



**COUNCIL OF
THE EUROPEAN UNION**

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REPORT

From : Secretariat General of the Council
To : COREPER
No. Cion prop. : 8010/06 MAR 32 ENV 214 CODEC 301
Subject : **SHIPPING**

Proposal for a Regulation of the European Parliament and of the Council
amending Regulation (EC) No 417/2002 on the accelerated phasing-in of double-
hull or equivalent design requirements for single-hull oil tankers and repealing
Council Regulation (EC) No 2978/94

- *General approach*

1. Introduction

In May 2006, the Commission presented the above mentioned proposal which was discussed
at the meeting of the Shipping Working Party on 22 May 2006.

The aim of this proposal is to reflect the political agreement voiced in December 2003 at the International Maritime Organisation (IMO) by the Italian Presidency, on behalf of the Member States and the Commission, expressing the commitment of EU Member States to refrain from making use of the MARPOL's (International Convention for the Prevention of pollution by Ships) exemptions.

Hence, the Commission proposed an amendment to Regulation (EC) No 417/2002 to extend the scope of the Regulation by prohibiting the carriage of heavy grades of oil in all single-hull tankers flying the flag of a Member States irrespective of the jurisdiction governing the ports, offshore terminals or the maritime area in which they operate.

2. Work undertaken by the instances of the Council

Following the examination of the Commission proposal and the introduction of some changes, the text which appears in the Annex is acceptable to all delegations but to EL.

On the content of the proposal, the EL delegation voiced its firm opposition and announced a written statement explaining its position. EL considered that:

- the statement made by the Italian Presidency at IMO could not be binding as formally there was no mandate from the Council to back this statement,
- the adoption of such a proposal would entail considerable loss of jobs in the Greek shipping sector since several Greek oil tankers would have to change their flag.

3. Outstanding issues

The Council is waiting for the opinion of the European Parliament¹. In its draft report, the rapporteur, Mr Le Rachinel took into account the linguistic and editorial changes proposed by the Commission and proposed them as the sole amendment to be adopted by the European Parliament². While aware of the EL concern, the rapporteur was in favour of the Commission proposal considering that for sake of maritime safety it was important to adopt that proposal as quickly as possible.

On 1 August 2006, the Committee of the Regions informed the Council that it had decided not to draw up an opinion on the proposal. On 13 September 2006, the European Economic and Social Committee submitted its opinion on the proposal³.

4. Conclusion

COREPER is invited to take note of the text as set out in Annex so that the Council can achieve a general approach on the text at its session on 11/12 December 2006, pending the adoption of the EP's opinion.

¹ Expected to be adopted at the EP plenary in December.

² On 22 November 2006, the TRAN Committee voted the amendment.

³ Opinion TEN/251 CESE 1182/2006.

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulation (EC) No 417/2002 on the accelerated phasing-in of double-hull or equivalent design requirements for single-hull oil tankers and repealing Council Regulation (EC) No 2978/94

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission¹,

Having regard to the opinion of the European Economic and Social Committee²,

Having regard to the opinion of the Committee of the Regions³,

Acting in accordance with the procedure laid down in Article 251 of the Treaty⁴,

Whereas:

¹ OJ C [...], [...], p. [...].

² OJ C [...], [...], p. [...].

³ OJ C [...], [...], p. [...].

⁴ OJ C [...], [...], p. [...].

- (1) Regulation (EC) No 417/2002 of the European Parliament and of the Council¹ provides for the accelerated phasing-in of double-hull or equivalent design requirements for single-hull oil tankers laid down in the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (“MARPOL 73/78”), in order to reduce the risk of accidental oil pollution in European waters.
- (2) This Regulation introduced measures prohibiting the carriage of heavy grade oil in single-hull oil tankers leaving or bound for ports in the European Union.
- (3) Following action by the Member States and the Commission within the International Maritime Organisation (IMO), this ban has been imposed world-wide through an amendment to Annex I to MARPOL 73/78.
- (4) Paragraphs 5, 6 and 7 of Regulation 13H of this Annex concerning the ban on the carriage of heavy grade oil in single-hull oil tankers contain exemptions from this Regulation. The statement by the Italian Presidency of the European Union, recorded in the official report of the IMO’s Marine Environment Protection Committee (MEPC 50), expresses a political commitment to refrain from making use of these exemptions.
- (5) Under Regulation (EC) No 417/2002, a ship flying the flag of a Member State could apply the exemptions from Regulation 13H if it operated outside ports or offshore terminals under Community jurisdiction and still comply with Regulation (EC) No 417/2002.
- (6) Regulation (EC) No 417/2002 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

¹ OJ L 64, 7.3.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 2172/2004 (OJ L 371, 18.12.2004, p. 26).

Article 1

The following sentence is inserted at the beginning of paragraph 3 in Article 4 of Regulation (EC) No 417/2002:

“No oil tanker carrying heavy grades of oil shall be allowed to fly the flag of a Member State unless such tanker is a double-hull oil tanker.”

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels,

For the European Parliament
The President

For the Council
The President