THE LEGAL STATUS OF THE PORT STATE WITHIN THE EUROPEAN UNION. COMPARATIVE AND JURISPRUDENTIAL ASPECTS

Dimitris Liakopoulos
Full Professor of European Union Law
Fletcher School-Tufts University

ABSTRACT

The present work is based on the analysis of the legal regime of the port according to the rules of the European Union compared to those of international law with a comparative method to all «subjects» that include the law of the sea and the protection of the global marine environment. In the Geneva Conventions on the Law of the Sea of 1958, the 1982 United Nations Convention on the Law of the Sea provided a definition of the «port State». The analysis will not concern the legal status of the port State in a context of international conflict, regardless of whether foreign ships are involved in hostilities or otherwise neutral, nor on issues related to the possible international responsibility of the declining state from the violation of international obligations by the competent internal port authorities. The complex issue relating to the liberalization of the port services market and therefore to the applicable competition law in the European Union does not pertain to this issue.

Keywords: Law of the sea, legal status of port, Port State Control, international law, European Union law.


** Full Professor of European Union Law at the Fletcher School-Tufts University (MA in international law and MA of Arts in Law and diplomacy). Full Professor of International and European Criminal and Procedural Law at the De Haagse Hogenschool-The Hague. Attorney at Law at New York and Bruxelles. ORCID ID: 0000-0002-1048-6468. The present work is updated until October 2018.