Questions for Discussion:
– To what extent has the EC replaced the Member States within the area of the Law of the Sea?
– Are the EC’s and the Member States’ Declarations of Competence in conformity with Annex IX of UNCLOS?
– Is the EC’s Declaration of Competence effective?
– Is it possible to speak of European waters or European Seas?
– Does the European Community provide an enforcement mechanism for the UN Convention on the Law of the Sea that would not otherwise exist?
– Was the EC’s response to the Prestige Sinking an example of European unilateralism or of European standard setting?
– How far does the EC’s competence reach out into the sea?
– Should the EC become a member of the International Maritime Organization (IMO)?

Case Law:

Documents:

Framework Decision. It is proposed that the amended Directive 2005/35/EC will be renamed 'Directive of the European Parliament and of the Council on Ship-Source Pollution and on the Introduction of Penalties, Including Criminal Penalties, for Pollution Offences'.

Basic Reading: