

# The Interview: Vincent Power

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“Assuming Brexit happens, it is still really important for people in Britain to remain involved [with the EU], because when you set sail from the UK in almost any direction, you will bump into EU law”



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**Dr Power warns that there will be no escape from European law for UK businesses involved in international trade, and says that Emlo could become a vital source of legal expertise in the maritime sector after Britain leaves the EU.**

MARITIME lawyers probably have never been in greater demand than now.

As shipping faces tough new environmental regulations, the complexity of sanctions, greater safety and security threats, state aid challenges, the ever-present oversight of antitrust regulators, and Brexit uncertainties, so shipowners need more legal advice than ever before.

Dr [Vincent Power](#), who takes over as chairman of the European Maritime Law Organisation later this month, hopes to capitalise on this changing landscape to broaden the remit of the association, which was set up in 1991 at a time when the European Commission was starting to investigate the Far Eastern Freight Conference.

The purpose was to establish a neutral and independent forum for debate and research on issues of interest to those concerned with EU maritime affairs.

For much of the time since then, EMLO members have concentrated largely on EU competition law as Brussels fought, and eventually won, the battle to outlaw the liner conference system in Europe. More recently, the **EU Consortia Block Exemption**, which sets the rules for alliances between container lines and which comes up for renewal next year, has featured prominently at Emlo conferences as delegates considered whether or not shipping should be covered by the same competition regime as other industries, or be treated differently.

With shipping constantly under the scrutiny of antitrust authorities, in Europe and elsewhere, that focus will remain a central theme for EMLO.

But Dr Power, who will succeed Lord Phillips of Worth Matravers, hopes to broaden the scope of the organisation's interests.

Speaking to Lloyd's List shortly after the *Stena Imperio* product tanker was released from Iranian waters and ahead of the Emlo annual conference in Cyprus where one of the speakers will be Stena Line vice-president Claes Berglund, Dr Power says he would like the debates to extend to all aspects of maritime law.

EMLO has always been able to attract an impressive array of speakers to its **annual conferences** and spring seminars.

Federal Maritime Commissioner Rebecca Dye and Henrik Mørch, director of transport, ports and other services at the European Commission's Competition Directorate, will be joining this month's line-up.

While somewhat below the radar, "EMLO punches well above its weight", says Dr Power.

The organisation is not as visible as it might be, he concedes, and to some extent that is deliberate.

But with shipping facing so many challenges on multiple fronts, every one of which is likely to require legal advice or representation, now seems the right time for EMLO to cover all areas of maritime law.

EMLO has established an undoubted reputation as an authoritative organisation whose members are world experts in their field, which is why top judges, senior EU officials, and industry leaders regularly attend its events.

The quality of the debate is underlined by Lord Phillips, the inaugural president of the UK's Supreme Court, who will step down next week after seven years as chairman. He tells Lloyd's List that having started at the

Admiralty Bar and specialised in shipping law, he had expected to find himself in familiar waters in the role.

“I was wrong,” he recalls. “My experience was in the civil side of maritime law, whereas EMLO is primarily concerned with public maritime law, and in particular competition law.”

At EMLO conferences around Europe, “I have been learning rather than contributing to the laws that govern maritime trade, and in particular the laws of the European Union”.

On one memorable occasion in London a few years ago, **competition regulators from Washington, Beijing, and Brussels** held a joint panel session, something that had never happened before.

Dr Power, a partner with the Irish law firm A&L Goodbody, says maritime competition law will remain at the heart of Emlo’s focus, but within a broader church.

The Dubliner compares the change “to an Irish country meal, which traditionally has consisted of a large dollop of meat in the middle with a few vegetables around”.

In future, there will still be the same amount of meat, he promises, but accompanied by more vegetables.

He also expects the London-based organisation to become more important than ever when, or if, the UK leaves the European Union.

Whatever the future holds for Britain, there will be no escaping the reach EU law for those involved in international trade, he warns.

“Once you set sail from the UK in any direction, you will bump into the EU,” which is where EMLO can provide a vital resource for those trying to navigate the complexity of international maritime laws.”

With that in mind, Dr Power hopes the board will agree with his plans for greater visibility for EMLO while maintaining strict neutrality. That may include some smaller events between the spring and autumn conferences, a more active website, and greater use of social media to draw attention to, for example, relevant court rulings, European Commission announcements, shipping news, or other industry developments that matter to maritime lawyers and their clients.

Dr Power, who is head of A&L Goodbody's EU, competition and procurement group, admits he assumed it was a joke when first approached about being the new EMLO chairman.

When several board members independently asked him, he says he thought it must be the most well-orchestrated joke ever, having never lobbied to be chairman, and considering that the previous four - the late Lord Slynn, the Dutch judge Thijmen Koopmans, and Sir Francis Jacobs as well as Lord Phillips - had all been such eminent lawyers.

In his entire career, he says he has never sought anything out, "but if an opportunity arises I will take it".

Lord Phillips is in little doubt that Dr Power is the right choice just when the UK looks poised to leave the EU while still impacted by European maritime law.

"It is perhaps appropriate that I should be handing over the chair to Vincent, a doyen in the field, at a time when the way that those laws impact on the United Kingdom would seem about to change."

Dr Power says he is a little unusual in being both a practising lawyer and author of seven books on maritime law, including the award-winning EC Shipping Law, originally published by Lloyd's of London Press. The 1,800 page two-volume third edition was published this year by Informa Law from Routledge and hosted on the i-law.com platform.

He has a Master's Degree and a Doctorate from Cambridge University and was the first ever law graduate to be awarded the Distinguished Alumnus award from University College Cork.

He is also Adjunct Professor of Law at University College Cork and Visiting Professor of EU Law at Dalhousie University in Canada. He lectures at the Law Society of Ireland. He is a member of the board of directors of the Irish Centre for Europe Law at Trinity College Dublin.

Dr Power has advised on most of the leading competition, merger control, EU law, cartel, abuse of dominance, state aid, joint venture, pricing, and refusal to supply investigations.

He says he has always had an interest in shipping, the EU, and competition law, "so an unusual confluence".

All these interests come together within EMLO as well.

“Competition, like the poor, will always be with us,” says Dr Power, but now is the time to broaden out to cover other areas of maritime law as the shipping industry struggles to keep up with all the new rules and regulations with which it must comply, or risk potentially massive penalties.

Dr Power hopes EMLO can contribute by preparing papers and consultation documents, providing a neutral forum for debate, and becoming a resource and source of expertise both for maritime lawyers and all other stakeholders in this fast-changing world.

By broadening both the scope of EMLO and membership, Dr Power says he thinks the organisation will become more significant than ever before as the “shop window to what is happening in Europe”.