



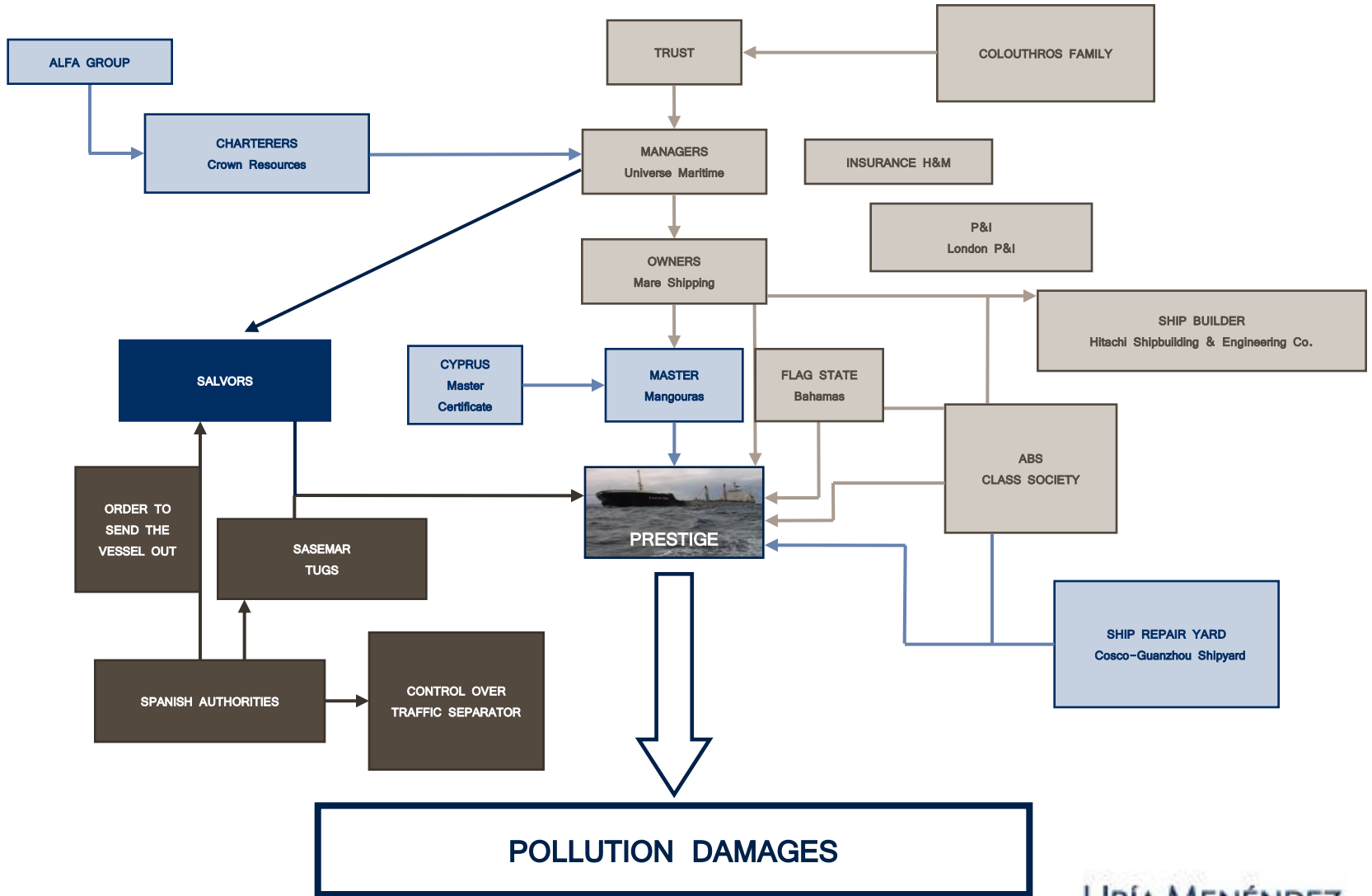
# URÍA MENÉNDEZ

## The Prestige Disaster and the Role of Classification Societies

International Tribunal for the Law of the Sea, 4 March 2006

Luis Figaredo

# Companies Network



# Different nationalities involved

Crown Resources  
(Charterers)



Universe Maritime  
(Managers)



Mare Shipping (Owners)



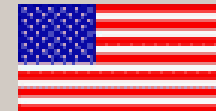
Hitachi Shipbuilding &  
Engineering Co. (Ship  
Builder)



Flat State



ABS  
(Class Society)



P & I



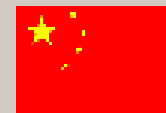
Spanish  
Authorities



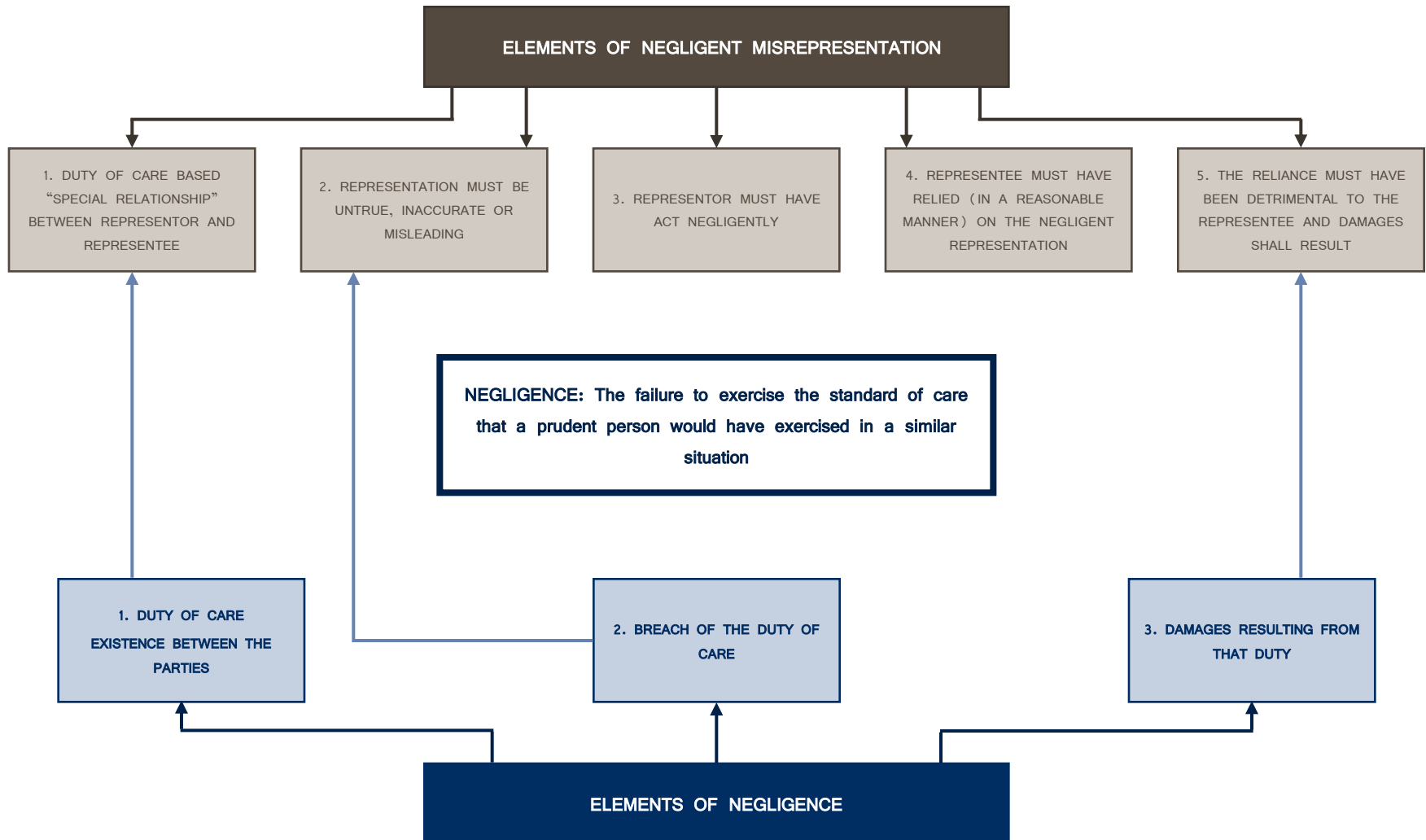
Smit Salvage  
(Salvors)

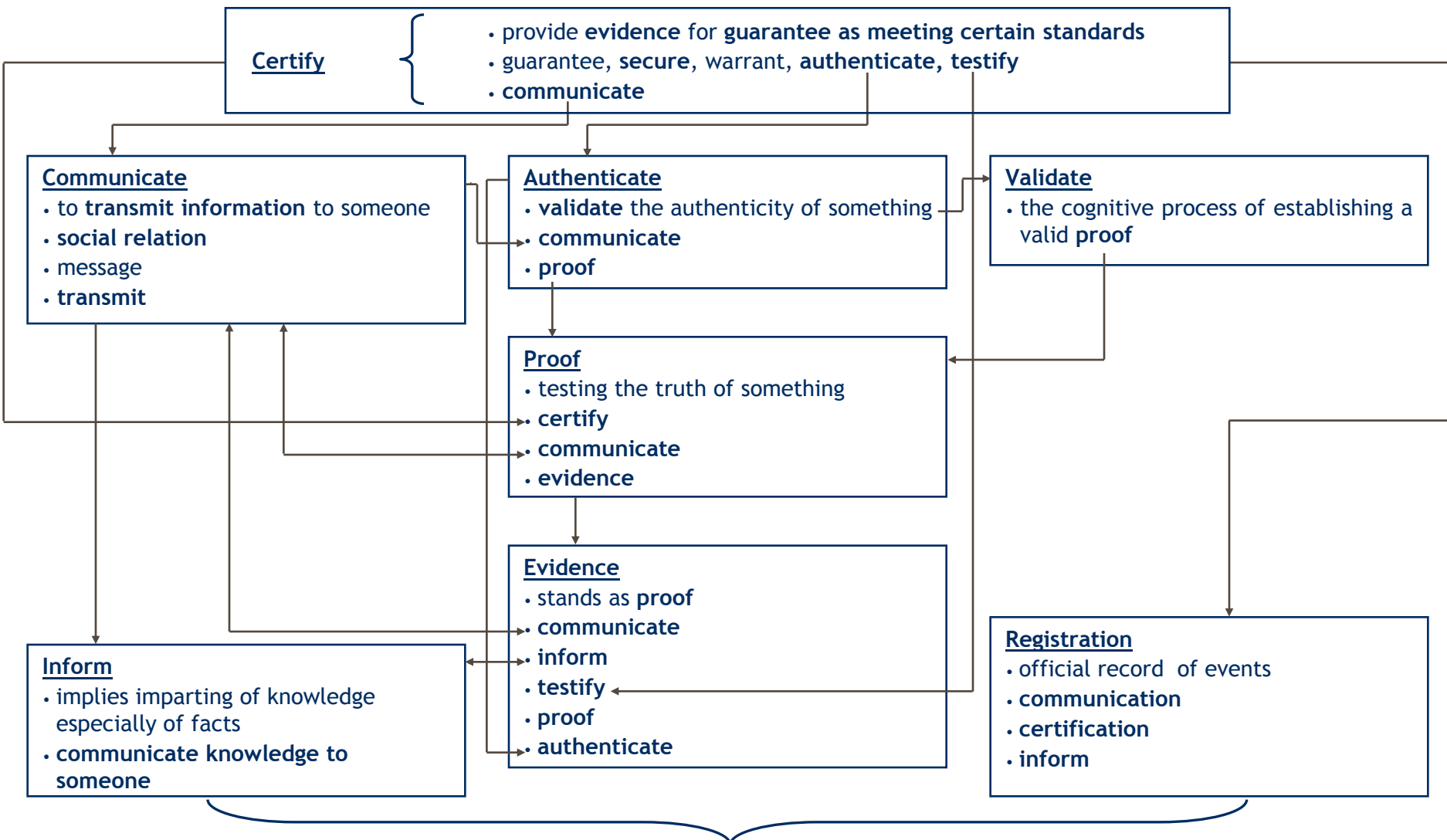


Cosco Shipyard  
(Repairs)



# Negligence and Negligent Misrepresentation





A certification provides an information to the market, as a proof or evidence that the data contained therein are accurate

“The purpose of the ship classification is to assure that the vessel is safe and fit for its intended use”

Does the market (i.e. third parties) rely on this information?

# Erika Packages

## EXISTING MEASURES

*International Marpol Convention for the Prevention of Pollution from Ships* adopted in 1973

*Directive 95/21/EC* on Port State control

*Council Directive 94/57/EC* on ship inspection

*Directive 2000/59/EC* on port reception facilities for ship-generated waste and cargo residues

## ERIKA I

*Communication of 21 March 2000* on the safety of the seaborne oil trade

*Directive 2001/106/EC* amending *Directive 95/21/EC* on Port State control

*Directive 2001/105/EC* on stricter supervision of the activities of classification societies by the Commission

*Regulation No 417/2002* on the accelerated phasing-in of double hull (or equivalent) for single oil tankers

## ERIKA II

*Communication of 6 December 2000* on a 2nd set of Community measures on maritime safety

*Directive 2002/59/EC* establishing a Community vessel traffic monitoring and information system and the problem of places of refuge

*Regulation No 1406/2002* establishing a European Maritime Safety Agency

*Proposal* for a regulation on the establishment of a fund for the compensation of oil pollution damage in European waters

## ERIKA III

*Communication of 23 November 2005* on a 3rd set of Community measures on maritime safety

*Proposal of Directive* amending *Directive 2001/106/EC* on Port State control

*Proposal of Directive* amending *Directive 2002/59/EC* establishing a Community vessel traffic monitoring and information system and the problem of places of refuge

## ADDITIONAL MEASURES

*Directive 2001/25/EC* on training seafarers

*Directive 2002/59/EC* also combats discharges of oil waste and flushing of ballast tanks

# Prestige Measures

