

IMLI^e-News

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EC Maritime Law Consultant:

“IMLI is a cosmopolitan institution ...”

Dr. Iliana Christodoulou – Varotsi, Attorney at Law at the Athens Bar Association (Greece) and external consultant to the Government of Cyprus (*EC Maritime Law*) recently delivered a lecture at IMLI. Her lecture focused on the recent developments in the EC Legal Framework on Ship Source Pollution.



Dr. Iliana Christodoulou-Varotsi lecturing at IMLI.

Dr. Christodoulou – Varotsi is (*inter – alia*) a visiting fellow at the Panteion University of Athens (*Department of International and European Studies*) and at the Diplomatic Academy of the Greek Ministry of Foreign Affairs. She has written several books

(including *“The Adaptation of Greek and Cyprus Maritime Law to EC Law”*) and a number of papers from the field of EC Maritime law.

Dr. Varotsi, which were the most important points of your lecture at IMLI ?

My lecture at IMLI was an excellent opportunity to explore the questions of multilateralism, unilateralism and public policy choices with regard to ship-source pollution. I placed special emphasis on the need to explore EC initiatives on ship-source pollution from the point of view of their advisability as a public policy choice, and from the angle of international maritime law, in order to explore possible conflicts. While recognizing the important contribution of EC maritime law to the enhancement of maritime safety, a certain dissent may be detected in the recent contact of EC maritime law with international maritime law.

Which are the latest developments in the EC legal framework on ship-source pollution ?

In the light of a number of marine casualties in EC waters, the EC legal framework on ship-source pollution has been subject to noteworthy developments, which demonstrate certain aspirations for a European-oriented approach to maritime safety and marine environment protection. The latest developments notably include EC Directive 2005/35/EC of the European Parliament and of the Council of 7 September 2005 on ship-source pollution and on the introduction of penalties for infringements, and EU Council Framework Decision 2005/667/JHA of 12 July 2005 for the enforcement of the law against ship-source pollution. These instruments constitute, to a certain extent, a selective approach to the MARPOL 73/78 Convention, which leaves the elaboration of appropriate sanctions at the discretion of States. EC instruments provide for the convergence of EC member-State legislation with regard to the imposition of administrative and criminal sanctions in cases of ship-source discharges of polluting substances committed with intent, recklessly or by serious negligence. However, the above-mentioned EC instruments do not fail to raise certain issues from the angle of their relationship with international maritime law.

The eagerness of the EC legislature for more regulation is also demonstrated by the so called Erika III package of measures, presented on November 2005 by the European Commission, containing seven proposals of new European legislation and amendments to the existing one. This package included a proposal for a Directive on the conformity requirements of flag States, an amendment of the Directive on classification societies, an amendment on the port state control Directive, an amendment on the traffic monitoring Directive, a proposal for a Directive on accidental investigations, a proposal for a Regulation on liability and compensation for damage of passengers in accidents, and a proposal for a Directive on the extra-contractual liability of shipowners. The forthcoming discussion of the proposed Erika III package is likely to provoke a renewed, yet fully -

justified interest in the confrontation between international and regional approaches to maritime safety and marine environment protection.

How do you see the relation between the EU and IMO in this field?

The relationship between the EU and the IMO in the field of maritime safety and marine environment protection is a dynamic one; it contains synergy and antagonism. As such it does not fail to raise certain issues. Via its action, the EC seems to suggest that expeditious, harmonized and enhanced action, should be a priority, while the IMO seems to stress the importance of global action and the need for stability for the shipping industry. It is clear that EU maritime action is not only a tool to protect the oceans, but also a tool to promote the integration process between EC member States, which also includes the maritime sector; in this sense, regardless of the question of possible efficiency or inefficiency of the international legal order on maritime safety and marine environment protection, the EU gives the impression that it has an independent role to play.

What are your general impressions about IMLI ?

As Malta, which hosts the IMLI, the latter is a crossroads; a crossroads of cultural, scientific and empirical exchange in the maritime sphere. In this context, I appreciated the cosmopolitan character of the institution and the unique possibility offered to its students to come in contact with a wide range of scientific and professional milieux from the maritime field. In particular, I appreciated the relatively small number of students, which encourages a more qualitative approach to their instruction.

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