

Brussels divided over ship size ruling on passenger liability

Justin Stares

Brussels

EUROPEAN Union member states and the European parliament are still divided on the future of the Athens Convention covering passenger liability.

The two sides, which were locked in behind-closed-doors talks yesterday on a package of maritime safety laws, have so far failed to agree on the extent to which the convention should apply to domestic or 'cabotage' trades, said a Member of the European Parliament representing the parliament.

Member states in the EU council of ministers want the convention to apply to only larger 'class A' vessels, while the parliament wants passengers on vessels of all sizes covered.

The international convention would oblige carriers to take out insurance of around €300,000 (\$380,000) per passenger. It would be enforceable on international routes if current talks succeeded, although extending its scope to domestic routes was one of the last points that still divided the EU institutions, said Belgian MEP Dirk Sterckx.

"The council [of ministers] wants the convention to apply to just class A, but we want more," he said. "There is also the issue of timing. The council wants too long a period before it comes into force."

National governments, egged on mainly by Mediterranean countries with island fleets, said extending the scope would be too expensive. They also questioned whether the insurance industry would be able to provide cover.

The parliament contests this. "The insurance market will have the capacity to insure these types of risks with a reasonable extra cost for the passengers," parliament transport committee chairman Paolo Costa said earlier this year.

Yesterday's talks, part of a tie-breaking mechanism known as conciliation, are the last round of five years of negotiations on a seven-strong package of laws nicknamed Erika 3.

More than 40 representatives of the parliament, council and the European Commission are meeting on council premises in Brussels in an attempt to thrash out a deal. If they cannot, or if the deal they come to is not then ratified, the entire package will fail.

"I am not sure if this will pass, but I remain optimistic," Mr Sterckx said.

On the issue of compensation for ports that agreed to offer refuge to ships in distress, Mr Sterckx said a compromise was being lined up.

Ports have said that without such a compensation scheme, designed to cover economic damage rather than the spill clean-up costs, there would be no incentive to offer refuge.

"It is difficult to find an agreement because it's difficult to calculate the insurance premium," Mr Sterckx said. "The solution could be that member states guarantee the costs, but that's not acceptable to the council. So we are looking for in-between wording."

The parliament and council could ask the commission to review existing situations in member states with a view to coming up with a new legal proposal, he said. In Denmark and the UK there is already legislation in this field which could conceivably become a model for the rest of the EU.

The conciliation process is due to finish this month.