

Court of Justice ruling delivers blow to shipping

By Justin Stares in Brussels - Tuesday 20 November 2007



The European Court of Justice

A COALITION of maritime industries has lost the first round of a legal battle to overturn the European Union ship-source pollution directive.

An advocate general of the European Court of Justice ruled today that there was no ground for questioning the validity of what industry called the ‘criminalisation’ directive because of its harsh definition of seafarer liability.

While not definitive, the ruling is nevertheless a blow for the coalition led by tanker owners’ association Intertanko because the full court usually follows the advocate general’s advice.

Intertanko, dry cargo shipowners group Intercargo, the Greek Shipping Co-operation Committee, Lloyd’s Register and the International Salvage Union were hoping the court would declare the directive invalid on the grounds that it contravened international law, in particular the Law of the Sea.

But in her 37-page ruling, advocate general Juliane Kokott said there was “no factor of such a kind as to bring into question the validity of Directive 2005/35/EC of the European Parliament and of the Council of 7 September 2005 on ship-source pollution and on the introduction of penalties for infringements.”

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