

## INTERTANKO Proposal to the European Commission for Ports and Anchorages of Refuge

Date: Fri, 17 Nov 2000

Dear Sirs,

Thank you very much for an interesting discussion yesterday.

Time did not permit us to go much further on the issue of ports of refuge, and I would therefore like to follow up now by quoting below what we sent to the European Commission:

### PORTS AND ANCHORAGES OF REFUGE

1. One of the issues arising from the ERIKA case, and indeed from other shipping accidents, is how to handle ships which are in trouble. Individual ports may be reluctant to admit them because of the risk of pollution within the port and the subsequent disruption and loss of business. Yet to send the ships back out to sea could seriously increase the likelihood of an accident and the risk that pollution will be greater and spread over a wider geographical area and cause more environmental damage than might otherwise have been the case.
2. However far-reaching the changes that are made as a result of Erika, accidents cannot be ruled out completely and port and other national authorities will from time to time be faced with this acute dilemma. The dilemma might be made less acute if on any stretch of coast on the main shipping routes, there were designated ports or anchorages which would be available to a ship in trouble. These ports and anchorages would need to be selected on the basis that they would have adequate depth to safely accommodate damaged ships, as well as shelter from the prevailing winds and swells to facilitate the prompt and controlled transfer of cargo to another ship or to land-based storage. Suitable tugs and other resources should be available in the vicinity of the port or anchorage to facilitate the transfer operations. It would also be important to ensure that appropriate contingency plans and oil pollution combating equipment were in place to deal effectively with any small spills that may occur.
3. It is unlikely that market forces alone could achieve this. It would almost certainly be necessary for governments to designate the port/anchorages. Equally, we do not underestimate the political difficulties involved in choosing a site; it may well be necessary for a government to indemnify in some way the authorities of the surrounding areas.
4. The idea is thus not without difficulty. Its overwhelming advantage is that it could make the difference between a major spill like that from the Erika and no spill at all.
5. The concept seems ideal for the EU. It would be directed towards the prevention of pollution rather than having a direct impact on the ships themselves and it would thus not be necessary to go through the IMO. Although each Member State would have to be responsible for designating the safe havens within its territory, it makes sense to plan the network on an EU scale. It is, for example, conceivable that a single safe-haven could cover the coast line of a neighbouring country and an EU programme thus makes more sense than a series of national programmes.

6. An issue closely related to the issues of safe havens is that of the rights of ports to turn away ships in trouble. There may be in some cases good arguments for sending a ship out to sea (e.g. that an oil spill would be more easily dispersed there). But given the risks to the life of the crew and the dangers of pollution to other parts of the coast, decisions to refuse to admit a ship should be taken by an authority which can take all factors into account and in the light of guidelines established by the EU.

These guidelines might indeed differ depending on whether a suitable safe haven existed.

7. One possible approach to working out these ideas might be for the Commission to put together a working group consisting of experts from member State governments and the relevant shipping associations and institutions (for example INTERTANKO, ICS, ECSA, OCIMP, ITOPF, the IOPC Funds' Secretariat, P&I Clubs, Friends of the Earth International and WWF) to come up with proposals. These could then form the basis of Commission action or Commission proposals to the Council as appropriate. Proposals to the Council would be a natural follow-up to the proposed directive on accidental marine pollution; they would also be a relevant response to the resolution of the European Parliament on Erika.

Kind regards

Kristan R. Fuglesang