

Civil Liability For Marine Oil Pollution Damage A Comparative And Economic Study Of The International Us And Chinese Compensation Regime Energy And Series Supranational And Comparative Aspects

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LEWIS LIVIA

Marine Resource Damage Assessment Kluwer Law International B.V.

"This publication contain the texts of the documents which resulted from the work of the 1992 International Conference on the Revision of the 1969 Civil Liability Convention and the 1971 Fund Convention. The Conference, which was convened by the International Maritime Organization (IMO), met in London from 23 to 27 November 1992"--Page iii

Oil Pollution Liability Wiley

The approach throughout is both legal multi-disciplinary and comparative. The relevant international conventions are examined (particularly the 'Bunker Convention' of 2008), with particular attention to their implementation in China and Europe, as well as the independent US regime. In addition, detailed empirical data from well-known case studies provide important insights into the working of international and national prevention and compensation mechanisms.

Oil Pollution Liability and Compensation, Course and Compendium Walter de Gruyter

This book focuses on liability and compensation for negligently caused pure economic loss as a general question in tort law and specifically as a question in maritime tort law, especially in cases of oil pollution damage. A substantial part of this study is dedicated to the examination of the legal status of pure economic loss caused by ship-source oil pollution incidents, the outer margins of recoverable losses as well as compensation practice, from both an international and a national perspective. The compensation practices of the IOPC Funds have been analysed carefully for this purpose.

International Convention on Civil Liability for Oil Pollution Damage (1969) ; And, Protocol to the International Convention on Civil Liability for Oil Pollution Damage, 1969 (1976). LAP Lambert Academic Publishing

This book deals with the liability conventions brought into existence by the International Maritime Organization and concentrates on the newly adopted instrument dealing with bunker oil pollution as an area of great concern for every stakeholder involved in shipping business. The work covers a wide spectrum ranging from the Convention itself to its scope of application, liable and aggrieved parties, jurisdiction, requirements of liability and admissibility of claims, defences and exoneration from liability. It addresses many areas of interest and of importance to international and national legal advisors, lawyers, law students and anyone interested in the relevant field such as shipowners, charterers, shipbrokers, ship personnel and associated contractors and sub-contractors.

Liability for Oil Pollution and Collisions Peter Lang

7.2.1.2 Application to Offshore-Related Risks

Insurance for civil liability and compensation for marine oil pollution IMO Publishing

A sharp, informed and thoroughly practical guide to contemporary and developing issues relating to sea pollution, prepared by leading academics and practitioners with everyday hands-on experience. *Pollution at Sea* focuses on a number of the vital private law issues - compensation, insurance, contract and tort - thrown up by contemporary developments in the law of pollution. The book also intends to offer a critical analysis on emerging public law concepts, such as the legal position of seafarers from the perspective of criminal law in cases of pollution and the impact of port state control as a pollution control mechanism. *Pollution at Sea* is divided into three parts: 1. Private Law Liability Regimes 2. Rights and Liabilities of Particular Parties 3. The Impact of Public Law on the Actors Concerned In part 1; various liability regimes are dissected, including those which have been under the spotlight in recent years. This section has particular international appeal, and many of the regimes discussed are based at least in part on international conventions, agreements or practices. In part 2; the impact of pollution at sea on third parties is considered, with respect to the legal position of parties that

might be perused either by the victims of pollution incidents or in some cases by the parties liable by way of a recourse action. Finally in part 3; recent relevant developments, particularly in the realm of public law are covered.

Oil Spills Kluwer Law International B.V.

Oil tankers are not solely to blame for pollution at sea. Non-tankers have released numerous spills. The International Convention on Civil Liability for Bunker Oil Pollution Damage has been adopted, but has not yet come into force. This timely and comprehensive book studies compulsory insurance, its main purpose of ensuring compensation and its interrelations with other features such as the rule of strict liability, the limitation of liability of that convention.

Recoverability of Pure Economic Loss Arising from Ship-source Oil Pollution Cambridge University Press

Marine oil pollution is one of the most damaging environmental liabilities of our time, and is taken very seriously by governments. Although international conventions take the lead in the legal regime underpinning prevention and compensation of marine oil pollution damage, national legal systems differ considerably in how they interpret and apply their monitoring and enforcement responsibilities. This is the first book to present a comparative analysis of the law with respect to marine oil pollution, with expert contributions emphasising particular solutions in Europe, the US, and China. The authors draw on the full range of legal sources, from theory and legislation to procedure and actual case studies. Written by both academics and practitioners?senior academics with a wide experience in the field, and practitioners who have extensively dealt with marine pollution issues?the work is not confined to a mere legal analysis, but offers a more inclusive law and economics perspective, solidly built on a substantial analysis (in English) of the law in the European, US, Chinese, and international contexts. Individual contributors focus on countries with which they have particular expertise or experience. This book will be of interest to corporate counsel, international lawyers, academics, and policy makers, as well as to students of (international) environmental and maritime law. In addition, the book is especially valuable to non-Chinese lawyers for its clear insight into the complex Chinese environmental legal system.

Pollution at Sea Springer Science & Business Media

Despite widely-accepted international systems of liability for pollution damage to the marine environment, uniformity is far from being achieved. This book is based on the papers delivered at the CMI seminar on liability for pollution damage. The purpose of the seminar was to take stock of the legal position worldwide as a prelude to discussions on unification of laws relating to the admissibility and assessment of claims. Among the main issues addressed are - oil pollution prevention and response, the effectiveness of present compensation methods, the importance of recent protocols to the compensation conventions, the ramifications of OPA 90, the underwriting of oil pollution risks and the need for an international convention on hazardous and noxious substances. These issues are covered by a broad range of international experts.

Oil Pollution at Sea Springer

A comprehensive reference work for shipping and environmental lawyers and specialists The carriage of crude oil by sea is commonly associated with the disastrous effects of spills. Major spills include those from the Torrey Canyon, the Amoco Cadiz, the Exxon Valdez, the Haven, the Aegean Sea, the Braer and the Sea Empress. As these and other spills have indicated, the resultant pollution damage can take various forms and the resolution of ensuing disputes can be difficult and protracted. This is a detailed and thorough analysis of the law relating to liability and compensation for oil pollution damage caused by ships and covers legal issues which fall within the ambit of admiralty law and practice, international and domestic environmental law and the law relating to marine insurance. In particular, *Oil Pollution at Sea*: identifies the parties to litigation; details the range of remedies available and their quantification, examines relevant decisions of the IOPC Fund; analyses the limitation of liability and compensation; discusses rights and liabilities of salvors and insurers, and highlights jurisdictional issues which may arise.

Civil Liability for Offshore Marine Oil Pollution in Canada LIT Verlag

Münster

The article, which follows up on my recently published work, uses the unprecedented disaster in the Gulf of Mexico as an opportunity to critically evaluate the law pertaining to civil liability for oil pollution before and after the enactment of the Oil Pollution Act. This topic is analyzed as a derivative of a more general concern, namely the internal harmony of civil liability regimes. The article unveils a general incongruity in American land-based and maritime tort law that surfaced through the Exxon Valdez litigation, and examines whether subsequent statutory reform has eliminated the problem in the limited context of marine oil pollution, using the Deepwater Horizon incident as a test case. Part I systematically discusses pre-OPA law. Part II explains why pre-OPA maritime law gave rise to incongruity on the justificatory level, delineates the contours of the problem, and proposes a conceptual framework for resolution. Part III examines whether the enactment of the OPA has created a more defensible liability regime. Following the Deepwater Horizon oil spill, there have been calls for raising the OPA liability caps, or an even more comprehensive legislative reform. While some of the initiatives seem to have waned, this catastrophic incident, like the earlier Exxon Valdez case, will surely leave its mark. The article, which highlights relevant policy concerns, will undoubtedly serve policymakers in reassessing the limits of civil liability for marine oil pollution.

Civil Liability for Oil Pollution Damage Kluwer Law International B.V.

This book presents a study on civil liability for accidents at sea, with a focus on the interests of parties that are not contractually participating in the maritime enterprise. Shipping and the maritime offshore industry are among the most international businesses in the world, and the operation of ships and facilities at sea can involve very different interests in a wide variety of relationships. Although there is an international legal framework that covers the most frequent types of cases, questions remain regarding the interplay of international and national legislation. Addressing those questions, the first part of this study analyses the rules and the limits of international regulation applicable at sea, namely regarding compensation for pollution damage. The second part focuses on the jurisdictional rules and conflict-of-law rules that may be used to deal with cases beyond the scope of international legislation, in accordance with the law of the sea.

Recent Developments Relating to Civil Liability for Marine Oil Pollution Damage IMO Publishing

This remarkable book - the first in-depth examination of the civil liability regime for marine oil pollution damage from a law and economics perspective - examines the efficiency and effectiveness of the regime, with particular attention to whether it is in fact designed in the public interest or merely a distribution of risks and costs among interested parties. The question is asked: does the liability system give the potential polluter incentives to take precautionary measures to avoid pollution or to reduce the possibility of pollution? The international regime on civil liability for marine oil pollution rests on the International Convention on Civil Liability for Oil Pollution Damage (CLC) and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (Fund Convention). However, the world's biggest oil consumer and importer - the United States - has ratified neither, preferring its own Oil Pollution Act of 1990 (OPA), and China - currently the world's second oil-consuming country - has not ratified the Fund Convention. Thus it is reasonable to compare the three regimes - international, US, and China - as such a comparative study may reveal some advantages or disadvantages among the three systems. Among the issues raised and tackled head-on by the author are the following: whether the contents of international conventions can be considered as the result of the influence of the various interest groups involved; overview of the regulations of marine pollution; technical standards, rules for operation, professional criteria; to what extent a state may take action against trans-boundary polluting activities; what liability a state may incur for non-action or non-effective action; significance for liability of the charter-party, generally considered the evidence of the hire of a ship, and the bill of lading, considered the evidence of the contract of carriage of goods by sea; the crucial role of the so-called

'International Group' of 13 Protection and Indemnity (P and I) Clubs, non-profit organizations specializing in liability insurance; the main international players - the International Maritime Organization (IMO), the Comité Maritime International (CMI), and industry organizations such as INTERTANKO and the Oil Companies International Marine Forum (OCIMF); the particular regime on offshore facility pollution liability in the United States; port state control; criminal liability; and EU and other regional initiatives. In addition, a detailed study of the Erika case reveals some of the rationale for many of the persistent features of marine pollution liability regimes. The well-thought-out legal and economic analysis provided in this book, along with its clearly stated policy recommendations and constructive perspectives for future development of the liability system, will be immeasurably valuable to lawyers and policymakers active in this highly visible area of international law.

Comprehensive Oil Pollution Liability and Compensation. Message from the President of the United States Transmitting a Draft of Proposed Legislation to Provide a Comprehensive System of Liability and Compensation for Oil Spill Damage and Removal Costs, to Implement the International Convention on Civil Liability

for Oil Pollution Damage and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, and for Other Purposes. July 9, 1975. -- Message and Accompanying Papers Jointly Referred to the Committees on Public Works and Transportation, Merchant Marine and Fisheries, and International Relations and Ordered to be Printed Springer Science & Business Media

The main focus of this important book is on civil liability regimes to compensate for ecological/environmental damage, the impact of EC decision-making on the international regime for oil pollution damage, the use of environmental funds in this respect, the economic valuation of damage to the environment from a theoretical perspective and the application of the Contingent Valuation Method in Belgium for ecological damage at sea.

International Law on the Prevention of Oil Spill Pollution on the High Seas Taylor & Francis

Accidental pollution of sea by oil is inevitable. It is the price mankind has to pay for the benefits of an industrial society. Now the big question arises as to who is to be held liable for accidents that lead to catastrophic effects on the marine environment? Civil

liability for oil pollution has been the subject of international conventions for decades. Principles governing the law on oil pollution are strict liability, channeling of liability, and caps on liability limit. The issue arises as to the propriety of capping the liability limits in case of an oil spill where the implications of one incident are catastrophic, costs involved in the cleanup are massive and the damage caused to the natural resources and private parties is enormous. India with its vast coastline is susceptible to oil pollution by accidents and in the wake of recent incidents it has become imperative to analyze the Indian scheme of laws governing oil spills. This work is a small attempt to analyze whether Indian laws governing oil spills are appropriate enough to meet the challenges of claims arising by such an incident.

Oil Pollution Liability

Dynamic Aspects of Marine and Offshore Liabilities

[Maritime Pollution Liability and Policy](#)

Civil Liability for Oil Pollution Damage from Tankers and Other Ocean-going Vessels

[Civil Liability and Financial Security for Offshore Oil and Gas Activities](#)