

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(78) 238 final.

Brussels, 30 May 1978.

Proposal for a
COUNCIL DIRECTIVE

concerning the Ratification of Convention on safety
in shipping

(submitted to the Council by the Commission)

COM(78) 238 final.

EXPLANATORY MEMORANDUM

The Copenhagen Council of 7-8 April 1978 asked the Commission to propose, within the wider context of improving safety in shipping, measures to bring existing international rules into effect rapidly, particularly the minimum standards for the operation of ships.

In its communication to the Council of 27 April 1978 concerning marine pollution by oil tankers [COM (78) 184 final], the Commission noted that the establishment of minimum standards and inspection procedures, which had been accomplished through the agreements concluded at the IMCO and the ILO, marked a major step forward in relation to the previous situation. The agreements in question are the 1974 International Convention for the Safety of Life at Sea (SOLAS), as amended by the 1978 Protocol, the 1973 Convention for the Prevention of Pollution by Ships (MARPOL), as amended by the 1978 Protocol, and ILO Convention No 147 on Minimum Standards for Merchant Shipping.

The Commission remarked in its communication that the reason why international action was ineffectual was not so much that the measures in question were inappropriate as that the international agreements were not receiving effective application. Ratification by the Member States of the SOLAS (1974) and MARPOL (1973) Conventions, as amended in 1978, and ILO Convention No 147, could accelerate their entry into force and is a necessary first step towards the prevention of accidents such as that of the Amoco-Cadiz. In the present draft Council Decision - which could be adopted at the Transport Ministers' session on 12 June 1978 - the Commission is proposing that those three Conventions be ratified by those Member States which have not already done so.

Ratification by Member States is at present very uneven, and unsystematic ratification could affect conditions of competition within the Community. The draft Council Decision therefore sets deadlines by which the Member States are to sign, ratify or accede. Even supposing the Conventions enter into force rapidly at international level, they are inadequate by themselves to guarantee the effectiveness of the checks on minimum standards. In the above-mentioned communication the Commission stressed the need for rapid application of the checks provided for and for their harmonization at Community level, so as to avert any risk of deflection of trade, and also for common action by the Member States at the IMCO to tighten up inspection procedures. The proposal for a Council Decision is therefore accompanied by a draft statement asking the Commission to present the requisite proposals as quickly as possible.

PROPOSAL FOR A COUNCIL DIRECTIVE ON THE RATIFICATION OF
CONVENTIONS ON SAFETY IN SHIPPING

The Council of the European Communities,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 49, 84(2) and 100 thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament,

Having regard to the Opinion of the Economic and Social Committee,

Whereas the European Council of 7-8 April 1978 declared that the prevention and the fight against maritime pollution, particularly by oil, must be a major objective for Community action, and whereas it asked the Council, acting on a proposal from the Commission, and the Member States to take appropriate measures within the Community without delay and to present common positions at the appropriate international forums on the rapid application of the existing international rules in this field, particularly on minimum standards for the operation of ships;

Whereas the European Communities' environment action programmes have stressed that Western Europe has a fundamental interest in seeing effective action undertaken to reduce the risks inherent in the transport of oil, including the danger of severe coastal pollution as the result of accidents on the high seas, and have specified that, if vital environmental equilibria are to be preserved, priority must be given to protecting the quality of sea water;

Whereas safety in shipping must be increased and the living and working conditions of crews, and their level of competence, must be safeguarded;

Whereas Community action in this field must be integrated with that of the specialized international bodies, but whereas the effectiveness of the action already taken at international level, particularly by the IMCO and the ILO and under their Conventions, could be jeopardized if too long a period were to elapse between the conclusion of those Conventions and their entry into force;

Whereas the 1974 International Convention for the Safety of Life at Sea and the 1978 Protocol relating thereto (SOLAS) and ILO Convention No 147 of 29 September 1976 on Minimum Standards for Merchant Shipping, which have not yet entered into force, can make a substantial contribution towards improving both technical and welfare standards affecting, respectively, the safety of ships and their equipment, and the living and working conditions of their crews;

Whereas the 1973 Convention for the Prevention of Pollution by Ships as amended by the 1978 Protocol (MARPOL), can make a substantial contribution towards protecting the marine environment against pollution by ships, particularly oil tankers;

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Whereas the signature and ratification or the accession by all the Member States could accelerate the entry into force and increase the effectiveness of these Conventions;

Whereas, if the Conventions were to be ratified unsystematically, conditions of competition could be affected, which would have a direct influence on the operation of the common market;

Concerning that the Convention No 147 of the ILO contains common rules in several areas which constitute a first stage in the field of social harmonization within the sense of Article 117, and, therefore facilitate the effective exercise of the free movement of seamen in the Community.

Whereas the object of the Conventions is such that their ratification by the Member States cannot stand in the way of effective inspections being carried out when a ship enters a Community port,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. Where they have not already done so, Member States shall, where necessary, sign the following international Conventions and ratify them or accede to them
 - the 1974 International Convention for the Safety of Life at Sea (SOLAS);
 - the 1978 Protocol relating to the 1974 International Convention for the Safety of Life at Sea;
 - the 1973 International Convention for the Prevention of Pollution by Ships (MARPOL), as amended by the 1978 Protocol;
 - Convention No 147 on Minimum Standards for Merchant Shipping, adopted by the International Labour Conference in 1976.
2. The signature, ratification or accession by the Member States shall take place by the following dates:
 - the 1974 SOLAS Convention: ratification or accession as soon as possible, and in any event by 1 January 1979;
 - the Protocol thereto (1978):- signature as soon as possible and, by 1 March 1979 at the latest;
 - ratification as soon as possible, and in any event by 30 June 1979,
 - the Protocol (1978) amending and supplementing the MARPOL Convention (1973) and Annex I thereto:
 - signature by 1 June 1979;
 - ratification before 1 June 1980.
 - ILO Convention No 147: - ratification or accession by 1 April 1979.

Article 2

Member States shall inform in writing the Secretary-General of the Inter-Governmental Maritime Consultative Organization or of the International Labour Organization, as appropriate, that their signature, ratification or accession has taken place in accordance with this Directive.

This Directive is addressed to the Member States.

Done at

For the Council,

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DRAFT COUNCIL STATEMENT ON MORE STRINGENT SHIP INSPECTIONS

The Council of the European Communities considers it essential to back up the action taken at international level through the international organizations to prevent marine pollution caused by oil discharges and to ensure the safety of ships and the competence of their crews. The Council considers that, with this in view, the Member States and the Community should reinforce the inspections already or to be provided for in the international Conventions, notably by applying provisions at Community level which will enable ships and crews not fully meeting the requirements of the Conventions to be identified.

The Council therefore asks the Commission to present to it as soon as possible:

1. proposals for the harmonization of the national laws which have or are to be taken to implement the Conventions, where such laws concern the inspection of ships calling at Community ports or using Community inland waterways;
2. proposals aimed at the adoption of a common position at the IMCO by the Member States, with a view to:
 - making the procedures and directives to be followed for checking ships and discharge compulsory, by Agreement, where these are the subject of IMCO Assembly resolutions;
 - undertaking similar joint action with regard to the resolutions that have been or are to be prepared by the IMCO concerning the inspection of tankers provided for in the 1973 MARPOL Convention as amended by the 1978 Protocol, and the checking on board ship of crews' certificates.