

## **TRADE UNION SOLIDARITY AND PROPOSALS ON A DISASTER THAT NEED NOT HAVE HAPPENED**

### **FINAL RESOLUTION OF THE EUROPEAN TRADE UNION MEETING ON THE SINKING OF THE *PRESTIGE***

**(La Coruña, 13 and 14 December 2002)**

The European Trade Union Confederation (ETUC); the European Transport Workers' Federation (ETF); the Confédération Française Démocratique du Travail (CFDT), Confédération Générale des Travailleurs (CGT) and Force Ouvrière (FO) representing the French trade unions; the União Geral de Trabalhadores (UGT-P) for Portugal, all meeting with the Confederación Sindical de Comisiones Obreras (CC.OO) and the Unión General de Trabajadores (UGT) for Spain in La Coruña to examine the causes and consequences of the disaster created by the sinking of the oil tanker *Prestige* off the Galician coastline, and to put forward to the Spanish and European authorities essential proposals for compensating the harm done, undoing the damage, and ensuring that such a disaster never happens again, considering:

- The steadily rising volume of hazardous goods transport generated by largely or completely untenable methods of production and consumption.
- The failings of both European and international sea carriage regulations as well as policing and inspection constraints which allow vessels to be used that do not meet minimum safety requirements and put coastal areas and communities at risk, as has happened here.
- The manifest lack of emergency plans with rapid response procedures, the shortage of human and technical resources (tugs, cleanup vessels, barriers, etc.) to deal with this type of accident, makes a bad situation worse
- The inefficiency and reprehensible failure of the Spanish authorities at both national and Autonomous Community level to keep the public informed, to deliver an immediate response and above all to coordinate the essential measures, highlighted by the sinking of the *Prestige*.
- The visible toll taken by the disaster on Galicia (900 kilometres of damaged coastline, an incalculable environmental impact, the effects on the economy, society and jobs, as well as in other branches of industry, of the total halt to fishing and dependent activities) also affect the north coast of Spain, and those of Portugal and France and put their futures at risk.
- Faced with an event of this scale, we demand that the damage be undone by adopting a comprehensive plan to address environmental, social and economic problems, that blame be clearly attached to the Spanish government and the European institutions for their failure to address the situation and adopt relevant measures which must not be funded out of existing structural policy resources but from new EU and Spanish government funding.

The trade unions have passed the following resolution:

Notwithstanding the alarming frequency of similar accidents off European coasts - the Shetland Islands in 1993, Milford Haven in 1996, Erika in 1999 - the European Union has still not done enough to bring in effective legislation and properly enforce existing rules on the design and construction of vessels carrying hazardous and polluting substances, quality control of oil tankers throughout their working life, or carriers' liability for disasters.

More than 22 years since the sinking of the Amoco Cadiz and 10 years after the sinking of the Mer Egée off Galicia in 1992, the tide of oil from the *Prestige* threatening coastlines has thrown into sharp focus that measures to prevent ecological disasters from oil shipping are not working.

THE MARINE ENVIRONMENT IS THE PLANET'S MAIN ECOLOGICAL RESERVE, THE LIVELIHOOD FOR MUCH OF THE COASTAL POPULATION, AND A MAGNET FOR TOURISM. SHIPPING COULD BE THE SAFEST, MOST ENVIRONMENTALLY SENSITIVE AND CHEAPEST FORM OF GOODS TRANSPORT, IF IT IS GOVERNED BY EFFECTIVE LEGISLATION AND NOT ALLOWED TO CONFLICT WITH SUSTAINABLE DEVELOPMENT.

Hazardous goods in particular are increasingly shipped by sea, despite the inherent high risks in sea transport which demand strict compliance with existing measures and the introduction of new rules to improve the safety of shipping.

In light of the evident difficulties encountered in trying to assign responsibilities for this type of disaster, we demand that article 73 of the UN Convention on the Law of the Sea (UNCLOS) be applied to the ships' masters and crew alike. We approve the ITF's statement that the 3 million euro surety demanded of the ship's master is out of all proportion and designed to divert attention from those who are really responsible for this disaster.

The supranational nature of navigational safety and environmental protection mean that the EU must adopt as a matter of urgency a comprehensive EU-wide maritime safety plan which includes the following measures:

- Making the European Maritime Safety Agency operational earlier than scheduled with sufficient material and human resources to carry out its responsibilities, giving priority to an exhaustive evaluation of available maritime safety resources and plans and harbour policing measures in order to avoid the creation of ports of convenience where technical formalities during inspections are not left to individual discretion.
- Redrafting of European Parliament and Council Regulation (EC) N° 417/2002 of 18 February 2002 on the accelerated phasing-in of double hull or equivalent design requirements for single hull oil tankers, shortening the enforcement times, and introducing a plan for the withdrawal and gradual substitution of single hull vessels to be completed by December 2005.
- The immediate application of European Parliament and Council Directive 2001/106/EC of 19 December 2001 amending Directive 95/21/EC concerning the enforcement in respect of shipping using Community ports and sailing in the waters under the jurisdiction of Member States, of international standards for ship safety, pollution prevention and shipboard living and working conditions. The scope of this law should be expanded in order to regulate the policing and inspection of vessels in transit. It should also increase harmonization of existing inspection and enforcement conditions within Member States, particularly as

regards compliance with the educational levels and experience required by inspectors in accordance with the Directive's provisions.

- Adopting a Directive to regulate shipowners' and charterers' liability for vessels and their cargo, which must be joint and several, and unlimited. It must also require proper and sufficient compulsory public liability insurance to be contracted.
- Forcing shipowners and charterers to comply with international labour (minimum wages and regulation working times and rest periods), educational and high-level training standards is a prerequisite for improved safety in transport.
- Keeping shipping lanes for oil and hazardous goods transport in Community waters as far away as possible from the coastline, especially in so-called hotspots, in accordance with the European Parliament resolution on the sinking of the *Prestige*.
- Creating a network of refuge harbours under the authority of each State in which appropriate marine salvage services will be situated (ocean tugs, antipollution vessels, emergency preparedness and response capabilities, etc.) in areas where traffic is heaviest and which are potentially the most at risk
- Framing Community rules to force coastal states to have emergency plans for shipping accidents involving a risk of pollution by hazardous goods. The directive must lay down, among other things, the minimum human and technical resources which each country must have, the European authority responsible for coordination and the obligations of each port, according to the volume of activity or hazardous goods received, as well as establishing independent public controls over the types of cargo.
- Relaxing the conditions governing access to the EU solidarity fund so as to promote a rapid and efficient return to normal of living conditions in disaster-hit regions.

The European Commission must promote a review of international regulations in the different fields of law to bring them into line with modern realities, both in terms of cargoes and volume of shipping, to address public concerns and update maritime safety while protecting the environment. Likewise, it must apply more stringent penalties to states that do not comply with Community legislation.

Protection of coastal environments and conservation areas must be a priority for coastal states. As a result, the overarching obligation of EU Member States must be to bring their legislation into line with the above proposals.

In addition to preventive measures, States must frame specific regulations to act when accidents occur, by:

- Putting in place procedures for coordinated action between the different official agencies concerned.
- Setting up maritime safety onshore bases with links to maritime research and safety centres equipped with technical resources, an appropriate methodology and financial resources, preferably located in hotspots or critical ecological areas near shipping lanes. These centres should draw up regular, publicly-available reports.

- Drawing up environmental recovery plans for affected areas in cooperation with local government.
- Drawing up comprehensive social and economic recovery plans for affected areas.
- Providing public and occupational health protection and surveillance for local communities and those involved in cleanup work who are exposed to fuel oil. The Commission must put in place a system of independent technical expertise by which to determine exactly what boarded cargoes consist of.

The trade unions taking part in the meeting are mindful of the heavy toll that the sinking of the tanker *Prestige* has taken on Galicia. For that reason, we support all the demands made by the UGT-Galicia and the S.N. de CC.OO de Galicia, and in particular we call for the following measures to be adopted as a matter of urgency:

- in addition to declaring the area a disaster zone, central and regional government must increase the vital measures and financial resources to a level appropriate to a disaster of this scale.
- those both directly and indirectly affected must be provided with guaranteed incomes until the situation is put right and the life cycle of the entire coastal ecosystem is re-established.

The participating trade unions affirm that this a clearly European-scale disaster and therefore demand that the European Union immediately face up to its responsibilities and impose, in addition to the measures that we demand for the comprehensive EU maritime safety plan, a requirement that all cargo ships plying the exclusive economic zones (EEZs) should carry unlimited liability insurance that covers all damage - economic, social and environmental - that may result from an accident.

The trade unions present at this meeting invite the European Trade Union Confederation to convey this demand, with its support, to all Community bodies.