

Amended 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 ⁽¹⁾

(2001/C 154 E/02)

(Text with EEA relevance)

COM(2000) 848 final — 2000/0067(COD)

(Submitted by the Commission pursuant to Article 250(2) of the EC Treaty on 13 December 2000)

⁽¹⁾ OJ C 212 E, 25.7.2000, p. 1.

INITIAL PROPOSAL

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THE EUROPEAN PARLIAMENT AND THE COUNCIL OF
THE EUROPEAN UNION,

Unchanged

Having regard to the Treaty establishing the European Community, and in particular Article 80(2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the Economic and Social Committee,

Having regard to the opinion of the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

Whereas:

- (1) Within the framework of the common transport policy further measures must be taken to enhance safety and prevent pollution in maritime transport.
- (2) The Community is seriously concerned by the shipping accidents involving oil tankers and the associated pollution of its coast-lines and harm to its fauna and flora and other maritime resources.
- (3) The Commission underlined in its Communication 'a common policy on safe seas' ⁽¹⁾ the request of the extraordinary Council on Environment and Transport of 25 January 1993 to support the action in the International Maritime Organisation (IMO) on the reduction of the safety gap between new and existing ships by upgrading and/or phasing-out existing ships, built to earlier standards, after a reasonable period of operation, paying particular attention to oil tankers not meeting the amendments of the International Convention for the Prevention of Pollution from Ships, 1973 and the Protocol of 1978 related thereto (MARPOL 73/78) which entered into force in 1982.

⁽¹⁾ COM(1993) 66 final of 24.2.1993.

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- (4) The European Parliament in its Resolution on a common policy on safe seas ⁽¹⁾ welcomed the Commission Communication and called in particular for action to be taken to improve tanker safety standards.
- (5) The Council, by its Resolution of 8 June 1993 ⁽²⁾, fully supported the objectives of the Commission Communication.
- (6) At international level, the International Maritime Organisation has established in the International Convention for the Prevention of Pollution from Ships, 1973 and the Protocol of 1978 related thereto (MARPOL 73/78) internationally agreed pollution prevention rules affecting the design and operation of oil tankers.
- (7) Important amendments to the MARPOL 73/78 Convention containing more rigorous measures concerning the design and construction standards for oil tankers have been adopted by the IMO on 6 March 1992, which entered into force on 6 July 1993. These measures impose double hull or equivalent design requirements for oil tankers delivered on or after 6 July 1996 aimed at preventing oil pollution in the event of collision or stranding. Within these amendments a phasing-in scheme for single hull oil tankers delivered before that date took effect from 6 July 1995 onwards requiring such tankers to comply with the double hull or equivalent design standards not later than 25 years and in some cases 30 years after their date of delivery. As a consequence of these measures existing single hull oil tankers not complying with the requirements of MARPOL 73/78 concerning segregated ballast tanks and their protective location will no longer, at international level, be allowed to operate beyond 2007, and in some case 2012, unless they comply with the double hull or equivalent design requirements of Regulation 13F of Annex I of MARPOL 73/78. For existing single hull oil tankers that do comply with the requirements of MARPOL 73/78 on segregated ballast tanks and their protective location this deadline will be reached at the latest in 2026.

⁽¹⁾ OJ C 91, 28.3.1994, p. 301.

⁽²⁾ OJ C 271, 7.10.1993, p. 1.

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- (8) Prior to the adoption of these amendments to MARPOL 73/78, the United States already adopted in 1990 the Oil Pollution Act establishing double hull requirements both for new and existing tank vessels. These requirements provide that after 1 January 2010 single hull oil tankers without double bottom or double sides will not be allowed to operate to and from US ports unless they comply with the double hull requirements. In addition, in the period preceding this final deadline such single hull oil tankers will not be longer allowed to operate to and from US ports from 2005 onwards when they reach an age of 25 years, and in some cases 23 years, unless they comply with the double hull requirements. For single hull oil tankers fitted with double bottom or double sides this final deadline is fixed on 1 January 2015 and the ship's age limit in the preceding period between 2005 and 2015 is 30 years and in some cases 28 years.
- (9) It can be expected that the differences between the international regime and the one established by the United States concerning age limits and end-date limits for the application of the double hull requirements to existing single hull oil tankers will result, from 2005 onwards, that single hull oil tankers not longer allowed to operate to and from US ports because of their age, and particularly after the end-date limits of 2010 and 2015, will shift their trading patterns to other regions in the world, including the European Union, and continue operating until they have to comply with the double hull requirements in accordance with the age limits provided for in the MARPOL 73/78 Convention.
- (10) Comparison of tanker age and accident statistics show increasing accident rates for older ships. It has been internationally agreed that the adoption of the 1992 amendments to MARPOL 73/78 requiring the application of the double hull or equivalent design standards to existing single hull oil tankers when they reach a certain age will provide these tankers with a higher degree of protection against accidental oil pollution in the event of collision or stranding.
- (11) It is in the interest of the Community to adopt measures to avoid that single hull oil tankers that due to their advanced age, or after the end-date limits, are no longer allowed under the Oil Pollution Act 1990 to operate to and from US ports, will start or continue operating to and from European ports and thereby maintain or increase the risk of accidental oil pollution in European waters.

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(12) These measures should be based upon the principles of the MARPOL 73/78 Convention that existing single hull oil tankers have to comply with the double hull or equivalent design requirements not later than when they reach a certain age. The age limits in these measures should be aligned with those of the Oil Pollution Act 1990 and for that purpose an accelerated phasing in of the double hull or equivalent design standards of MARPOL 73/78 should be established for existing single hull oil tankers by lowering the age limit and specifying end-date limits in line with those of the Oil Pollution Act 1990, beyond which these ships have to comply with these standards as a condition for entering into a port or the internal waters of a Member State of the Community.

(13) The requirements of Regulation 13G of Annex I of MARPOL 73/78 for existing single hull oil tankers to comply with the double hull or equivalent design standards apply only to crude oil tankers of 20 000 tons deadweight and above and to product carriers of 30 000 tons deadweight and above. The double hull or equivalent design requirements of Regulation 13F of Annex I of MARPOL 73/78 apply to oil tankers of 600 tons deadweight and above delivered after 6 July 1996. This difference in size limits in the scope leaves the category of single hull crude oil tankers delivered before 6 July 1996 and having a deadweight between 600 and 20 000 tons deadweight as well as product carriers delivered before 6 July 1996 with a deadweight between 600 and 30 000 tons unaffected. In view of the importance of this lower tonnage category of oil tankers for the intra-Community measures should be adopted to ensure that these tankers will also have to comply with the double hull or equivalent design standards of MARPOL 73/78. For that purpose a phasing-in of the double hull or equivalent design standards of MARPOL 73/78 should be established for this category of single hull oil tankers as a condition for entering into a port or the internal waters of a Member State of the Community.

(13) The requirements of Regulation 13G of Annex I of MARPOL 73/78 for existing single hull oil tankers to comply with the double hull or equivalent design standards apply only to crude oil tankers of 20 000 tons deadweight and above and to product carriers of 30 000 tons deadweight and above. The double hull or equivalent design requirements of Regulation 13F of Annex I of MARPOL 73/78 apply to oil tankers of 600 tons deadweight and above delivered after 6 July 1996. This difference in size limits in the scope leaves the category of single hull crude oil tankers delivered before 6 July 1996 and having a deadweight between 600 and 20 000 tons deadweight as well as product carriers delivered before 6 July 1996 with a deadweight between 600 and 30 000 tons unaffected. In view of the importance of this lower tonnage category of oil tankers for the intra-Community trade, with the exception of the tankers of less than 3 000 tons deadweight, measures should be adopted to ensure that these tankers will also have to comply with the double hull or equivalent design standards of MARPOL 73/78. For that purpose a phasing-in of the double hull or equivalent design standards of MARPOL 73/78 should be established for this category of single hull oil tankers as a condition for entering into a port or the internal waters of a Member State of the Community.

(14) The European Parliament, in its Resolution on the oil slick off the French coast adopted on 20 January 2000, welcomed any efforts by the Commission to bring forward the date by which oil tankers will all be obliged to have a double-hull construction.

Unchanged

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In view of the nearing deadline for single hull oil tankers not complying with the requirements of MARPOL 73/78 on segregated ballast tanks and their protective location there are no reasons to maintain any longer the differential charging system Council Regulation (EC) No 2978/94 provides between such oil tankers and tankers that comply with the requirements of MARPOL 73/78 on segregated ballast tanks and their protective location.

Since the measures necessary for the implementation of this Regulation are measures of general scope within the meaning of Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽¹⁾, they should be adopted by use of the regulatory procedure provided for in Article 5 of that Decision.

Certain provisions of this Regulation containing references to the regulations of the MARPOL 73/78 Convention may be amended by the Commission, assisted by the Committee, to bring them in line with amendments to these regulations adopted or entered into force,

HAVE ADOPTED THIS REGULATION:

Article 1

Purpose

The purpose of this Regulation is to establish:

- an accelerated phasing-in scheme for the application of the double hull or equivalent design requirements of the MARPOL 73/78 Convention to single hull oil tankers.

Article 2

Scope

This Regulation shall apply to all oil tankers of 600 tons dead-weight and above,

- when entering into a port or the internal waters of a Member State, irrespective of their flag, or
- flying the flag of a Member State.

Article 3

Definitions

For the purpose of this Regulation,

1. 'MARPOL 73/78' shall mean the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto together with the amendments thereto, in force;

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

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(15) In view of the nearing deadline for single hull oil tankers not complying with the requirements of MARPOL 73/78 on segregated ballast tanks and their protective location there are no reasons to maintain any longer the differential charging system Council Regulation (EC) No 2978/94 provides between such oil tankers and tankers that comply with the requirements of MARPOL 73/78 on segregated ballast tanks and their protective location.

(16) Since the measures necessary for the implementation of this Regulation are measures of general scope within the meaning of Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽¹⁾, they should be adopted by use of the regulatory procedure provided for in Article 5 of that Decision.

(17) Certain provisions of this Regulation containing references to the regulations of the MARPOL 73/78 Convention may be amended by the Commission, assisted by the Committee, to bring them in line with amendments to these regulations adopted or entered into force,

Unchanged

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

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2. 'oil tanker' shall mean an oil tanker as defined in Regulation 1 (4) of Annex I of MARPOL 73/78;
3. 'deadweight (DW)' shall mean deadweight as defined in Regulation 1 (22) of Annex I of MARPOL 73/78;
4. 'new oil tanker' shall mean a new oil tanker as defined in Regulation 1 (26) of Annex I of MARPOL 73/78;
5. 'crude oil tanker' shall mean a crude oil tanker as defined in Regulation 1 (29) of Annex I of MARPOL 73/78;
6. 'product carrier' shall mean a product carrier as defined in Regulation 1 (30) of Annex I of MARPOL 73/78;
7. 'single hull oil tanker' shall mean an oil tanker not meeting the double hull or equivalent design requirements of Regulation 13F of Annex I of MARPOL 73/78;
8. 'double hull oil tanker' shall mean an oil tanker meeting the double hull or equivalent design requirements of Regulation 13F of Annex I of MARPOL 73/78;
9. 'age' shall mean the age of a ship, expressed in number of years after the date of its delivery.

*Article 4***Compliance with the double hull or equivalent design requirements by single hull oil tankers**

1. Member States shall not allow single hull oil tankers to enter into their ports or internal waters after the dates specified hereafter, unless such tankers comply with the double hull or equivalent design requirements of Regulation 13F of Annex I of MARPOL 73/78:

1. for crude oil tankers of 20 000 tons deadweight and above and product carriers of 30 000 tons deadweight and above not meeting the requirements for a new oil tanker in Regulations 13, 13B, 13E and 18(4) of Annex I of MARPOL 73/78:

1. for crude oil tankers of 20 000 tons deadweight and above and product carriers of 30 000 tons deadweight and above not meeting the requirements for a new oil tanker in Regulations 13, 13B, 13E and 18(4) of Annex I of MARPOL 73/78: by the anniversary date of its year of delivery, within the schedule of corresponding years as specified in the following table:

- 2003 for ships delivered in 1973 or earlier,
- 2004 for ships delivered in 1974 and 1975,

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2. for crude oil tankers of 20 000 tons deadweight and above and product carriers of 30 000 tons deadweight and above meeting the requirements for a new oil tanker in Regulations 13, 13B, 13E and 18(4) of Annex I of MARPOL 73/78:

2. for crude oil tankers of 20 000 tons deadweight and above and product carriers of 30 000 tons deadweight and above meeting the requirements for a new oil tanker in Regulations 13, 13B, 13E and 18(4) of Annex I of MARPOL 73/78: by the anniversary date of its year of delivery, within the schedule of corresponding years as specified in the following table:

- 2003 for ships delivered in 1977 or earlier,
- 2004 for ships delivered in 1978,
- 2005 for ships delivered in 1979,
- 2006 for ships delivered in 1980,
- 2007 for ships delivered in 1981,
- 2008 for ships delivered in 1982,
- 2009 for ships delivered in 1983,
- 2010 for ships delivered in 1984,
- 2011 for ships delivered in 1985,
- 2012 for ships delivered in 1986 and 1987,
- 2013 for ships delivered in 1988 and 1989,
- 2014 for ships delivered in 1990 and 1991,
- 2015 for ships delivered in 1992 or later.

3. for crude oil tankers of tons deadweight and above but less than 20 000 tons and product carriers of 600 tons deadweight and above but less than 30 000 tons:

3. for crude oil tankers of 3 000 tons deadweight and above but less than 20 000 tons and product carriers of tons deadweight and above but less than 30 000 tons: by the anniversary date of its year of delivery, within the schedule of corresponding years as specified in the following table:

- 2003 for ships delivered in 1974 or earlier,
- 2004 for ships delivered in 1975 and 1976,
- 2005 for ships delivered in 1977 and 1978,

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- 2006 for ships delivered in 1979 and 1980,
- 2007 for ships delivered in 1981,
- 2008 for ships delivered in 1982,
- 2009 for ships delivered in 1983,
- 2010 for ships delivered in 1984,
- 2011 for ships delivered in 1985,
- 2012 for ships delivered in 1986,
- 2013 for ships delivered in 1987 and 1988,
- 2014 for ships delivered in 1989, 1990 and 1991,
- 2015 for ships delivered in 1992 or later.

2. A Category (1) oil tanker of 25 years and over after its date of delivery shall comply with either of the following provisions:

- (a) It shall have wing tanks or double bottom spaces, not used for the carriage of oil and meeting the width and height requirements of regulation 13F(4), of Annex I of MARPOL 73/78: or
- (b) it shall operate with hydrostatic balanced loading, taking into account the guidelines developed by the IMO(Resolution MEPC 64(36)).

3. The Administration may allow continued operation of a Category (1) oil tanker beyond 2005, and a Category (2) oil tanker beyond 2010, subject to compliance with a special condition assessment scheme (as set out in the Annex).

*Article***Notification to the IMO**

The Presidency of the Council and the Commission shall inform the International Maritime Organisation of the adoption of this Regulation, whereby reference shall be made to article 211, paragraph 3 of the United Nations Convention on the Law of the Sea.

Article 5

Unchanged

*Article***Committee procedure**

1. The Commission shall be assisted by the committee instituted by Article 12, paragraph 1, of Council Directive 93/75/EEC ⁽¹⁾.

Article 6

Unchanged

⁽¹⁾ Council Directive concerning minimum requirements for vessels bound for or leaving Community ports and carrying dangerous or polluting goods (OJ L 247, 5.10.1993, p. 19).

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2. Where reference is made to this paragraph, the regulatory procedure laid down in Article 5 of Council Decision 1999/468/EC shall apply, in compliance with Article 7(3) and Article 8 thereof.

3. The period provided for in Article 5(6) of Decision 1999/468/EC shall be three months.

Article

Amendment procedure

The references in the Articles to the regulations of Annex I of MARPOL 73/78 may be amended, in accordance with the procedure laid down in Article 8, in order to bring them in line with amendments to these regulations adopted by the IMO.

Unchanged

Article 7

Article

Repeal of Council Regulation (EC) No 2978/94

Council Regulation (EC) No 2978/94 of 21 November 1994 on the implementation of IMO Resolution A.747(18) on the application of tonnage measurement of ballast spaces in segregated ballast oil tankers⁽¹⁾ is repealed as from (12 months after the entry into force of this Regulation).

Unchanged

Article 8

Article

Implementation

1. Member States shall, in due time, but before the date of application referred to in Article 12, adopt such laws, regulations or administrative provisions as may be necessary for the implementation of this Regulation.

2. When Member States adopt measures as referred to in paragraph 1, they shall contain a reference to this Regulation or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

3. The Member States shall immediately communicate to the Commission all provisions of domestic law which they adopt in the field governed by this Regulation. The Commission shall inform the other Member States thereof.

Unchanged

Article 9

Article

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Communities*. It shall be applicable on (12 months after its entry into force date).

Unchanged

Article 10

This Regulation shall be binding in its entirety and directly applicable in all Member States.

⁽¹⁾ OJ L 319, 12.12.1994, p. 1.

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ANNEX

CONDITION ASSESSMENT SCHEME

- A. Special survey regime for category (1) tankers (crude oil tankers of 20 000 tons deadweight and above, and product carriers of 30 000 tons deadweight and above, not meeting the requirements for a new oil tanker in Regulations 13, 13B, 13E and 18(4) of Annex 1 of MARPOL 73/78) and for category (2) tankers (crude oil tankers of 20 000 tons deadweight and above, and product carriers of 30 000 tons deadweight and above, meeting the requirements for a new oil tanker in Regulations 13, 13B, 13E and 18(4) of Annex 1 of MARPOL 73/78) as a condition to continue operating beyond the year 2005 and the year 2010 respectively.
1. The special survey must be carried out in conjunction with the last intermediate or periodical survey preceding the deadline of 1 January 2005 and 1 January 2010 respectively and carried out in accordance with the Condition Assessment Scheme (CAS). Subject to successful conclusion of the special survey, the ship may be allowed continued operation. However, it shall in no case be permitted after its anniversary date in 2007 and 2015 respectively.
 2. The special survey shall require an intervention of a classification society other the one which issued the ship's certificate, in order to confirm that an extension of life may be allowed to the ship. The main objective of verification by the other classification society is to validate the last thickness measures made by the latter including the verification of the inspection of the outside of the ships bottom as required under the HSSC(IMO Resolution A.746(18) Survey Guidelines under the Harmonised System of Survey and Certification) system (dry docking or underwater survey), as well as to calculate again the girder strength on the basis of the thickness measures obtained.
 3. If the other classification society at the special survey identifies substantial corrosion or structural defects which, in its opinion, may impair the structural integrity of the ship, then corrective action should be completed to the satisfaction of that recognised organisation, before the ship can be given an extension to operation beyond 1 January 2005 and 1 January 2010 respectively, as referred to in paragraph 1. When necessary, the other recognised organisation shall proceed to an additional survey to satisfy itself of the completeness and quality of the requested corrective actions. If the other the other recognised organisation at the special survey identifies minor corrosion or structural defects which, in its opinion, should not impair the structural integrity of the ship, that classification society shall follow up the development of these defects by checking them at annual intervals.
 4. Ships of this category falling within the scope of this Regulation should carry certificates that provide evidence that the special survey(s) have been carried out to the satisfaction of the verifying recognised organisation, including the results of these verifications.
- B. This annex shall be modified in accordance with the procedure in Article 6 to accord with the agreement reached within the IMO.
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