

Commission tightens its grip

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The European Court of Justice's decision to kick out a marine pollution law has played directly into the hands of the European Commission who could use the ruling as a springboard to launch more binding legislation, a maritime law expert has claimed.

Kicked out on a technicality in Luxembourg earlier this week, the law will be redrafted allowing the Commission to impose tougher sanctions, explained Erik Rosaeg, a professor at the Scandinavian Institute of Maritime Law.



Rosaeg said it was always the Commission's intention to have the law rejected, in a case which ran parallel to, but did not influence, the high-profile European Directive on Ship Source Pollution hearing.

"This ruling plays into the Commissions hands - it expected this decision," Rosaeg told TradeWinds.

"It can go back to the drawing board and draft laws which are more binding to member states."

Tuesday's decision was an internal EU legal issue in which the Commission took on the European Council to ask for the annulment of a 2005 Council Framework Decision and thus strengthen the criminal law framework for the enforcement of the law against ship source pollution, and succeeded, Rosaeg explained.

"This opens the way for a new, stronger instrument based on the Article 80 of the EC Treaty," he warned.

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