

Ratification of Shipping Agreements

During its June plenary session in Strasbourg, the European Parliament gave its Assent to EU ratification of the 1996 International Convention on Liability and Compensation for Damage in connection with the Carriage of Hazardous and Noxious Substances by Sea (HNS Convention). The Parliament also agreed to adopt the report approving the draft Council Decision to allow the Member States to sign and ratify, in the interests of the EU, the 2001 International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 (Bunkers Convention) (Bunker Oil Convention).

The HNS Convention seeks to guarantee suitable, prompt and effective compensation for people suffering from damage caused by hazardous and noxious substances being spilled when carried by sea. The Convention overcomes a major shortcoming in the international regulatory process in the case of liability for pollution at sea. The EU and its Member States share responsibility for areas covered by the Convention, with the EU alone being competent in matters pertaining to Articles 38, 39 and 40. These articles are not compatible with secondary EU law on jurisdiction, enforcement of judgments, as set forth in Regulation 44/2001/EC of the Council on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters.

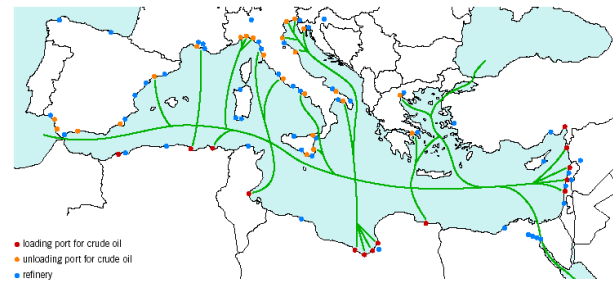
As there were no short-term plans to reopen negotiations to take account of EU jurisdiction and conflicts between the Convention and EU law, the Commission is urging the Council to take the exceptional step of allowing the Member States, with the exception of Denmark, to

ratify the Convention in the interests of the EU, subject to an appropriate reservation.

The Bunkers Convention was adopted to ensure that adequate, prompt and effective compensation is available to persons who suffer damage caused by spills of oil, when the latter is carried as fuel in ships' bunkers.

The Convention overcomes a major shortcoming in

Oil tanker routes in the Mediterranean



Source: MAP and REMPEC 1996b

Courtesy: GEO 3

Some 30 per cent of all merchant shipping and 20 per cent of global oil shipping crosses the Mediterranean every year

the international regulatory process in the case of liability for pollution at sea, but it raises the same power-sharing challenges for the EU and the Member States as the HNS Convention. The European Commission is urging the Member States to adopt the same solution so that the Convention can be quickly and effectively implemented. (MJ)