

# Euro MPs get 'cheeky' with redrafting of safety plans

**THE European Parliament is attempting to resurrect two unwanted maritime safety proposals by transplanting their contents into draft laws that are still alive, writes Justin Stares.**

The two proposals, on civil liability for shipowners and flag state control, were rejected by European Union transport ministers earlier this year but have been reborn thanks to a "cheeky" redraft by Euro MPs in the parliament's transport committee.

Documents released by the committee show the directive on vessel traffic monitoring, which until now had dealt with issues such as places of refuge for ships in distress, has been renamed to include "rules governing ship owners' civil liability and financial guarantee".

The directive would now oblige all ships entering EU waters, of whatever flag, to carry certificates of insurance or equivalent guarantee valid for at least three months. The shipping industry, supported by a majority of EU member states, has until now opposed this as unworkable and unnecessary given that almost all ships are covered by the P&I insurance system

"The operator, agent or captain of a ship bound for a port or offshore terminal under the jurisdiction of a member state... shall notify the authorities of that member state that a financial guarantee certificate is being carried on board," the draft now reads.

The new proposal also re-introduces another controversial element: direct action against the provider of the financial guarantee. "Any requests for compensation for damage caused by the ship may be addressed directly to the provider of the financial guarantee," the draft says.

Separately, the directive on ship inspection and survey organisations has been renamed to include "compliance with flag state requirements". It previously dealt only with the classification society industry but now also seeks to give the European Commission the right to enforce international flag state conventions within Europe.

The transport committee says the legislative transplant is justified because the maritime safety package forms "an interrelated set of proposals". In addition to the two rejected texts, there are five more.

But it is doubtful member states will react positively to the attempt to keep the proposals alive.

"The French [EU] presidency agrees with our approach, but the member states do not," said French Euro MP Gilles Savary, the rapporteur for the civil liability directive.

"The parliament is shooting itself in the foot. Cheeky is the right word," said a transport attaché for one member state. "It shows they are not serious about second reading agreements. I don't think they will get anything more than they have got already."

Industry representatives said they are still studying the texts and will comment shortly.

This article is copyright Informa plc. and is reproduced with permission. Reproduction, retrieval, copying or transmission of this article is not permitted without the publisher's prior consent. Informa plc. does not guarantee the accuracy of the information contained in this article nor does it accept responsibility for errors or omissions or their consequences.