



Belgian Shipowners' Association Senior Legal Officer:

“IMLI offers the IMO the possibility to have maritime law ambassadors almost everywhere in the world ”

Mr. Bernard Vanheule, a Senior Legal Officer with the Royal Belgian Shipowners' Association, delivered recently a set of lectures at IMLI on EC Maritime Law.

Mr. Vanheule has experienced the European Maritime Policy on a daily basis. After completing his post-graduate studies in Sea-Use Law in 1995 he joined the European Parliament and later on started his career as a P&I correspondent. As advisor of the Belgian minister for environment he represented the Belgian Government at European level for sensitive issues such as the negotiation of liability and/or compensation regime for oil pollution in the aftermath of the *Prestige* accident. In 2004 he joined the Royal Belgian Shipowners Association, as a senior legal officer.



Mr. Vanheule, lecturing on EC

Maritime Policy at IMLI

During his stay at IMLI he lectured on various topics related to EU maritime law. Special emphasis was placed on “EU rules on competition in the maritime sector”, “Crew and safety” and “Criminal sanctions in the protection of the marine environment.”

Mr. Vanheule, which were the highlights of your lectures at IMLI ?

I underlined competition and maritime safety aspects in general and the fact that maritime transport is by definition an international activity. A major difference between EU rules dealing with competition and those on safety is that maritime safety matters are regulated at an international level (IMO), while competition ones are not. However, it must be noted that even for competition rules some harmonization exist at international level since many States in various continents adopt similar rules. A good example is the block exemption for liner conferences.

It is quite interesting to note that some time ago the EU Commission decided to repeal this block exemption and this exactly at the time when Singapore (*which is deemed to be one of the most liberalized States* worldwide) expressed its intention to maintain this exemption. To some extent the EU opted for an “unilateral solution”.

Your lectures focused on various aspects of EC Shipping Law. Which are the latest developments in this field ?

I definitely have to mention the new (proposed) ERIKA III package of legislation which contains 7 new proposals aiming to improve safety at sea. One of them is the proposal trying to improve the very basic rules dealing with liability and compensation for maritime claims. The mentioned proposal is to a certain extent conflicting. First, it invites member States to ratify the 1996 Protocol to the 1976 LLMC Limitation of Liability Convention, secondly, it wants to incorporate the protocol into EU legal order and thirdly, it seems that there is also the intention to modify the Convention and to propose certain changes. Asking member States to ratify a convention and wanting to modify it, are from a legal point of view in contradiction.

One of your lectures focused on EC rules dealing with criminal sanctions in the protection of the marine environment. What is your opinion about the new directive and framework decision regulating this area ?

The best way to give credit to an international convention is to implement and enforce it. The contrary is also true. The best way to weaken and to discredit an international convention (*in this case the MARPOL convention*) is to implement it with discrepancies. It seems to me that the existing legal text (*the 2005 Directive and Framework decision*) is more likely to be detrimental to the MARPOL convention. The legal rules are so complex that they will most likely work to the detriment of clear and faithful prosecution of *mala fide* operators that don't respect international standards and distort fair competition. *In fine* this is to the detriment of *bona fide* shipowners, which invest in the safety of the vessel.

What are your impressions about IMLI ?

IMLI offers the possibility to the IMO to have its maritime law ambassadors almost everywhere in the world and this is an excellent approach for advocating the importance of a harmonized international maritime law.

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