

Parliamentary questions

11 January 2019

E-000135-19

Question for written answer E-000135-19

to the Commission

Rule 130

Jordi Solé (Verts/ALE) , Josep-Maria Terricabras (Verts/ALE)

Subject: Marine pollution in the North Sea

Answer in writing

According to the organisation Municipalities for Sustainable Seas (KIMO(1)), each year 10 000 boxes are lost at sea, while the World Shipping Council(2) gives an annual figure of 1 582 containers (catastrophic events included). The most recent incident occurred in the night of 2 to 3 January 2019, when 288 containers were lost overboard of the vessel MSC Zoe above the Wadden Islands in the North Sea, including three carrying toxic cargoes, with major consequences for the environment in vulnerable areas.

Does the Commission intend not only to require shipowners to insure themselves against the potential environmental and health consequences of the loss of containers, but also to arrange for full coverage of all clean-up costs for both the coast and the sea, as well as the costs related to the storage of the containers and the resulting pollution?

Does the Commission consider it to be the case that shipping companies are not complying with the international rules regarding the safety of containers, as has been affirmed in a programme(3) on Dutch television? If so, what action will the Commission take to improve the implementation of port inspections?

Can the Commission clarify whether it is willing to implement the measures put forward by KIMO in its resolution 1/08?(4)

*(1)[https://www.waddensea-forum.org/images/archive/studies/Shipping-KIMO-Resolution\\_Container.pdf](https://www.waddensea-forum.org/images/archive/studies/Shipping-KIMO-Resolution_Container.pdf)*

*(2) <http://www.worldshipping.org/news/articles/2017/07/10/containers-lost-at-sea-2017-update>*

*(3) <https://nos.nl/nieuwsuur/artikel/2266193-gemiddeld-vallen-150-zeecontainers-per-jaar-in-de-waddenzee.html>*

*(4) [https://www.waddensea-forum.org/images/archive/studies/Shipping-KIMO-Resolution\\_Container.pdf](https://www.waddensea-forum.org/images/archive/studies/Shipping-KIMO-Resolution_Container.pdf)*

*Last updated: 23 January 2019 Legal notice*

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E-000135/2019

Answer given by Ms Bulc

on behalf of the European Commission

(20.3.2019)

Containers lost at sea qualify as 'wrecks' under the International Wreck Removal Convention<sup>1</sup>, which places strict liability on ship operators and makes financial security compulsory. While the Convention provides a set of uniform rules for the removal of wrecks located in a country's exclusive economic zone, it enables an "opt in" to apply certain provisions in the territorial sea. The Commission continues to promote ratification and use of the opt-in by Member States.

Liability for damage from spillage of hazardous and noxious substances during maritime transport is covered by the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea (HNS Convention<sup>2</sup>). However, the Convention has not yet entered into force. In the interim, Directive 2004/35/EC<sup>3</sup> requires preventive and remedial action, including effective remediation of environmental damages by the operator.

The safe management of container cargo is regulated in the Safety Of Life At Sea (SOLAS) Convention<sup>4</sup>. These rules regulate the safe storing of containers, including stacking and lashing of containers, and a cargo securing manual. A recent amendment to SOLAS<sup>5</sup> requires mandatory container weight verification, making the shipper responsible for providing this information to the ship's master. The way cargo is carried forms an integral part of a Port State Control inspection under Directive 2009/16/EC. The Commission and European Maritime Safety Agency (EMSA) are currently investigating if recent inspections have identified any issues in relation to the carriage of containers and will assess data being reported<sup>6</sup>.

As the problem of lost containers involves a range of interlinked issues and shipping is a worldwide activity, the Commission, at this stage, continues to pursuing the matter within the International Maritime Organisation (IMO) as also proposed by Kommunenenes Internasjonale Miljøorganisasjon (KIMO), and will further assess the data being reported<sup>7</sup>. At the same time, the Commission will address the issue of lost containers in the context of the international governance on plastic marine litter<sup>8</sup>.

*1 The international Convention on the removal of wrecks, 'Nairobi Convention' (2007), which entered into force in April 2015; at present, 14 EU Member States have ratified the Convention:*

<http://www.imo.org/en/About/Conventions/StatusOfConventions/Documents/Status%20-%202019.pdf>

*2 International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, International Maritime Organisation (IMO), 1996.*

*3 Directive 2004/35/EC of the European Parliament and the Council on environmental liability with regard to the prevention and remedying of environmental damage.*

*4 Safety of Life at Sea Convention (SOLAS), Chapter VI (Carriage of cargoes and fuel oils) and Chapter VII; and corresponding IMO Guidelines: Code of safe practice for Cargo Stowage and Securing (Resolution A714(17)); Code of Practice for packing of cargo transport unit (November 2014); IMO has also requested the International Organisation for Standardisation (ISO) to review and revise its standards regarding lashing equipment and corner castings.*

*5 Amendment to SOLAS Chapter VI, Regulation 2, paragraph 6; legally effective since 1 July 2016.*

*6 In accordance with Directive 2002/59/EC establishing a vessel traffic monitoring and information system, and Directive 2009/18/EC establishing the fundamental principles governing the investigation of accidents in the maritime transport sector.*

*7 In accordance with Directive 2002/59/EC establishing a vessel traffic monitoring and information system, and Directive 2009/18/EC establishing the fundamental principles governing the investigation of accidents in the maritime transport sector.*

*8 Both at the level of the IMO, which adopted an action plan on marine plastic litter from ships, including work items on lost containers, which will be further assessed at the 74th session of the Marine Environment Protection Committee (MEPC) (May 2019), as well as at United Nations Environment Assembly (UNEA), in particular in the 4th edition of UNEA (March 2019)*