

Norway forces owners to clean up or pay up

Incidents such as the Prestige and the Erika have done little to help the tanker industry gain favour with the public. One of the reasons for the bad press is the extent of the clean-up operations that take place following a spill. With this in mind, the Norwegian government has taken action to make shipowners more accountable for not only clean-up but also wreck removal costs.

The Norwegian coast has had its fair share of grounded and sunken vessels over recent years, some of which have resulted in unwanted expenses for the Norwegian government. "On some occasions the clean-up costs and wreck removal costs have exceeded the limitation limits of the vessels concerned," explains Haakon Stang Lund, partner at Oslo-based law firm Wikborg Rein & Co. With tanker traffic, in particular, off the Norwegian coast expected to increase considerably over the coming years, the government has proposed a separate limitation regime for claims connected to cleaning up after shipping incidents.

The new regime, which is outlined in a White Paper issued by the Norwegian Committee of Maritime Law in August 2002, states that while shipowners will still be able to limit their liability for clean-up and wreck removal costs, these limits will be considerably increased. For example, for vessels of between 300 and 1,000 tons, a minimum limitation of 3m special drawing rights (SDR's) will be set. For vessels between 1,001 and 10,000 tons, an additional 1,000 SDR's will be charged per ton while vessels in excess of 10,000 tons will be charged an additional 500 SDR's per ton. Vessels of less than 300 tons will not be affected.

"The White Paper has been circulated to various parties for comment. It is now being reviewed by the Minister of Justice before a proposal is made to the parliament later this year," says Stang Lund. If approved, it will be adopted as an amendment to the Norwegian Maritime Code but this may take until early 2004.