

Marine Litter – What role is there for liability at the EU level

March 13, 2013

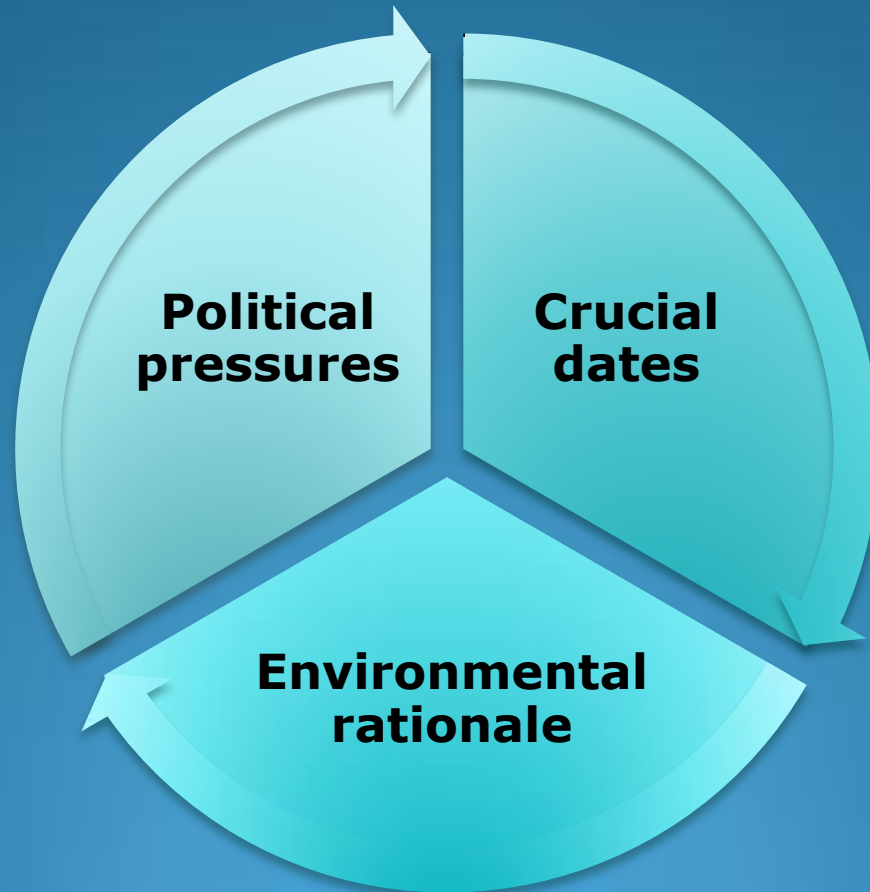


Agenda

- Background
- The ELD – what is it all about?
- Defences and exceptions
- Issues
- Alternative routes to liability?
- Next steps?



Background



The ELD – What is it all about?

Significant ENVIRONMENTAL DAMAGE

**Protected species
and habitats**

Water

Land

**Fault
necessary**

**Strict
liability**

**Strict
liability**

**Strict
liability**

PREVENT AND RESTORE

**Any
business
type
activity**

**Dangerous
activity
(only Annex 3)**

**Fundamental Aim
Apply the POLLUTER PAYS PRINCIPLE**

The ELD – What is it all about?



Annex III operators

- regulated activities
- strict liability

Other operators

- biodiversity damage only
- fault-based liability

'Self-executing' law

- operator honesty
- NGO request for action

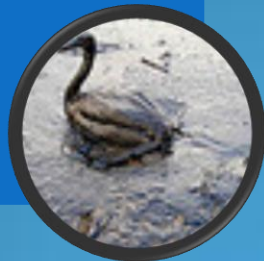
Remediation

- primary
- complementary
- compensatory

Issues – Scope

- Water/land damage irrelevant
- Likelihood of biodiversity damage?
- No 'diffuse' pollution
- No 'marine' damage

Damage
types



- Dangerous or hazardous activity?
- Permit or state of the art?
- Fault?

Activity
& fault



Alternative routes to liability?



New international convention on marine litter?

HELCOM

Council of Europe

Recommendations – ELD review



THANK YOU!

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<http://www.flickr.com/photos/pasukaru76/>

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Igor GOLUBENKOV (NGO: Saving Taman) □ November 12, 2006, on Tuzla Spit

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