



ECSA Newsletter

European Community Shipowners' Associations

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SLOVENIAN PRESIDENCY OF THE EU

Slovenia took over the Presidency of the EU from Portugal for the period 1 January 2008 – 31 June 2008. As far as maritime transport is concerned the Presidency will concentrate on proposals of the Maritime Safety Package III that are left in view of their controversial character notably the proposal for a Directive on compliance with Flag State requirements and the proposal for a Directive on civil liability and financial guarantees of shipowners.

Depending on the progress on the file a proposal for a Regulation on passenger rights with reduced mobility may also be dealt with. Other items on the agenda are a proposal for a Council Regulation on the establishment of structures for the management of the European satellite radio-navigation programmes and an action plan for Galileo Applications.

France will succeed Slovenia in the Presidency as from 1 July 2008 until end 2008.

MIF GROUP TRANSPORT NEW YEAR'S STATEMENT 2008

A plea for more capacity in transport infrastructure

The MIF Group Transport issued the following New Year's statement:

"The Maritime Industries Forum (MIF) Group Transport representing the European maritime cluster and/or other horizontal business associations feels it would be a valuable point to start the New Year with a suggestion covering concerns that are commonly shared by all.

In this frame of mind all of us think that maritime transport activities are part of a wider logistics perspective, logistics being

an essential part of our internal and external trade, hence a pivotal component of EU strategy for quality in growth and better jobs.

Logistics performance greatly depends on sufficient and well maintained infrastructure. Investments in freight infrastructure are and have been for a long time insufficient. EU logistics need governments to turn the page and resume investing in better freight infrastructure for all modes of transport.

EU maritime activities and ports must find appropriate and thoughtful means to expand and the hinterland connections must be efficiently secured in all modes of transport without distinction, in order to cope with the expected traffic growth.

There is reasonable expectation that innovation and progress in ICT and ITS will be helpful in managing an otherwise uncontrollable increase, but the limits of our physical infrastructure will continue to dictate the boundary between growth and decline.

We hope our wise governors will not miss the opportunity to realise how urgently appropriate action is needed."

CYPRUS AND MALTA JOIN THE EURO

On 1 January 2008 Malta and Cyprus changed over to the euro as planned, increasing the number of EU Member States using the single currency from thirteen to fifteen. The President of the European Commission, Jose Manuel Barroso, and EU Economic and Monetary Affairs Commissioner Joaquin Almunia will travel to Malta 12 January and Cyprus on 18 January to attend ceremonies marking the countries joining the euro.

The European Central Bank (ECB) also welcomed the 'new enlargement' of the

eurozone. Since Cyprus and Malta joined the euro, the Central Bank of Cyprus and the Central Bank of Malta have been full members of the Eurosystem, with the same rights and duties as the other thirteen central banks of the EU Member States in the euro.

The euro was used by 12 EU countries in 2002 and Slovenia became the thirteenth member of the eurozone in 2007. A euro is worth 1.71 Cypriot pounds and one Maltese lira is worth €2.33. Cyprus and Malta are the two smallest economies in the eurozone, with a population of 778,684 and 407,810 respectively at the start of 2007. GDP per inhabitant stood at 92% of the EU average in Cyprus in 2006 and 77% in Malta.

MARINE STRATEGY DIRECTIVE- FINAL AGREEMENT REACHED IN SECOND READING

The text of the Marine Strategy Directive was finally agreed upon in second reading. The objective of the agreement is to achieve good environmental status for the European Union's marine waters by 2020.

The directive foresees the creation of 'European Marine Regions' and 'Sub-Regions' to act as "management units" for its implementation, and obliges Member States to cooperate on developing marine strategies for their waters that lie within such regions. Measures to "achieve or maintain good environmental status" must be developed by 2015, to enter into operation by 2016 "at the latest" if the 2020 targets are to be achieved.

Moreover, it provides the opportunity for member states to identify "pilot project regions" in which implementation of the directive could be speeded up and stricter protective measures could be applied, on the condition that these do not harm another marine region or sub-region. Exemptions from the directive may be granted if a member state can prove that "there is no significant risk to the marine environment", or where the costs of compliance would be "disproportionate".

The EU's marine strategy complements the Water Framework Directive, which similarly requires surface freshwater bodies such as lakes, rivers and estuaries to achieve "good ecological status" by 2015.

LISBON TREATY

The 27 Heads of State signed on 13 December 2007 the new Treaty of Lisbon in a formal ceremony that took place in Lisbon. This marks a new phase in providing the Union with a new Treaty to respond to the challenges of the 21st century. The Commission believes that the new Treaty provides significant new benefits for citizens and will settle the institutional debate for the foreseeable future. The Treaty of Lisbon amends the current EU and EC Treaties without replacing them.

The Commission calls now all Member States to ratify the Treaty in good time for its entry into force on 1 January 2009 to allow its provisions to apply before the European Parliament elections in June 2009.

The Treaty of Lisbon makes a cross-reference to the Charter of Fundamental Rights as a real catalogue of rights that the EU believes all citizens of the Union should enjoy vis-à-vis the Union's institutions and the Union's law binding guarantees. The institutions of the Union must respect the rights written into the Charter. The same obligations are incumbent upon the Member States when they implement the Union's legislation. The Court of Justice will ensure that the Charter is applied correctly. The opt-out agreed with the UK and Poland has enabled the binding nature of the Charter to be maintained and for it to be applied in full to the other 25 Member States.

COURT DECISIONS ON FREEDOM OF ESTABLISHMENT

In December 2007 the EC Court of Justice decided on two cases related to union action against freedom of establishment.

The Viking Line case related to an action by ITF against the CBA of Estonian seafarers working on an Estonian ferry serving Finland. The Court confirmed that the Unions have to respect the right of freedom of establishment but at the same time confirmed the right of collective trade union action if the reasons for it are proportional. The latter point is for decision by National Courts.

On the so called Vaxholm case the Court condemned collective action undertaken by the Swedish trade unions against a Latvian construction firm, employed to renovate a school in Sweden. The Court ruled that the blockade set up after disagreement with the Swedish unions on the rates of pay of the Latvian workers constitutes a restriction on the freedom to provide services, which, in this case is not justified with regard to the public interest of protecting workers.

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