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Brussels ready to dilute civil liability directive

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EUROPEAN Union transport ministers are expected to water down a directive on civil liability for shipowners to almost nothing when they meet today in Luxembourg, writes *Justin Stares*.

Diplomatic sources said the text agreed prior to the meeting would ensure that ships entering EU waters are insured without creating a new insurance certificate as the European commission had originally suggested.

Given that uninsured ships are not thought to trade in European waters, the directive, if agreed by the European parliament, would confirm the status quo.

The option of direct action against ships' insurers is thought to have been dropped, as has the commission's original suggestion that liability limits be lifted entirely under certain circumstances for certain ships.

When combined with the abandoning of an attempt to redefine negligence, the text ministers are expected to agree it would contain few novelties.

The commission had originally intended to ask all ships entering EU waters for proof of insurance, though this was soon dropped as Brussels officials realised it would break with the United Nations Law of the Sea.

The current version would require

insurance arrangements to be checked in port.

Earlier this year, a large majority of EU member states said they did not want the directive because it was unnecessary and unworkable. However, the parliament refused to abandon it and threatened to reject a package of maritime safety laws if ministers did not rethink their position.

France, holder of the EU presidency and one of the only supporters of the proposal, has put member states under pressure to soften their opposition.

The latest draft of the council of ministers seems to be an attempt to give the parliament enough to save face without changing the fundamentals of existing shipowner insurance regimes.

Ministers will have talks with the parliament later this month in an attempt to strike a final deal on seven laws. The negotiating team for the parliament has already been set up and includes Euro MPs with a good deal of maritime experience, including Germany's Georg Jarzembowski and Belgium's Dirk Sterckx.

A separate directive on flag state control is also thought to have been watered down and no longer gives the EU new powers to enforce international conventions.

The other five proposed laws are mainly uncontroversial.