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 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)

Oil tanker routes in the Mediterranean

The European Commission announced in June that it had cleared Euro 216 million in aid for Indonesia as part of a five-year co-operation programme.

The Country Strategy Paper for 2002-2006, which provides the framework for relations with Indonesia, aims to consolidate democracy by improving “good governance” and to ensure the preservation of natural resources.

The Programme deals with what the Commission sees as the most pressing problems facing Indonesia: unstable government, poor management of resources, a rising population and a subdued investment climate.

Good governance is seen to include democracy, economic liberalisation, and enhancing the rule of law and public administration, with a particular accent on provision of basic health and education services to the poor to reduce poverty.

The preservation and sustainable management of natural resources in rural areas covers illegal logging, forest fire prevention, forest inventory and monitoring. The two areas are connected through policy issues such as land rights and respecting the human rights of the poor and local communities in rural areas.

The Programme comes two years after the EU and Indonesia agreed to intensify their co-operation and dialogue. They agreed to set up a regular political dialogue, through ministerial meetings, senior official or expert level meetings, and informal consultations in the margins of international conferences and gatherings. (MJ)