

Merchant Shipping (Ship to Ship Transfers) Regulations 2010

Scottish Environment LINK is the forum for Scotland's voluntary environment organisations, with over 30 member bodies representing a broad spectrum of environmental interests with the common goal of contributing to a more environmentally sustainable society. This response is from LINK's Marine Task Force (MTF - members are detailed below)

The 2005 proposals for ship-to-ship (STS) transfers of oil in the Firth of Forth highlighted significant deficiencies in the regulatory regime controlling the handling of oil in UK waters. LINK MTF members are supportive of the Merchant Shipping (Ship-to-Ship Transfers) Regulations 2010, which were designed to rectify this situation. Such measures are essential to protect our marine environment and ensure the UK and Scottish Governments meet their obligations under international, European and domestic environmental law.

We note that tight restriction of the number and size of localities where STS may take place, in order to help manage the risk of oil pollution within UK territorial waters, was a key recommendation of Lord Donaldson's report, *Safer Ships, Cleaner Seas*, published in 1994, following his inquiry in the aftermath of the *Braer* disaster. We strongly believe STS transfers of oil must be restricted to areas where oil spill contingency plans (and thus equipment) are required to be in place. In practice, if further regulation is to be avoided, this would mean STS transfer of oil occurring only within harbour authority areas where they are well equipped to deal with any accidents quickly, safely and most effectively. Further, we support the requirement for a licence to be issued by the Secretary of State to allow harbour authorities to supervise STS activity. We welcome the fact that the licensing process will be subject to an environmental impact assessment (Schedule 2) and (where appropriate) an assessment of the impacts on European wildlife sites (Schedule 1). The process should also consider impacts on Nature Conservation Marine Protected Areas (in Scotland) and Marine Conservation Zones (elsewhere in UK waters) when these are designated.

These measures will enable the UK and Scottish Governments to direct competent authorities applying the Habitats and Birds Directives to STS operations, thereby helping to ensure they meet their international legal obligations. By removing the burden of consent from harbour authorities, the process will become more transparent and accountable, eliminating any possible perception of conflicted interests. In addition, the consenting process should also be more consistent and streamlined, with harbour authorities able to recoup costs of licence applications through harbour dues.

LINK MTF strongly believes the ship-to-ship transfer of oil must be regulated, and we reiterate our support for the measures set out in the Merchant Shipping (Ship to Ship Transfers) Regulations 2010.

This response was compiled on behalf of Scottish Environment LINK's Marine Task Force and is supported by:

Hebridean Whale and Dolphin Trust
Marine Conservation Society
National Trust for Scotland
RSPB Scotland

Scottish Wildlife Trust
WWF Scotland
Whale and Dolphin Conservation Society

For further information please contact:

Alan Wells
LINK Marine Policy and Advocacy Officer
Tel: 01350 728200
email: alan@scotlink.org

Lindsay Roberts
LINK Marine Policy and Advocacy Officer
Tel: 0131 3116544
email: lindsay@scotlink.org