

## **Compensation call over boxship pollution in Europe**

Green group says local authorities should be properly compensated for cleaning up after box ship disasters, writes Sandra Speares - Monday 29 January 2007

North Sea ministers have failed to act to protect coastal states from the effects of pollution from container ships, environmental group Kimo International has claimed.

Demands for action by ministers to prevent pollution from box ships were falling on deaf ears, said the group in a statement issued last week.

The environmental group, which represents local authorities in nine countries in north Europe, is calling for a new convention to compensate for damage relating to the carriage and clean-up of non-toxic cargoes.

Kimo president Angus Nicolson said that the MSC Napoli incident, which resulted in a number of containers being washed ashore on the Devon coast, highlighted the lack of a compensation and liability regime to protect local authorities. Responsibility for expensive clean-up operations would fall to the authorities themselves.

The environmental organisation believes the grounding of the MSC Napoli in Lyme Bay “is exactly the type of incident that North Sea ministers and senior officials decided was not worthy of action at the North Sea ministerial meeting on shipping and fisheries in Gothenburg last May”.

It points to the 1997 grounding of the Cita on the Scilly Isles as an example of the local authorities, together with the UK Department for Transport, being left out of pocket following a casualty that involved the clean-up of non-toxic cargo.

They failed to recover their costs through the German courts due to limitation of liability issues.

KIMO has also criticised governments for not ratifying conventions such as the hazardous and noxious substances convention and the bunker oil pollution damage convention.

It says the only convention that currently covers non-toxic substances is the 1996 limitation of liability convention, but it believes the convention’s “primary function is to reduce the liability of the shipowner in relation to maritime claims rather than to provide compensation to the victims of pollution”.

The DfT said on Friday that local authorities and others that incurred costs resulting from a ship-source pollution incident could lodge a claim in court in accordance with the domestic law, applying the limitation of liability convention.

The UK strongly supported the bunkers convention, which it ratified in June last year, the DfT said. However, the convention has yet to enter into force because “not enough other states have ratified it”.

The DfT also pointed out that incidents like the Cita and the MSC Napoli would “come within the scope of the Bunkers Convention once it is in force”.

The UK was continuing to work towards the ratification of the HNS convention, the ministry said.

On the issue of a further convention covering non-toxic cargoes, the UK stance is sceptical “at this time”.

The DfT said on Friday that it “would question the wisdom of entering into negotiations on yet another international

compensation and liability convention when some of the key conventions which have already been adopted, notably the Bunkers Convention and the HNS Convention, have yet to enter into force internationally”.

Article from Lloyd's List:

[www.lloydslist.com/art/1169659441629](http://www.lloydslist.com/art/1169659441629)

Published: 29/01/2007 GMT

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