

Tran Van Thuy completed his PhD research entitled: “Freedom of Navigation in the Exclusive Economic Zone: the EU Approach with Respect to Ship-Source Pollution”. The doctoral dissertation aims at making a contribution to the existing literature on the freedom of navigation in the exclusive economic zone (EEZ) and the possibly first regional approach related thereto. To this end, two major research questions have been addressed, namely 1) is there any discrepancy between the EU approach with respect to ship-source pollution and the existing international law binding upon the EU and its Member States?; and 2) are there any possible legal implications arising from the EU approach upon the freedom of navigation entitled to other States -- other than its own Member States -- in the EU waters and beyond?

In this regard, four issues of relevance to the research have been investigated. In the first place, the freedoms of the sea, i.e. the very basis of the modern international law of the sea, have been revisited. Secondly, the EEZ, a newly emerged maritime zone under the international law of the sea, has been explored in terms of rights and duties of both coastal States and other States. In other words, what States may or must do, and what they may not, or must not do has been assessed. Thirdly, an examination has been made of vessel-source pollution jurisdiction under the United Nations Convention on the Law of the Sea (adopted in 1982; entered into force in 1994). This examination lays emphasis on the jurisdiction of coastal States in various maritime zones, namely the territorial sea, the contiguous zone, the EEZ, and the high seas. Fourthly, the EU approach with respect to ship-source pollution has been explored, namely 1) the Directive 2005/35/EC of the European Parliament and Council of 7 September 2005 on ship-source pollution and on the introduction of penalties for infringements; 2) the Directive 2009/123/EC of the European Parliament and Council of 21 October 2009 amending Directive 2005/35/EC; and 3) the relevant jurisprudence of the Court of Justice of the EU. In this regard, an investigation into the EU competence as well as the exact position of international law under EU law has been undertaken.