

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

2002/0021(COD) - 26/01/2004 - Commission opinion on Parliament's position at 2nd reading

The European Parliament adopted 4 amendments. The Commission adopted 1 in full and another in principle. It rejected the remaining 2 amendments. Concerning the amendment accepted in full, it specifies further one of the items to be addressed by the Commission in its report on the functioning of the Directive. This specification concerns the relationship between shipowners' liability and oil receivers' contributions in the context of the review of the application of Article 4(2) and (4) in relation to the exclusion of pollution, covered by the international instruments listed in Annex IV, from the scope of the Directive. As regards the amendment accepted in principle, it specifies that the competent authorities should only take remedial actions "as a means of last resort". The amendments not accepted by the Commission concern the following issues: - deletion of the provision allowing operators to limit their liability in accordance with national legislation implementing the Convention on Limitation of Liability for Maritime Claims (LLMC), 1976, or the Strasbourg Convention on Limitation of Liability in Inland Navigation (CLNI), 1988; - requiring the Commission to present proposals for a harmonised compulsory financial guarantee if no appropriate instruments or markets for insurance or other forms of financial security have been established.