



Owners give positive verdict on Brussels Erika 3 package

Draft directives concede major IMO role, writes Justin Stares in Brussels

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MORE than a year behind schedule and after last-minute tinkering, the European Commission published its third package of maritime safety legislation yesterday. The industry verdict? Positive.

Transport Commissioner Jacques Barrot listed seven draft directives the commission would seek to push through the European Union institutions next year. Unlike previous packages, the contents of 'Erika 3' are not expected to prove controversial.

The one worrying element for shipowners failed to materialise following intense lobbying. The commission will not seek to alter the limited liability regime owners enjoy via European legislation, it was announced.

While not giving up its desire to see limited liability removed, the commission said it would seek to make changes through the International Maritime Organization, as the industry had requested.

International conventions including the Limitation of Liability for Maritime Claims Convention were given a shot in the arm by Mr Barrot, who stated his intention to turn all of them into enforceable European law.

"There are several presents in this package for the IMO," said Fotis Karamitsos, European Commission maritime director. "We are turning LLMC into Community law, the Athens convention will be expanded to domestic traffic, accident investigation methodology will be introduced along IMO lines and legislation on the flag state code will be made mandatory."

Ships flagged in third countries which have not ratified LLMC will be subjected to unlimited liability claims in European waters, Mr Karamitsos said. "This should encourage other countries to ratify the convention too."

Shipowners welcomed the focus on international rather than European legislation. "We always appreciate it if IMO is made stronger," said Alfons Guinier, secretary general of the European Community Ship Owners' Association. "At first sight this looks positive. We are happy to note that if further changes are necessary they will be made through the IMO process."

The maritime industry and the commission have clashed in the past over the introduction of regional, EU-wide legislation.

The proposed directives included in the Erika 3 package are:

1. Flag state control: member states must verify the application of international rules regarding ships flying their flag.
2. Port state control: more ambitious inspection rates, less frequent inspections for quality vessels.
3. Traffic monitoring directive: member states required to provide list of places of refuge to EC and neighbouring maritime states.
4. Classification societies: introduction of new financial sanctions short of withdrawal of approval in case of poor performance.
5. Accident investigation: common EU methodology established
6. Passenger compensation: Athens convention incorporated into EU law for both international and domestic transport.
7. Civil liability: LLMC implemented. Revision of liability ceiling sought within IMO.

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