

Intertanko still standing

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A shipping industry coalition is to fight on against a European directive on ship-source pollution despite a legal set back today.



Intertanko managing director, Peter Swift.

Advocate general Juliane Kokott, released a 37-page document which stated there was “no factor that could bring into question the validity” of the directive.

However, Intertanko has dismissed suggestions that Kokott’s non-binding statement was some form of victory for the European Commission.

“This opinion examines the arguments presented by the parties and makes a series of recommendations as to how the complex issues raised in the case might be addressed,” Intertanko said.

It is the judgment of the Grand Chamber that will be decisive, said Intertanko which is leading the battle on behalf of a shipping industry alliance that also includes Intercargo, the Greek Shipping Co-operation Committee, the International Salvage Union and Lloyd’s Register.

Intertanko also drew on the fact Kokott supported the coalition’s argument that the EU had no power to enforce laws outside of its territorial waters if they go beyond the reach of Marpol.

“She has also agreed that the directive was clearly intended to do this, as it prescribes ‘serious negligence’ as an additional test of liability,” the tanker owners’ association said.

“[Kokott] has suggested that the directive would not be invalid if the term ‘serious negligence’ is interpreted restrictively, to mean no more than the Marpol test of recklessness,” it added, stressing the advocate general also called for serious negligence to be given a broader meaning.

Intertanko said the coalition was not seeking the “freedom to pollute” by contesting the directive.

“These proceedings have been brought to uphold the principle of the shipping industry being regulated on a global basis with regulations that are legally certain and capable of uniform application,” said Intertanko managing director, Peter Swift.

By [Andy Pierce](#) in London

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