



COUNCIL
89th session

C 89/INF.3
26 November 2002
ENGLISH AND SPANISH

**STATEMENT BY SPAIN TO THE IMO COUNCIL ON THE ACCIDENT
TO THE TANKER PRESTIGE**

London 25 November 2002

Thank you Mr President. Good morning to you all.

I am the Marqués de Tamarón, Ambassador of Spain, Permanent Representative to the International Maritime Organization. I am accompanied in the delegation of Spain by Mr. José Luis López-Sors, Director-General of the Merchant Marine and Mr. Esteban Pacha, Alternate Permanent Representative to this Organization.

First of all, Mr President, allow me to congratulate the new members of this Council meeting for the first time after its expansion, and the Organization itself for achieving this level of representation in its Council, which now has a larger membership, and thus a greater commitment by the Member States to fulfil the objectives of the International Maritime Organization in an efficient manner.

Mr. President, Secretary-General, Distinguished Permanent Representatives and Delegates, Members of the Council and Observers.

The reason for my presence here today in this inaugural session of the 89th IMO Council is, firstly, to provide brief but complete information on the recent accident to the oil tanker **Prestige**, bearing in mind how important it is to the Organization and its organs to have information on crisis situations which affect maritime safety and pollution of the marine environment. And secondly, to share with you here the initial thoughts of the Spanish Government following this accident in terms of the work of this Organization and the Council's responsibility, among other things, for providing guidance and adopting decisions in priorities for the work programme and the work of the Maritime Safety Committee and the Marine Environment Protection Committee.

[Description of the main events and the Spanish response, measures taken, etc. including international aid]

For reasons of economy, this document is printed in a limited number. Delegates are kindly asked to bring their copies to meetings and not to request additional copies.
--

I am sure that the international maritime community and all of you have watched with concern the management of the crisis caused by the accident to the Bahamas registered oil tanker **Prestige**, 243 metres in length and 42,000 gross registered tonnage, which suffered an accident on 13 November 2000 while passing through the Finisterre traffic separation scheme, west of the coast of Galicia, Spain, laden with 77,000 tonnes of heavy fuel oil, en route from Ventspils to Gibraltar "for instructions" according to the cargo manifest on leaving Latvia, although according to the Master on passage through the Ushant and Finisterre traffic schemes, he was headed for Gibraltar only. Subsequently, after the accident, the shipowner, contradicted what was said by the Master and stated that the **Prestige** was in fact en route for Singapore.

The ship was listing and in serious danger of sinking due to the adverse weather conditions.

The distress call was received by the Finisterre Regional Rescue and Pollution Prevention Co-ordination Centre which immediately coordinated the rescue of the crew and the operation to bring the ship under tow.

Barely two hours later, the first of the maritime rescue vessels reached the location of the **Prestige** and asked the Master to secure the tow. After overcoming the Master's initial resistance and after working all night in very heavy seas, they managed to attach a tow-line when the ship was some 4½ miles offshore on the morning of the 14th.

The speed of the operations was reflected not only in the immediate rescue of the crew and the dispatch of the rescue vessels to the ship's assistance, but also the constitution 15 minutes after learning of the accident, of the emergency control centre under the national accident marine pollution emergency plan adopted by the Government.

The subsequent operations were concentrated on preventing massive pollution of the Galician coast. For this reason, the initial task was to tow the ship away from the coast in view of the obvious danger of spillage of 77,000 tonnes of fuel oil if the hull were to break up completely, given that it already had a fissure in its starboard side and was leaking fuel oil from its tanks.

A subsequent examination of the ship's hull showed that there was damage to the walls of three tanks, which were interconnected and, in turn, the breach in the external skin of starboard tank number 3, which was the main cause of the accident.

The resources used in this first phase of the emergency were:

- 3 tugs from the State Maritime Salvage Company
- 2 private tugs
- 4 helicopters
- 1 Spanish navy frigate and tug
- 1 aircraft from the Spanish Customs Surveillance Service
- 8,000 metres of booms, later extended to 18,000 metres
- 14 separator sets
- 20 fixed tanks and three floating oil storage tanks

- subsequently, other specialist pollution prevention vessels from neighbouring countries and a salvage vessel hired by the shipowner.

The following measures were taken simultaneously:

- International assistance was requested;
- The flag State, the shipowner's State and the countries of origin and destination of the cargo and the classification society were contacted;
- Administrative arrangements were put in place and the ship's insurer was asked for a bond to meet the envisaged damage;
- The European Commission, the International Maritime Organization and the International Oil Pollution Compensation Fund and other international organizations such as CEDRE, REMPEC and CILPAN were contacted.

The remains of the initial oil slick began to reach the coast and work began in the early hours of the 16th to deploy booms and other devices to prevent the slick affecting sensitive areas of the coast.

Once the drifting ship had been brought under control, a team of experts was put on board to assess the condition of the ship and to try and start its engines. On the afternoon of the 14th, they managed to start the engine and secure a new tow-line, and the ship sailed at a speed of 6 knots towards the north-west and away from the coast. During the night, the salvage company decided to stop the engines and the tug turned south and later south-west. Finally, on the morning of the 19th, the *Prestige* broke in two and the stern and the bow sections sank in a depth of some 3500 metres about 133 miles from the Spanish coast.

Spain took measures to prevent marine pollution and, with national, local and international help, began the task of cleaning up and recovery of oil from the beaches.

On behalf of the Spanish Government, I wish to take this opportunity to express our gratitude for the rapid response and offers of help and international cooperation, especially the participation of ships, resources and equipment to combat pollution, and the advice of France, Portugal, Germany, the Netherlands, Belgium, Norway and the United Kingdom in managing the crisis caused by this accident. It is a demonstration of the solidarity and concern that this kind of attack on the marine environment arouses in every country.

I spoke advisedly of the attack on the marine environment, because that is how we can view it, bearing in mind responsibilities for such incidents of all of us involved in the international maritime transport chain.

[Reference to flag States]

Among these responsibilities, we must stress very strongly those of flag States, which must finally comply strictly not only with the safety requirements under international law, but also the demands that citizens all around the world must make of them. If current market conditions encourage the survival of maritime administrations which are incapable of assuming these responsibilities, then Governments and the International Maritime Organization itself must adopt the necessary measures.

In this connection, the proposals presented to this Council that the Organization should assume audit functions in respect of flag States must be promoted and approved with the utmost speed, Mr President, without evasions or a transition phase of voluntary application. In the present circumstances, the mandatory nature of such audits has become highly necessary. In our view, maritime safety depends on the demands that we impose on the fleets for which we are responsible, and flags that do not fulfil these requirements should be permanently excluded from the market.

[Reference to classification societies]

Neither can we lightly accept that some States delegate their powers and responsibilities to recognized organizations. Once again, an accident caused by the loss of designed strength in the hull of a defective ship has occurred, despite that ship having valid certificates from a highly reputed classification society. We have reached the point where immediate reform of the system is needed. We therefore need to reflect on the need to exercise control over the activities of these classification societies and their responsibilities in situations such as that caused by the **Prestige** and other recent maritime disasters.

[Reference to port State control]

Precisely to alleviate some of the above deficiencies, a system of port State control was developed which has helped to improve maritime safety. Nevertheless, the **Prestige** was able to evade this control system during the last three years in the various ports where it called since defects were detected in 1999, despite the fact that the ship met all the conditions for making it a prime subject of inspection. Thus the level of inspection by port States needs to be strengthened and the various regional agreements in the world should be standardized so that they are equivalent and effective.

[Reference to places of refuge]

Mr. President, the Spanish Government has already expressed its view in this Organization that coastal States cannot be burdened with failures of the three systems for quality and safety controls on ships when a defective ship suffers a predictable accident, endangers shipping and the marine environment, and requests a coastal State to adopt measures to provide a place of refuge on its coast or in its ports, thus seriously endangering the security of its waters and coastline, with the ultimate purpose of attempting to salvage the valuable cargo being transported. Spain has already said that the criteria for action in such cases must be priority to saving of life on board ships above all else. Once that has been done, the next concern centres on the provision of assistance and cooperation necessary to save the ship, with priority to the interests of coasts at risk over private interests in the cargo or the ship. We have proposed that places of refuge should be designated depending on the circumstances of each case and such places chosen because they are far enough away from populated, fishing or tourist areas, etc., and the capacity of the means of salvage and pollution prevention available in the coastal States. The recent experiences in Spain involving the **Castor** and **Kristal** show that this policy is satisfactory, and the **Prestige** incident confirms this approach.

This Organization is working to develop guidelines for action in such cases for both Governments and masters of ships. The former will necessarily have to take on board the above considerations and the latter will have to confront the need, and in their case, the obligation, for

prompt collaboration between the master of a ship in danger and the authorities of the coastal State. Furthermore, Spain also proposed the requirement for the provision of financial guarantees for ships which seek refuge. The case of the *Prestige* shows, once again, the refusal of certain shipowners to provide these guarantees, which indicates that their concerns are totally alien to the public interest, hence the question of guarantees should also be considered in the guidelines under preparation.

[Reference to safety of navigation]

We have analysed all the information available on the *Prestige*, its history, inspections, defects detected, etc, and we have found that large oil companies had for various reasons disqualified this vessel from charter by them. Further evidence that sometimes the industry, by which I mean serious and responsible industry, applies standards of safety and quality higher than we ourselves accept. We therefore need to ask if we ourselves are not responsible for sheltering ships which part of the industry discards for their "good" traffic, and another part of the industry uses for its "bad" traffic. The fact is, Mr President, that many coastal States endure all kinds of traffic along our coasts because of our geographical position, and provide all kinds of services and assistance. Every year, 65,000 merchant ships pass through the Spanish Finisterre zone where this latest accident occurred. Of those, 40,000 carry dangerous goods. This is all in an area which has a great wealth of fishing and local shipping. In order to manage and protect this shipping, Spain put in place the necessary navigational aids to support the Traffic Separation Scheme furthest from the coast, between 20 and 30 miles. Now we need to make proposals to further distance traffic carrying dangerous goods from the coast, and will submit them forthwith to this Organization for its consideration.

A separate question concerns the cost of salvage of the cargo, preventing pollution or minimizing its effects. The former comes within the purview of the private and/or commercial interest in the ship, the cargo, or the insurer, etc. The latter, together with compensation for injury caused to those affected, come under the umbrella of the international compensation scheme which is under examination by this Organization. It will not have escaped the attention of all of you, distinguished delegates, that the compensation limits for oil spill compensation under the existing international conventions of 1992, even with the recent increase which have not yet come into effect, is unlikely to be sufficient to cover the *Prestige* disaster any more than it did the *Aegean Sea*. There has been much debate in this Organization as to whether or not limits should be adopted commensurate with the risk of maritime accidents to which coastal States are exposed. Unfortunately, Mr President, Distinguished Delegates, the reality is now on our shore, and all I can do is reiterate the determination of the Spanish Government to improve the international compensation regime with the participation of all States involved in one way or another in the maritime transport of oil. The Diplomatic Conference planned for early next year to review the compensation regime should take full account of the need to provide adequate cover to rapidly compensate all the victims, and not revert to the highly detrimental delays such as occurred in the case of the *Aegean Sea* which took 10 years to settle. This is the position of Spain from now on.

[Reference to other measures]

The highly ambitious proposals put forward by Spain and other countries, after the **Erika** accident, for the withdrawal of old single-hull tankers and their replacement by new double-hull tankers were ultimately watered down by the response of other States until a new timetable was agreed for withdrawal of single hull ships by 2015. This means, Mr President, that for another

13 years, ships like the **Prestige, Kristal, Castor** or **Erika** can continue to sail and endanger our seas. That is why the Spanish Government calls for strict application of all the control systems by flag States, port States, classification societies, insurers, ship-owners, cargo-owners and other operators to prevent these defective ships operating under cover of a timetable that profits them. Not even the least defect should be tolerated, nor should the market accept the risks to which it is exposed by the use of such ships. In addition, Spain will examine the viability of proposing measures to limit the operation of such old ships in areas where adverse weather conditions occur, i.e. introducing an additional criterion for limiting their operational capacity.

It should not be forgotten that the training and on-board living conditions of crews, who are the first who have to respond to an emergency of this kind, is also crucial. The wrong action by the crew can be of critical importance to the final outcome of an emergency such as that of the **Prestige**. The quality of crews is a vital factor in the chain of maritime safety.

In addition, the identification of ships through automatic systems and installation of voyage data recorders (black boxes) in all ships is another of the issues that we must promote and implement in the next few months.

Conclusions

Mr. President, first of all, thank you for your patience in this long intervention, I would like to conclude by highlighting the main lines of action which can be drawn *a priori* from my statement:

1. The fastest possible introduction of an IMO model audit plan to make audit mandatory for flag States.
2. Improvement of ships inspection systems by port States, including:
 - Reduction of inspection intervals,
 - Extended mandatory inspections for ships which have shown defects in previous inspections,
 - Strengthening of national maritime control mechanisms,
 - Obligation to notify defects to be rectified prior to the ship's arrival in port
 - Standardization, compatibility and access to databases of different regional agreements,
 - Empowerment of inspectors to monitor repairs and rectification of serious defects detected by them.
3. Requirement for strict compliance by classification societies with the minimum standards laid down in the SOLAS Convention, *i.e.* Assembly resolutions A.739(18) and A.789(19).
4. Control and requirement of new responsibilities of recognized organizations acting on behalf of flag States.
5. Development of guidelines on places of refuge which do not infringe the sovereign powers of coastal States with respect to protection of their coasts and related interests, such places to be designated in the light of the individual

circumstances of each case, each coastal State's capacity for emergency response and the guarantees provided by the commercial interests in the ship and/or cargo.

6. Distancing the transit of ships carrying dangerous goods from the current Finisterre traffic separation scheme and other sea lanes, for which Spain will forthwith present a proposal to this Organization.
7. Updating of the international oil pollution compensation scheme, developing the principle of the "polluter pays", speeding up procedures and time for payment of compensation and adopting compensation limits high enough to cover the potential risks involved in the transport of oil by sea.
8. Elimination of transition periods to allow the early entry into force of requirements concerning double hulls for oil tankers and/or restrictions on limits of navigation for pre-MARPOL oil tankers based on meteorological and geographical criteria, etc.
9. Continuation of IMO's efforts to improve training and living conditions on board ships.
10. Accelerated introduction of safety equipment on all ships, such as automatic identification systems, voyage data recorders, etc.

Mr. President, Spanish Finisterre, also called the "coast of death", is a rugged area of the Spanish coasts where many seafarers have unfortunately lost their lives. Spain has made enormous efforts to install navigational and maritime rescue aids to prevent as far as possible, and with considerable success, such deaths. But after successive accidents with serious ecological impact, such as the **Urquiola**, **Aegean Sea** and now the **Prestige**, it is Finisterre itself which is dying, and which could soon be remembered as the "dead coast" if all of us involved in international maritime traffic do not adopt all the means at our command to promote safe and efficient navigation and prevent the survival of substandard vessels.

In conclusion, Mr President, I would like to stress that in relation to the accident to the **Prestige**, Spain is taking all the technical, legal, diplomatic and administrative measures available to it to alleviate the effects of the disaster caused by her sinking. It will also take all possible measures to prevent similar disasters happening again, and to that end it will make every possible effort wherever it has influence, and especially in the International Maritime Organization, to achieve that.

Thank you very much, Mr. President
