

## **Blow for European Commission as Erika 3 package is broken up**

By Justin Stares - Thursday 7 June 2007

THE seven-strong Erika 3 'package' of maritime safety laws is expected to fall apart this week if ministers come as expected to an agreement on the less controversial proposals.

So-called 'political agreements' are expected on three draft laws in the council of ministers, which sits in Luxembourg today, setting off the stopwatch for an agreement between the European Union institutions. The agreements will effectively break up the package into workable and controversial proposals, pushing those which ministers dislike to the bottom of the agenda and thereby delaying discussion possibly by another year.

Pre-council briefing notes suggest agreement in principle on the vessel traffic monitoring directive, which sets conditions for taking in ships in distress.

A political agreement is also expected on the port state control directive, which defines the system under which ships should be inspected (or refused entry) when calling EU ports. A third proposed law, governing accident investigation methodology, is also expected to be given the thumbs-up.

The political agreements will be turned into 'common positions' and then sent back to the European Parliament for a second reading. Time limits would then apply to all future negotiations between the council and the parliament, which both have a veto on new legislation.

The European Commission and the European Parliament have until now maintained that the Erika 3 laws should go forward as a 'package', meaning that they should be examined at the same time.

Controversy generated by at least two of the proposed laws has however meant that this has not been possible. The flag state control directive, which would shift competence for law enforcement from national capitals to Brussels, is facing stiff resistance, as is the **civil liability directive**. As a result, some laws are likely to be approved before ministers have begun discussing others.

Discussion of the most controversial proposals has already been delayed by a year and are not now expected to begin until the French presidency at the end of 2008. The Portuguese presidency in the second half of this year was the original goal set by EU Transport Commissioner Jacques Barrot for the approval of all seven laws.

Also on the agenda in Luxembourg is the **regulation covering liability of carriers of passengers by sea**, which seeks to bring international rules to play on EU domestic routes and extend them — controversially — to inland waterways. Rather than a political agreement, this discussion is expected to result merely in a progress report. There will also be a debate on the setting up of a European long range identification and tracking of ships data centre — a old idea which has resurfaced.

The commission denied that the package had been broken up. "I don't know about these technical details you are talking about but the commission wants to take these proposals forward as a package at the same time," said commission transport spokesman Michele Cercone.

Several of the proposed laws have been earmarked for public deliberation and should therefore be viewable over the internet via the council's website [www.consilium.europa.eu](http://www.consilium.europa.eu).

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