

SESSION V

DAMAGE AND RESPONSE OPERATIONS

LES DOMMAGES DE LA POLLUTION ET LES OPERATIONS DE LUTTE

Chairman: **Eugène Clonan** Rapporteur: **Frédéric Hebert**

Les leçons techniques de l'Erika et des autres pollutions

S A F E R S E A S

*SESSION V : DAMAGE AND RESPONSE OPERATIONS
CONCLUSIONS*

- ECONOMIC ANALYSIS IS OF A PRIME IMPORTANCE IN ASSESSING DAMAGE AND SUBMITTING COMPENSATION CLAIM
- WITHIN THE EXISTING INTERNATIONAL FRAMEWORK IT IS DIFFICULT TO TAKE FULL ACCOUNT OF ENVIRONMENTAL DAMAGE
- ENVIRONMENTAL LIABILITY PRINCIPLE:
FROM A DUTTY TO REPAIR TO A MEANS OF DETERRENCE
- CLC AND IOPC: A CONTRIBUTION TO A COMPENSATION OF INJURED PARTIES BUT A STEP BACKWARD FROM THE PRINCIPLE OF COMPENSATION IN FULL DUE BY THE PERPETRATOR OF THE DAMAGE

Technical lessons learnt from the Erika and other oil spills

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S A F E R S E A S

*SESSION V : DAMAGE AND RESPONSE OPERATIONS
RECOMMENDATIONS*

TO IMPROVE PREVENTION:

- THROUGH A STRONGER INTERNATIONAL COOPERATION
- THROUGH A STRONGER COOPERATION WITH STAKEHOLDER IN CONTINGENCY PLANNING

•IN PROMOTING SALVAGE

IMPROVE COMPENSATION ARRANGEMENTS:

- SIMPLIFY CLAIM PROCEDURE FOR INDIVIDUAL CLAIMANTS
- PROMOTE THE WORKING TOGETHER OF INDIVIDUAL CLAIMANTS
- INCREASE COMPENSATION LIMITS

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- S** *SESSION V : DAMAGE AND RESPONSE OPERATIONS*
RECOMMENDATIONS
- A** TO IMPROVE THE CURRENT INTERNATIONAL LIABILITY
F AND COMPENSATION REGIME:
- E** •BY IMPROVING COMPENSATION FOR ENVIRONMENTAL DAMAGE
R •BY STRENGTHENING THE STRICT LIABILITY SYSTEM:
- S** BY REQUIRING THE SHIPOWNER TO PROVE THAT HE
 HAS NOT BEEN NEGLIGENT BEFORE HE CAN LIMIT
- E** BY REMOVING TONNAGE CALCULATION UNDER CLC
- A** BY REMOVING THE CHARTERER FROM THE SCOPE OF
 LIABILITY UNDER THE CLC
- S** BY INTRODUCING A BONUS /MALUS SYSTEM
- TO BUILD A NEW SYSTEM BASED UPON THE PRECAUTIONARY
PRINCIPLE

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