

Insurance of shipowners for maritime claims

2005/0242(COD) - 24/10/2007 - Modified legislative proposal

Of the 25 amendments adopted by Parliament the Commission has decided to accept eighteen in their entirety. Two have been rejected. The remaining have been accepted in part or in principle. In summary they are as follows:

Amendment 5: The last part of the amendment describes conduct barring limitation (circumstances under which a ship-owner loses the right to limit his liability.) This description is considered incomplete and therefore in need of revision in order to reflect all the enacting terms of the Directive. For example, reckless personal act or omission *as well as* gross negligence etc.

Amendment 21: This amendment refers to the contents of the IMO Resolution. The description is not, however, deemed to be complete and should also mention payment of the outstanding remuneration.

Amendment 23, 26 and 27: These three amendments cover the creation of a Community Office responsible for managing financial guarantee certificates. The Commission accepts that, in principle, there may be reason to centralise the management of financial guarantee certificates at a European Level. However, the creation of such an office would have administrative and financial consequences that need to be taken into account.

As a result the Commission will examine this initiative in greater detail. One option proposed would be to entrust the tasks to the European Maritime Safety Agency. Based on the above the Commission has modified the new proposal in order to state that it may be appropriate, in the future, to centralise the management of financial security certificates at a European level. The European Maritime Safety Agency could be called upon to perform this role.