

Environment: liability with regard to the prevention and remedying of environmental damage

2002/0021(COD) - 23/02/2004

The Conciliation Committee reached agreement on the Environmental Liability Directive. The main elements of the compromise package are as follows: - 6 years after the entry into force of the Directive the Commission shall present a report on its effectiveness. In relation to financial security the report shall also consider a gradual approach, a ceiling for the financial guarantee and the exclusion of low risk activities. In the light of that report and of an extended impact assessment, including a cost benefit analysis, the Commission shall, if appropriate, submit proposals for a system of harmonised mandatory financial security; - limitation of liability in accordance with international conventions: although operators' right to limit their liability in accordance with the 1976 Convention on Limitation of Liability for Maritime Claims (LLMC) or the 1988 Strasbourg Convention on Limitation of Liability in Inland Navigation (CLNI) shall in principle be maintained, the Commission shall review the application of the relevant provision, including any appropriate proposals for amendment, in a report to be submitted to Parliament and the Council 10 years after the entry into force of the Directive. In this report the Commission shall also pay particular attention to the differences between the liability levels in Member States; - remedial action: the Council agreed to Parliament's suggestion that the competent authority should take the necessary remedial measures by itself only "as a means of last resort"; - reports and review: the Council agreed to Parliament's proposal that the Commission report on the functioning of the Directive should also examine the issue of the relationship between shipowners' liability and oil receivers' contributions, with the addition that due regard should also be paid to any relevant study undertaken by the International Oil Pollution Compensation Funds.