to their deeper knowledge of the local aspects as well as their good understanding of the challenges at stake regarding emergency and pollution response.

## **Voies Navigables de France**

Independent administrative authority, VNF which is subordinated to the Ministry of Ecology has for mission to organise, operate and modernise the French rivers and canals network used for navigation and transportation. This network corresponds to about 6700 kms. This authority will be therefore directly concerned in case of any accident which may affect the navigation on the river Seine.

## **Agence Seine Normandie**

Agency Eau Seine Normandie like the 5 other “water” agencies, is specially in charge of the preservation of the river Seine. The method of financing these agencies is quite innovative. The taxes collected on the distribution of the water are used not only to finance project permitting to prevent any pollution but to maintain and develop the biodiversity.

## **Prefecture de Police de Paris**

This Prefect will have specific powers in case of any pollution event occurring in central Paris as well as any contiguous zones.

### **III – What type of improvements may be eventually suggested?**

In addition to the necessity of a more dynamic cooperation between the various public and private actors directly and indirectly concerned by the navigation and transportation on the Seine, it would be necessary to assess whether or not the structure of powers between these various authorities needs to be modified.

a) Is it necessary to centralise all powers?

In fact, this presentation tends to show that there are already a sufficient number of actors as well as authorities which may permit to sufficiently embrace all aspects which may arise in connection with pollution on the river Seine.

However, the administrative puzzle may be too complex to ensure that the response will be sufficiently adapted to the nature of difficulties to be dealt with. In fact, our opinion is that there is a need to transpose not only to the Seine but may to any other rivers used for transportation a response plan covering the entire Seine or at least for the part which is used for the commercial transportation.

Just to illustrate our opinion, let’s imagine a story which hopefully will never realise.

Imagine that a barge loaded with about 60 containers stuffed with unknown contents whilst manoeuvring on the Seine River during a voyage from le Havre to Genevilliers enters into a collision with a river passenger vessel followed by a small tanker vessel fully loaded.

If the story is too tasteless, you have just to add that the barge is operated by French boatmen, that the passenger river vessel has about 80 elderly people on board operated by a Franco-Romanian crew, and that the small tanker has the Japanese flag.

If the situation is not enough confused, let's assume that the accident takes place on the Saturday 14<sup>th</sup> of July at 11: 00 hours or on the 15<sup>th</sup> of August 2009.

It does not need to be a quite good visionary to already foresee the various difficulties which might be encountered with such a scenario.

Therefore, it may be a good suggestion to transpose to the river Seine a similar system as the Maritime Prefecture adopted after the Amoco Cadiz oil pollution and which has since then proved to be a quite important tool for the anticipation and the response to any event which might cause pollution.

For example, the Maritime Prefect of the Atlantic is empowered to coordinate all the resources (including but not limited to aircraft, helicopters, rescue tugs) in order to prevent or minimise any casualty within a very wide zone comprising the Bay of Biscay, the area around Ushant and the western channel. The Maritime Prefect of Manche has same responsibilities from the Cotentin to the Belgium border and the Prefect of Toulon for French waters in the Mediterranean Sea.

This Maritime Prefect who is in direct contact with the highest authorities of the State, benefits of very large powers which are adapted to the circumstances. This Authority is however greatly exposed in case of any failure when responding properly to an event.

One should not however ignore that this centralisation of powers in respect of intervention at sea has demonstrated during the past decade that it is an essential feature in providing cost effective, prompt and efficient reply in case of threat of or pollution. A similar prefect with responsibility for the whole Seine valley from Paris to Le Havre would certainly bring a great improvement towards a more dedicated, coherent and efficient response in case of pollution than the current organisation.

Such a Public Authority would have to have similar powers as those of the Prefect Maritime and be in position to intervene on the Seine for any casualty involving any structure operating on the Seine.

However, it is not certain that such a Public authority alone will suffice. In addition to the power of intervention and decision, some technical assistance in respect of the prevention and response to pollution may be required.

The idea of locating an entity on the Seine having similar missions to those entrusted to the Cedre may be also a quite efficient tool. Remaining at the disposal of the various local authorities and bodies which may be concerned by pollution on the river Seine, such an entity will not only facilitate adequate responses to threat or pollution but also address and anticipate all potential environmental difficulties. In cooperation with the other concerned local authorities and bodies in charge of the preservation of the Seine, specific responses would be developed.

Additionally, the experience gained in respect on the Seine would be a quite valuable asset for any other rivers used for navigation like for example the future Seine Nord canal or any other European river.

**Conclusion:**

It has now been digested by all the entire shipping industry at large that caring about the environment has become a necessary component of the transport activity. Ships and freight operators become gradually involved in other modes of transports including river transportation. In investing into this last mode of transport and by promoting it as the most respectful of the environment, it is implicitly understood that the transport industry shall endeavour to take all measures for the protection of this environment.

This new community (the river users and operators) composed of ship, boat and freight operators may strangely enough be the most well-placed to promote the idea that river transportation can effectively remain an environmental friendly mode of transport provided all the required infrastructures and measures are promptly financed and put in place.

One can be confident that in respect of the river Seine, this new community with the support of the State and even the EEC will not miss the challenge to analyse whether or not, it is time like I think, to start implementing some improvements.

Many thanks for your attention.

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