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Marine pollution preparedness and response: the role of the Community Civil Protection Mechanism in the frame of the European oil pollution legislation

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Introduction

The European Union is surrounded by four seas and two oceans. It has the world's largest maritime territory, while the maritime regions of Europe account today for nearly half of the EU's population. The maritime zones under the jurisdiction of the Member States are larger than their terrestrial territory. Against this background it is not surprising that maritime transport is a key link in the European transport networks and a major facilitator of global logistical chains for the European and world economy. However this fact also entails high risk of maritime accidents and dangerous spills into the marine environment.

Therefore, the European Community has played an important role in the field of response to marine pollution since already 1978 with the establishment of an action programme on the control and reduction of pollution. Over the last decade, in particular since the oil-spill accidents of ERIKA and PRESTIGE, the EU has continuously developed measures aimed at improving maritime safety and prevention of and response to marine pollution. This led to a significant strengthening of the safety requirements throughout Europe and reduction of particular risks, such as those posed by the transportation of heavy fuel oil in single-hull oil tankers.

Three maritime safety packages

The positive results obtained so far are due to a large extent to the establishment in the EU of a line of defence against substandard ships, and in particular through controls of ships in European ports. With the adoption of the first two legislative packages on maritime safety, the EU delivered a strong message that substandard shipping would no longer be tolerated. However the threats relating to failure to comply with safety standards remained. Therefore the Commission, supported by the European Parliament, proposed the third maritime safety package in November 2005. Its main objective was to

restore the competitiveness of the sector while benefiting only those operators who respect the safety standards and increasing the pressure on owners of sub-standard ships.

More than three years later, with the adoption of the third maritime safety package in March 2009, an important step has been achieved both on the improvement of the effectiveness of existing measures to prevent accidents and on the management of their consequences if the worse were to happen.

- The new Flag State Directive is related to the improvement in quality of European flags. This includes a mandatory audit plan of national maritime administrations and the certification of their quality management systems, as opposed to the international scheme which is implemented on a voluntary basis only. Moreover, the Member States declared their commitment to become bound by the main international maritime safety conventions and to apply the IMO Flag State Code and to further improve the quality of their maritime administrations.

- The legislative texts on classification societies seek to achieve a radical improvement in the quality of the work undertaken by the bodies that represent a fundamental element of the maritime safety chain. A specialised body will be set up in order to audit and certify the quality management systems of EU-recognised organisations. In addition, the recognition criteria will be made stricter and a system of financial penalties for those organisations that do not do their job properly will be established.

- Further step has been also taken towards improving the effectiveness and quality of the visits and inspections carried out by the port State in European ports. The current obligation for each Member State to inspect 25% of the ships calling its ports is replaced by an objective of 100% for the Community as a whole. The most dangerous ships will be inspected every 6 months, while quality ships will be subject to less frequent inspections.

- The amendment to the existing Directive on traffic monitoring aims at being better equipped to assist ships in distress which means defining a clear and precise legal framework on refuge zones.

It also aims to guarantee the interconnection of all the Member States via SafeSeaNet, in order to obtain a complete overview of the movements of dangerous or polluting cargoes on ships sailing in European waters. It was also agreed to establish a European Union Long Range Identification and Tracking Data Centre. Finally, it is foreseen that a system of automatic identification be extended to fishing vessels over 15 meters, in order to reduce the risk of collisions at sea.

- The objective of the new Directive in the accident investigation field is to set up a common European Union framework and concerns the harmonisation of technical enquiry procedures, which will be carried out according to a common methodology, in accordance with the IMO Code for the Investigation of Marine Casualties and Incidents.

- Finally, the two remaining measures in this third package aim to protect victims of marine casualties and introduce a set of modern rules on liability and insurance which will benefit passengers travelling on the main European and domestic maritime routes.

Preparedness and response mechanisms to marine pollution

Together with taking precautions to prevent maritime accidents and strengthening safety rules, Community has been reinforcing preparedness and response mechanisms to marine pollution.

The framework for co-operation in the field of accidental or deliberate marine pollution was established for the period from 2000 till 2006 and included actions such as training, exchange of experts, exercises and pilot projects as well as establishment of a Community Information System with the aim to exchange data on the preparedness and response to marine pollution.

Community Civil Protection Mechanism

Further reinforcement was done in 2001 by establishing the Community Civil Protection Mechanism. This instrument covers both civil protection and marine pollution emergencies inside and outside the EU when national response capacities are overwhelmed and international assistance is requested. The Mechanism facilitates and coordinates the mobilisation and provision of European assistance from 30 participating states which are the EU Member States and the EEA countries.

The operational heart of the Mechanism is the Monitoring and Information Centre (MIC) which is accessible 24 hours a day. When a request for assistance is received, the MIC immediately forwards it to the network of contact points in the 30 participating states and plays a co-ordination role by matching offers of assistance to the needs of the disaster-stricken country and by identifying gaps in aid and searching for solutions. In that sense, the MIC provides a one stop shop for assistance, allowing national authorities to save valuable time in the aftermath of a disaster. When an emergency is outside the EU, the MIC dispatches an expert team that assesses the situation, makes recommendations on response actions and, if necessary, coordinates receipt and distribution of the incoming European assistance. As part of its role, the MIC also disseminates early warning alerts (MIC Daily) on natural disasters and circulates the latest updates on ongoing emergencies and the Mechanism interventions.

To facilitate efficient communication during emergencies among the participating states, a Common Emergency and Information System (CECIS) was introduced on a secured network. It provides an integrated platform to send and receive alerts, details of assistance required, to make offers of help and to view the development of an ongoing emergency. Having been used for several years only by civil protection authorities it is now extended also to the marine pollution community.

In the range of actions undertaken by the MIC under the Financial Instrument of the Mechanism, training programme takes an important part. It was set up with a view to

improving the co-ordination of civil protection assistance interventions by ensuring compatibility and complementarity between the intervention teams from the participating states. Furthermore, the training programme provides an excellent platform for experience sharing and networking among national experts from the participating states and with other partners. This programme involves training courses, the organisation of joint exercises and a system of exchange of experts. The first training courses were conducted in 2004 and since then the training programme has developed and expanded significantly and now includes 11 different courses. The target group for the courses is wide, which opens the training programme to many different categories of experts ranging from assessment and coordination experts to specialists within a certain field of work, for example marine pollution, geo-hazards or logistics in emergency operations. All courses combine theory, experiences from the field as well as international guidelines and standard operating procedures. Furthermore, they all contain practical exercises (field and table-top) based on different emergency scenarios where participants get the opportunity to practice their skills in a realistic setting.

European Maritime Safety Agency

Another important player in the Community setting for maritime safety and preparedness and response to marine pollution is the European Maritime Safety Agency. The Commission proposed the Regulation setting up the Agency in late 2000 following the accident of the oil tanker "Erika", as a technical body with the aim to ensure a high, uniform and effective level of maritime safety and prevention of pollution by ships in the Community.

In the light of the "Prestige" accident in 2002 the modification which entered into force in May 2004 brought considerable new tasks to the Agency in particular regarding pollution preparedness and response. This revision took also into account the development of the Community competence in the area of maritime security, requesting the Agency to provide technical assistance to the Commission inspections on enhancing ship and port facility security. Furthermore, in the field of training of seafarers, EMSA was requested to assist the European Commission in assessing seafarer certification procedures and training establishments in both EU and non-EU countries in line with the International Maritime Organization's STCW Convention (Standards of Training, Certification and Watchkeeping).

Today, EMSA provides Member States and the Commission with technical and scientific assistance in order to help Member States to apply properly the Community legislation in the field of maritime safety, maritime security and prevention of pollution by ships, to monitor the implementation of this legislation and to evaluate the effectiveness of the measures in place and assist in the development of new measures. EMSA will also help the Commission in the implementation of the third maritime package.

Since 2006 EMSA has a capacity to provide Parties with technical advice and additional means of combating pollution at sea. The assistance is rendered upon request of the effected Party through the Community Civil Protection Mechanism.

Towards an Integrated European Maritime Policy

Despite all this work discussed earlier, the growing vulnerability of coastal areas, increasingly crowded coastal waters, the key role of the oceans in the climate system and the continuous deterioration of the marine environment all call for a stronger focus and a holistic approach. For too long policies on, for instance, maritime transport, fisheries, energy, surveillance and policing of the seas, tourism, the marine environment, and marine research have developed on separate tracks, at times leading to inefficiencies, incoherencies and conflicts of use. Based on this recognition, the Commission presented its vision for an integrated maritime policy for the European Union that covers all aspects of our relationship with the oceans and seas providing a coherent policy framework that allows for the optimal development of all sea-related activities in a sustainable manner.

The European Council of 14 Dec 2007 endorsed this Commission maritime policy communication and Action Plan which emphasised the need for synergies and coherence, subsidiarity and regional specificities.

An integrated maritime policy builds on this strength to promote high-tech shipbuilding and marine engineering, to shift traffic from congested roads to short sea shipping, to assure close contact with remote regions and islands. At the same time, it helps finding the right balance between shipping, safety and security, and environmental protection.

In tackling marine pollution, the new policy will bring the overlapping interests of coastal populations and maritime activities together with the upstream sources of pollution from far inland - from towns, industries, chemical run-offs and agriculture - and will promote planning, research and technologies that reduce or reverse damage.

The Marine Strategy Directive

The Marine Strategy Directive was adopted in June 2008. It is an environmental pillar of the maritime policy. The aim of this ambitious strategy is to protect more effectively the marine environment across Europe and to achieve good environmental status of the EU's marine waters by 2021.

The Marine Strategy Directive establishes European Marine Regions on the basis of geographical and environmental criteria. Each Member State - cooperating with other Member States and non-EU countries within a marine region - are required to develop strategies for their marine waters.

The marine strategies must contain a detailed assessment of the state of the environment, a definition of "good environmental status" at regional level and the establishment of clear environmental targets and monitoring programmes.

Conclusion

This overview of the Community legislation on the variety of issues related to our seas and oceans shows a strong recognition in the EU of the need and commitment to improve environmental conditions and maritime safety which are often closely interlinked. The outstanding issues are multi-faceted and they require multi-faceted but coordinated solutions from all actors - not just public authorities.

This is why I would like to invite you, who represent government, industry and business, academia, the civil society and other sectors, to join your efforts.

Thank you for your attention.