

# To Research on Wreck Responsibilities in Northern Europe (WRENE)

- **Focus on Denmark, Finland, Germany (Addition: Spain)**

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# Report: Synoptic overview

## Terms of Reference

1. Legislative definition of wreck/shipwreck;
2. National Liability Regimes;
3. Roles and Responsibilities of Legislative Authorities;
4. Surveys and Inventories;
5. Environmental Impacts;
6. National End-of-life Management System;
7. Funding Program for Wrecks.



Foto: F1bloggen.se

# Definitions

- Denmark has ratified the WRC (2015) and extended its application to the Danish territorial water.
- The term wreck was broadened in the Danish legislation due to the WRC (Article 4), both when it comes to the definition of a wreck and the situations where a wreck needs to be removed.
- The three most frequent situations are when:
  1. The object is an impediment to navigation,
  2. The object causes hazard to the marine environment, and finally
  3. Cases where the object is considered to be a litter.

# Compulsory Insurance

Part 8(a) of the Merchant Shipping Act, cf. act no. 1384 of 23 December 2012:

*Section 168. The registered owner of a ship flying the Danish flag with a gross tonnage of or above 20 shall have approved insurance or any other guarantee covering the owner's liability...*

- All Danish ships of a GT of or above 300, to also have a certificate (The Merchant Shipping Act)
- Payment: A fee of DKK 1,250/per wreck removal certificate (Order no. 27)

# Responsible authorities

Situation	Authority	Roles and responsibility
<b>Stranded</b>	<b>Danish Maritime Authority</b>	First responder, site investigation, manager of removing (delegates to owner)
	<b>Owner</b>	Manages removal including storage (1 <sup>st</sup> payer for the operation)
	<b>Company</b>	Storing, Scrapping and dismantling
	<b>Insurer</b>	Paying for the operation if the owner has an insurance

# Responsible authorities

Situation	Authority	Roles and responsibility
<b>Danger to the Coast or Navigational impediment</b>		
	<b>Danish Coastal Authority</b>	First responder, site investigation, manages removal
	<b>Municipal Council</b>	First responder, site investigation, manages removal
	Owner	Manages storage, 1 <sup>st</sup> payer for the operation
	Company	Storing, Scrapping and dismantling
	Insurer	Paying for the operation if the owner has an insurance

# Responsible authorities

Situation	Authority	Roles and responsibility
<b>Extreme danger to the Coast or Sea</b>		
	<b>Nature Agency</b>	First responder, site investigation, manages removal
	<b>Admiral Danish Fleet</b>	First responder, site investigation, manages removal
	Owner	Manages storage, 1 <sup>st</sup> payer for the operation
	Company	Storing, Scrapping and dismantling
	Insurer	Paying for the operation if the owner has an insurance



# Wreck Investigation (Skagen and Hantsholm)

*Vrak I Skagerrak;  
Patrik Lindström 2006*



- 2005: Useful information was gathered on wrecks with potentially polluting oil/chemical weapons (World War II wrecks);
- The map did not illustrate the exact position;
- Confirmation: there are wrecks that pose potential threats

# End-of-life Vessel Management

- No national strategy for end-of-life vessel management;
- The EU Ship Recycling Directive is applicable in Denmark;
- Recycling of large vessels, i.e. navy ships and inland vessels is conducted at facilities in Denmark such as Fornæs (one of Europe's biggest ship recycling yards), Smedegaarden, in Esbjerg on the Western Coast of Jutland in Denmark, and Jatob, located in Frederikshavn.

# Funding mechanisms

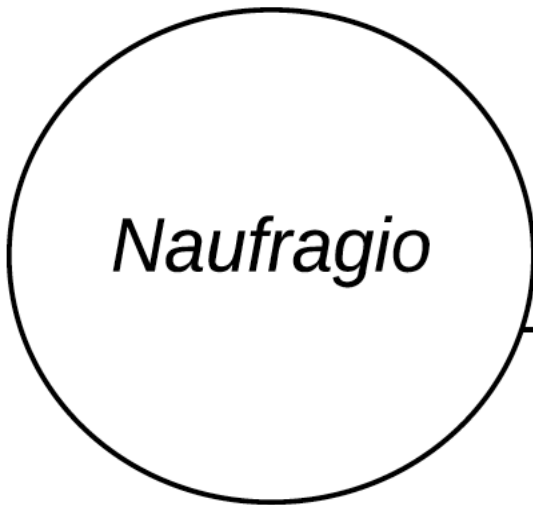
- No national remediation programs have been developed in Denmark (for pre-WRC wrecks that are considered to be a threat to environment or navigation);
- No financial has been proposed at the government level;
- Funding sources: the government and responsible authorities, and in the end from the tax-payers .



Foto: VinoFino

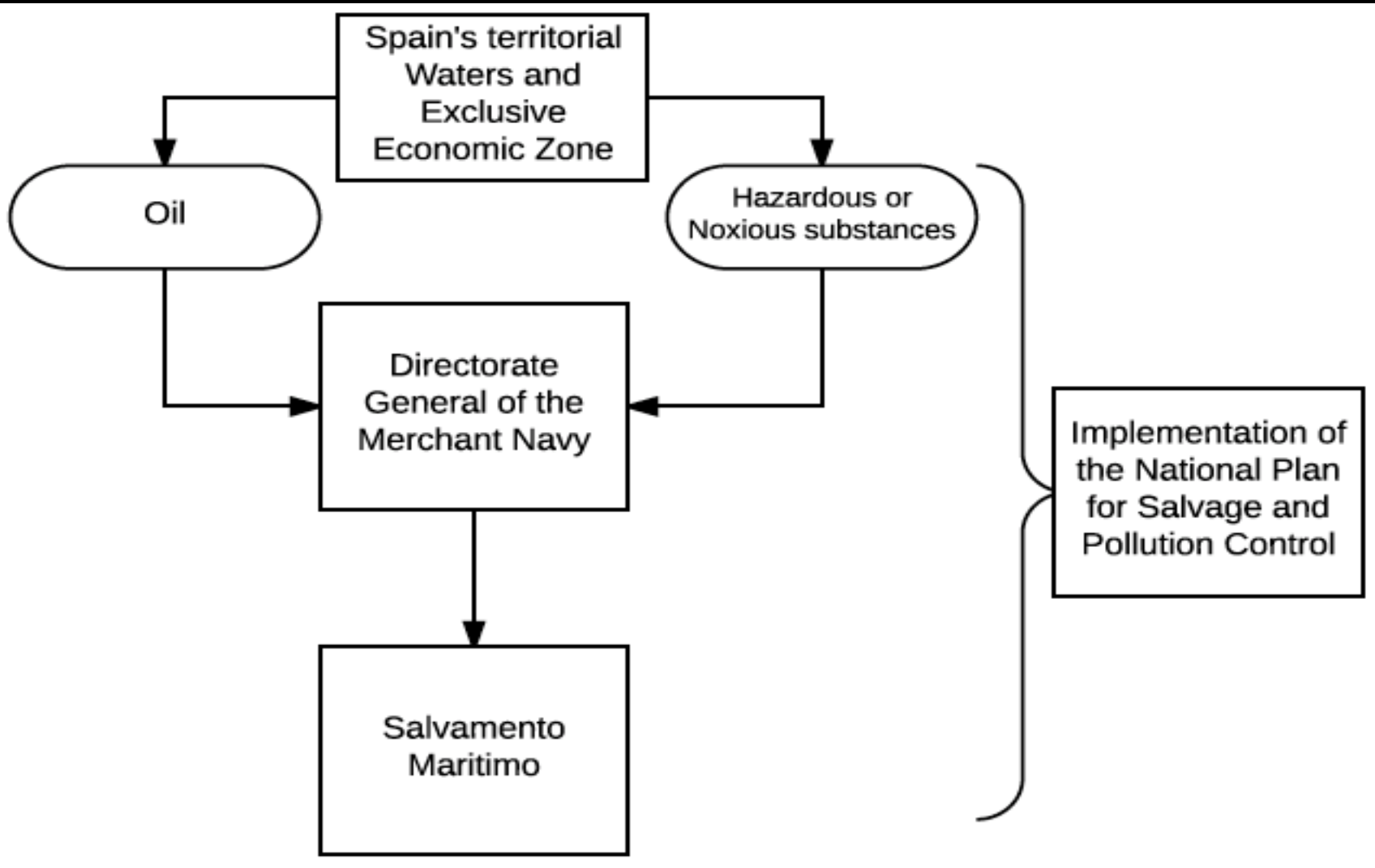
# Shipwreck: Definition Non-existent

- The new Spanish Shipping Law 14/2014 (*Ley 14/2014, de 24 de julio, de Navegación Marítima*);
- Ley 41/2010 Protection of the Marine Environment Act (*Ley 41/2010, de 29 de diciembre, de protección del medio marino*);
- The Code of Commerce of 1985.



} Domestic wreck-removal provisions do not apply

# Roles and Responsibilities



# Provincial Action

If it likely to impact near-shore waters or shoreline:

Direction and coordination is provided by the Civil Governor;

The Civil Governor convenes a technical coordination committee;

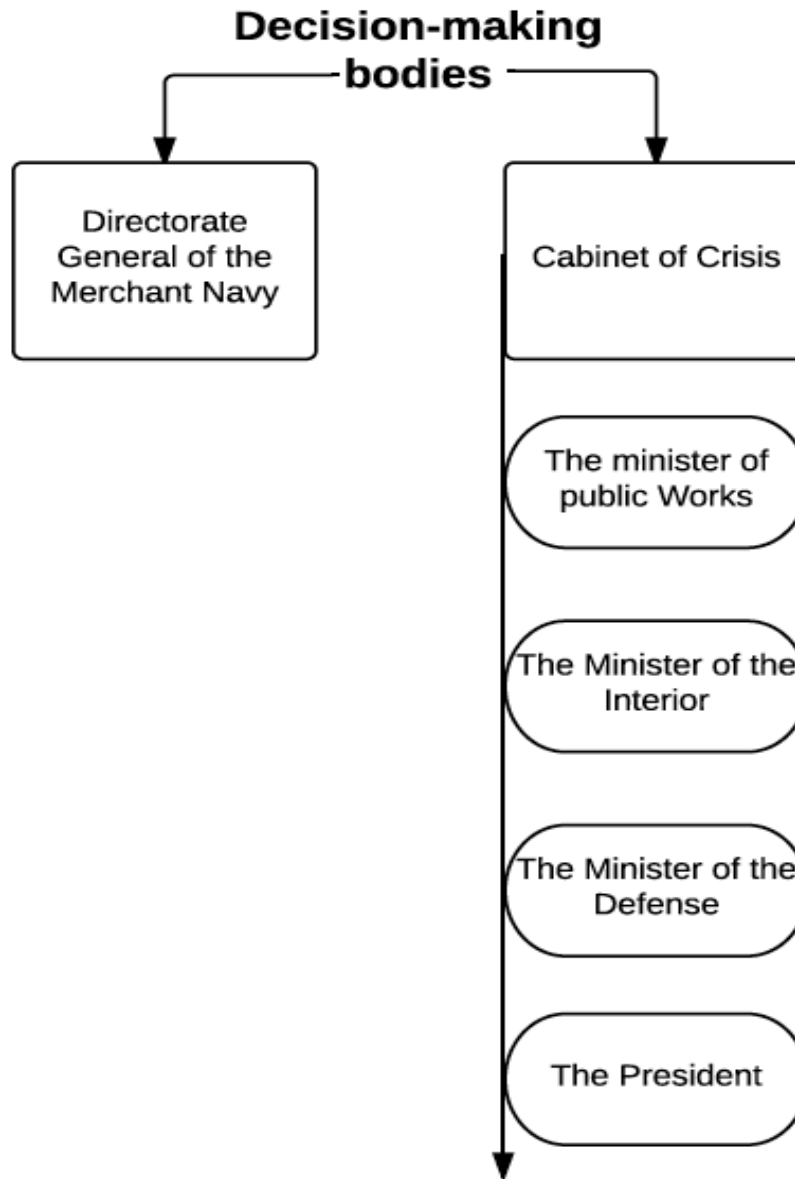
Shoreline cleanup actions initiated by municipal councils – coordinated by the Civil Protection Board.

If it impacts more than one province:

The Ministry of the Interior and local government representative assume responsibility .



# Wreck-removal: Decision



# No Official Surveys

No available data. Because:

- The number of dangerous wrecks is <10;
- A lot of the wrecks are foreign vessels: no legal obligation;
- Even if the *Erika*, the *Urquiola* and the Spanish Galleons are checked for oil or HNS every year – there is no threat-priority based category;
- Main priority: Underwater Cultural Heritage in accordance with the Convention on the Protection of the Underwater Cultural Heritage of 2001.

# *Capitanías marítimas*

- 12 – 15 *Capitanías marítimas* (Harbour Master's Office);
- These offices report each maritime incident to the 'Spanish Association for Maritime Law';
- The Association is a private group that subsequently communicates wreck-incident related information to the DGMM;
- The statistics is not public information

# Funding System

- A funding system has been developed – but considered to be inadequate and insufficient;
- Wrecks of environmental concern: government's environmental expenses/costs.



Foto: Jordbruksverket

# Definition: Not Explicitly Defined

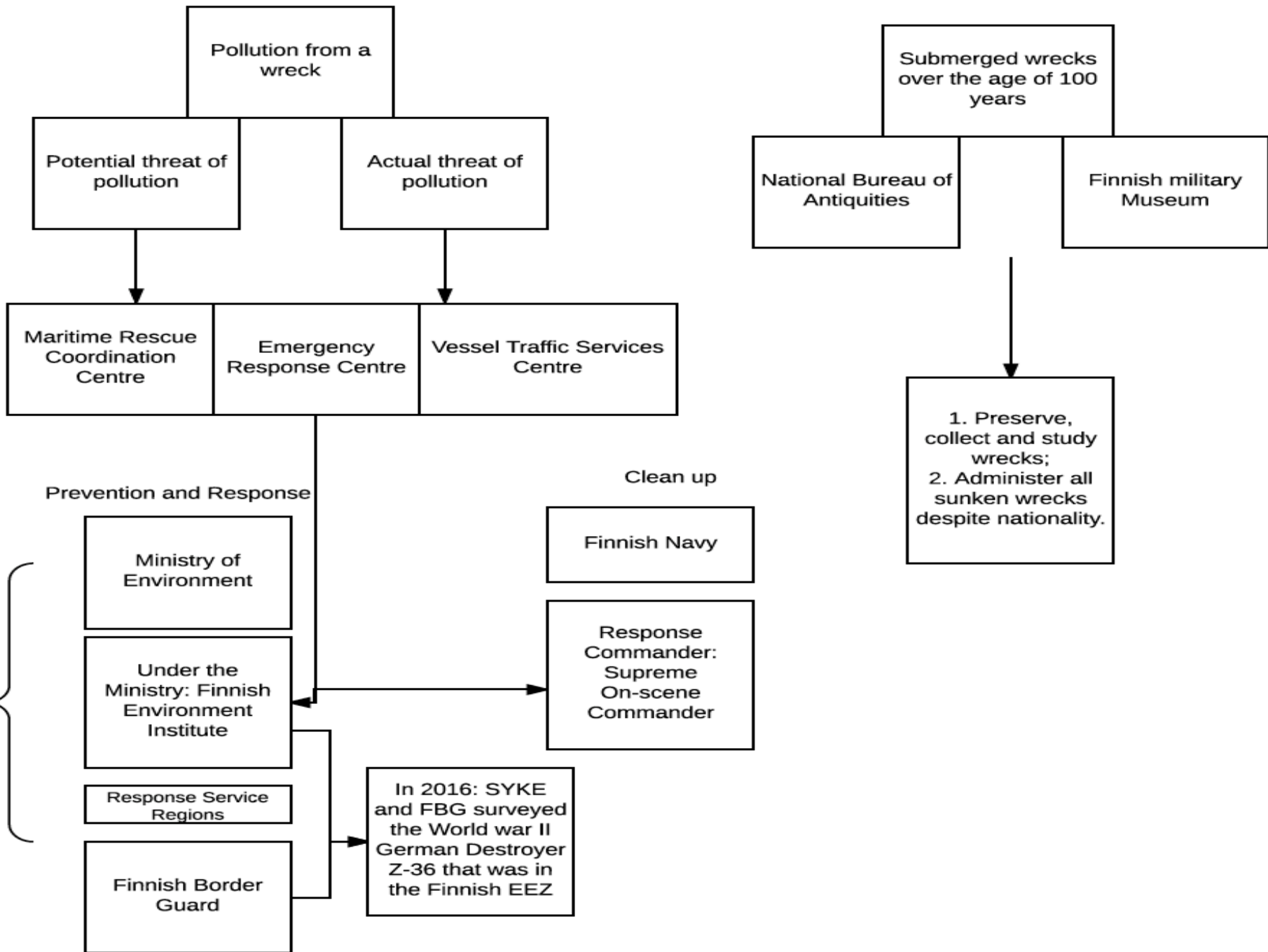
But mentioned in:

- **Finnish Antiquities Act (295/1963):** s. 20 of Chapter 3 - “considered to be over one hundred years old”;
- **Finland: *Maritime Code (merilaki 674/1994):***
  - Chapter 3: ‘vrak’;
  - s. 12 of Chapter 6 : ‘farligt vrak’,
  - s. 2 of Chapter 9: ‘vrak’;

Finland has ratified the WRC and the process of implementation is an ongoing process.

# **Roles and Responsibilities**

Historical Wrecks





# Surveys and Inventories

- There is no official central register for wrecks in Finnish waters. SYKE has a database of shipwrecks: dates back to 1970-ies;
- Bathymetric surveys and marine mapping by Finnish Maritime Administration were incorporated by a state-owned company (Meritato Ltd.);
- Finland also has an open shipwrecks and wreck discoveries internet database, created in 1999, which covers the Finnish coastal and inland waters.

# Submerged Wrecks of Historical Value

The National Bureau of Antiquities maintains an Ancient Relics Register (Finnish: *muinaismuistorekisteri*), which includes all known shipwrecks within the territorial sea, internal waters and lakes (around 1400+ known wrecks).

# **National Liability Regimes**

# Clean up after Discarded Vessels

## **Governed by the Waste Act (646/2011)**

s. 72: Prohibition on littering – vessel abandonment is a form of littering that is frowned upon;

s. 74: Supplementary obligation to clean up – eventually falls on the local municipality.

# Navigational Hazard

is governed by two laws:

- **Regulation on Shipping Passages (846/1979):**

s. 9 – the onus lies on the owner to remove a sunken ship that poses a threat to the safe passage of ships;

- **Environmental Protection Act (527/2014):**

s. 18 – forbids the intentional sinking or abandonment of a ship in Finland's territorial waters or the exclusive economic zone.

s. 175 read together with s. 179 – competent authorities may order the owner to remove the threat.

# Environmental Impacts

The Sunken Wreck Environmental Risk Assessment (SWERA) is considered to be a modernized approach combines the theoretical risk assessment method developed at Chalmers University of Technology, Sweden with an oil removal risk tool by SYKE and Alfons Håkans Ltd.

Incident

**1947:** S/S Park Victory sank in the Gulf of Finland near Utö

**1953:**  
M/A Jut'n Feldman sank near Helsinki.  
The oil tanks contained 4,500 litres of fuel.

**1964:** M/S Brita Dan sank outside Rauma.

53 Years

Removal of hazards

57 years

39 years

Oil leakage detected in 1994. The volume of bunker fuel was estimated to be 600 tonnes. The removal operation was carried out between 1994 to **2000** whereby a total of 410 cubic meters of oil was removed.

**2010:**  
fuel tanks were successfully drained.

In **2003**, oil started to leak and SYKE removed a total of 20 cubic meters of light grade fuel oil

# End-of-life Management

## **No National System in place**

However, the dismantling costs were highlighted in the 2010 report titled *Recovery of Obsolete Vessels not Used in the Fishing Trade*

### **Disposal costs:**

Boats <6 meters: 10 € per meter + transportation costs;

Boats >6 meters: 150 € per tonne;

This cost-system is not yet proven for larger crafts.



## Funding for Wreck Removal

To the best of our knowledge, no budget money has been assigned by the state for wreck-removal. All cases are handled on an individual basis.



Foto: Pix Gallery

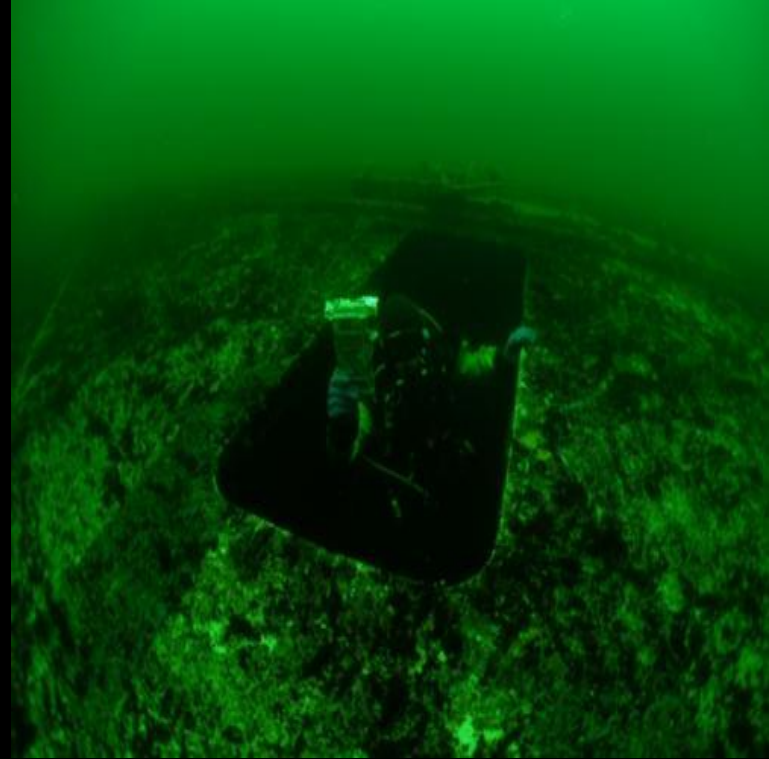
## Germany

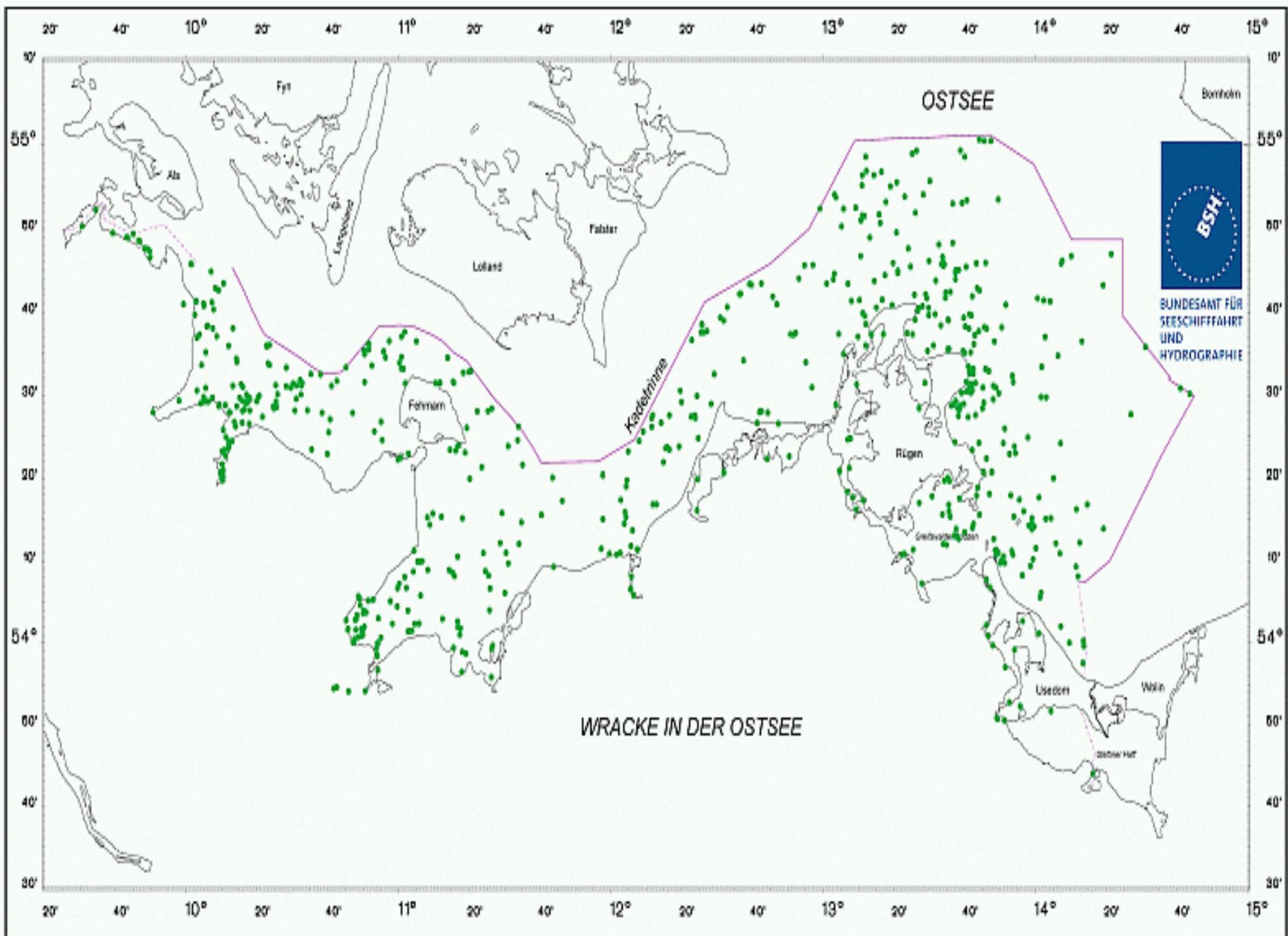
- has pushed forward actively the negotiations on the **Wreck Removal Convention (WRC)** at the IMO
- the question of what constitutes a “*wreck*” - in legal terms – has not been tested or problematic so far – rather the treatment of abandoned wrecks in the **EEZ** was the driving force to push for new international legislation..
- Most prominent cases: “*Gamma West*” (1990, North Sea, German EEZ – **wreck removal costs: about 6 Mio. EUR**);
- “*Jan Heweliusz*” (1993, Baltic Sea, German EEZ – worst shipping disaster ever of a Polish-flagged vessel...)

## Germany

- “*Jan Heweliusz*” has not been removed
- but: estimated costs for locating, marking and assessing the wreck: **720.000 EUR** (IMO Doc. LEG/75/6/1, p. 2)
- Annual Report of the responsible German authority (BSH) estimated already in 2000....:

**1.700 existing wrecks in German waters** (both Baltic and the North Sea) **+ 40 newly discovered wrecks per year**



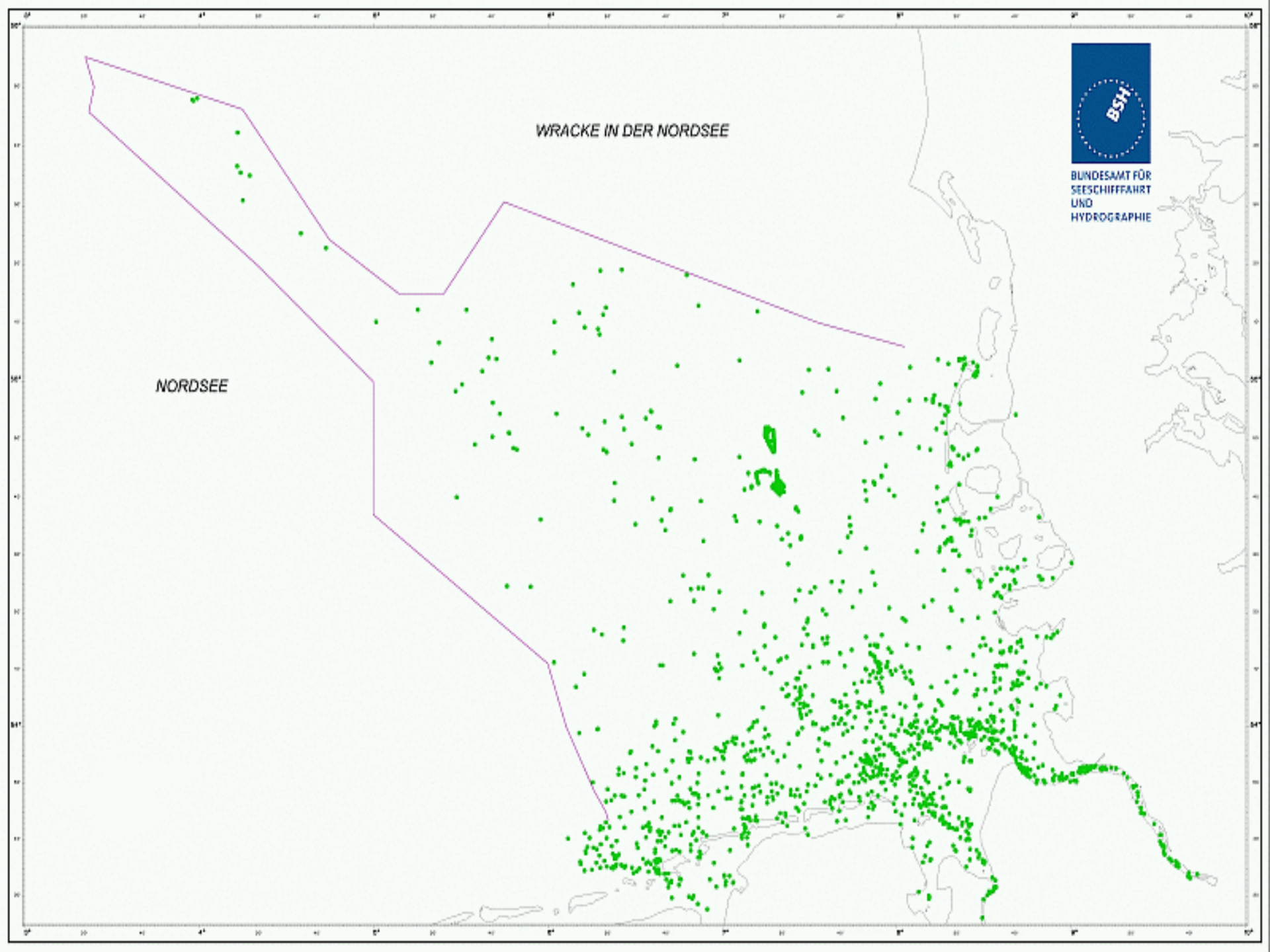




BUNDESAMT FÜR  
SEESCHIFFFAHRT  
UND  
HYDROGRAPHIE

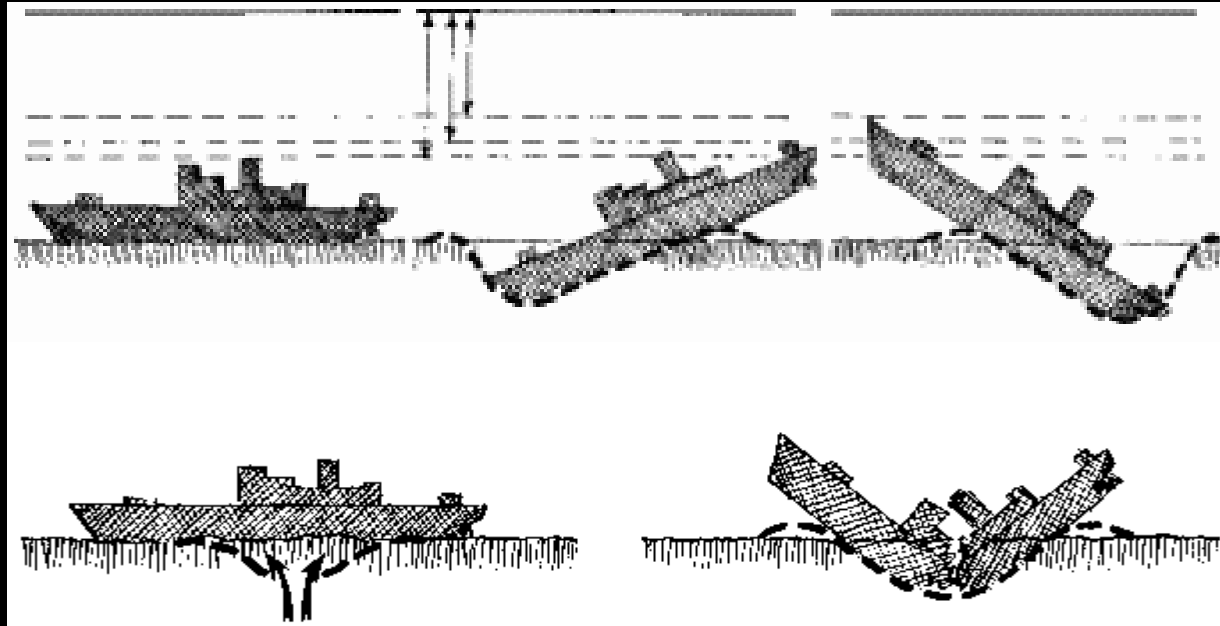
### WRACKE IN DER NORDSEE

NORDSEE



## Responsible German authorities:

- Hydrographic surveying (assessment) of existing wrecks
- Search for new wrecks (locating + marking)



- Issuing liability and insurance certificates in accordance with the WRC
- NO emergency competencies in relation to NEW wreck removal operations

Responsible German authorities,  
taking into account the “**Bundeswasserstraßengesetz**” ...

- **Traditional emergency competencies** lie with the “**General Board for the Federal Navigable Waters**” (“Generaldirektion Wasserstrassen und Schifffahrt”) and its sub-divisions
  - **+ Recovering costs**
- in accordance with German administrative law (relating to wreck removal in the territorial sea and/or internal waters, traditional competence);
- in accordance with the rules of the WRC (= for the EEZ, new competence)



## Germany

- The question of **German war ship wrecks** is politically delicate...
- in general, the (former) Federal Republic (i.e. West Germany) has always argued that it is the successor of the German empire and, thus, **still the sovereign owner** of former German war ships and submarines (**some dispute proceedings on this question were held in foreign jurisdictions...**)
- When it comes to **pollution from war ship wrecks**, however, the German State might argue *ex ante*, i.e. that the status of the law of armed conflict at the time of the sinking should apply → no involuntary compensation or reparation
- → compensation obligations could be argued only *ex post*, from today's position and should be subject to bilateral negotiations...

THANK YOU