

EU ministers approve diluted safety directives

Justin Stares, Brussels - Thursday 9 October 2008



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Antonio Tajani.

EUROPEAN Union transport ministers have agreed to radically reduced versions of two controversial maritime safety directives, raising the possibility that the Erika 3 package of legislation might finally become law before the end of the year.

In Luxembourg, ministers approved pared down versions of the civil liability and flag state control directives. The French EU presidency stripped out all elements rejected by a majority of national governments earlier in the year, creating two basic texts all 27 member states could agree on.

These will now be taken to 'conciliation' talks with the European parliament later this month.

"The initial proposal has been watered down quite radically," Brussels transport commissioner Antonio Tajani said during the meeting, adding however that he would recommend the parliament accept the compromise.

The EU presidency sought to reassure shipowners that there would be no new insurance certificate. "The texts meet their expectations," the presidency said. Likewise, member states were told the transfer of sovereignty they feared would not now take place.

Governments which had previously blocked the proposal applauded the two slimmed-down texts. It was "an excellent result" said the British minister.

The compromises were "very positive," said Denmark. The few governments which had been in favour of more radical safety laws also gave their support. Italy said it was "puzzled" by the watering down but would nevertheless vote in favour. "We should have gone further," said Spain.

The shipowner civil liability directive should be renamed the 'shipowner insurance' directive, the French presidency said, because it would now simply require all ships in EU waters to carry insurance. This was "common sense," the presidency said. Few if any uninsured ships are thought to trade in Europe.

The original commission proposal would have lifted liability ceilings and introduced a new insurance regime.

There was some discussion among ministers about whether insurance arrangements should be checked in port or at sea (which would contravene the United Nations Law of the Sea, some say). There was also debate about what to do if a ship was found to be under-insured: expel it or detain it.

On flag state control, there will now be no attempt to transfer responsibility for ratifying maritime conventions from member states to Brussels. This has been replaced by a non-binding statement in favour of ratification. Some governments have not ratified conventions signed in the 1970s. There will instead be flag state audits, which will be published.

The final form of the third package of EU maritime legislation is still unclear, as the European parliament has the power to veto and amend all laws.

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