

# COMMISSION OF THE EUROPEAN COMMUNITIES

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COM(78) 319 final.

Brussels, 10 July 1978.

## PROPOSAL FOR A COUNCIL DECISION

on the memorandum of understanding of 2 March 1978 between  
certain maritime authorities on the maintenance of standards  
on merchant ships

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(submitted to the Council by the Commission)

COM(78) 319 final.



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Proposal for a Council Decision on the Memorandum of Understanding of 2 March 1978 between certain maritime authorities on the maintenance of standards on merchant ships

Explanatory Memorandum

Within the framework of the improvement of safety at sea and of the prevention and fight against maritime pollution, the European Council of 7 - 8 April 1978 invited the Council, on the proposal of the Commission, to adopt without delay, within the Community, appropriate measures for the rapid application of existing international rules, particularly on minimum standards relating to the conditions of operation of ships.

In its Communication to the Council of 28 April 1978 on marine pollution arising from the carriage of oil ("Amoco Cadiz") (doc. COM(78) 184 final), the Commission expressed the intention of forwarding to the Council a proposal for adopting at Community level the agreement concluded in The Hague on 2 March 1978 between the maritime authorities of eight North Sea countries (six Member States and two third countries) on the maintenance of standards on merchant ships. This agreement provides for uniform and concerted enforcement procedures in the ports of the countries concerned, applicable to all ships of whatever flag, and also exchanges of information between maritime authorities, designed to ensure, by appropriate action in case of any shortcomings, that on ships visiting these ports no circumstance is present which is clearly dangerous for the safety of the ship or the health of the crew.

In this draft Council Decision the Commission proposes that Member States not already participating in this agreement take the necessary steps to ensure that their maritime authorities request to participate in it. Such an extension of the agreement would have the effect that in the Community as a whole, the shipping and port authorities of both present and future Member States could exercise more uniform and concerted, and thus more effective, surveillance of substandard ships using Community waters and ports.

This proposed Directive only constitutes one stage in achieving the aims of preventing accidents and pollution and working against substandard ships by a firmer and more effective enforcement of international standards. In this connection, the Commission intends to present to the Council before 1 October 1978 proposal on an appropriate legal basis, aimed at harmonising, at Community level, national legislation on the control of ships in Community ports.

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Finally, the Commission would mention that it is requesting, by letter to the Dutch Government for the attention of the permanent secretariat referred to in Section 9 of the Memorandum of Understanding, to participate in the work of the authorities party to the agreement.

Proposal for a

COUNCIL DECISION ON THE MEMORANDUM OF UNDERSTANDING OF 2 MARCH 1978  
BETWEEN CERTAIN MARITIME AUTHORITIES ON THE MAINTENANCE OF STANDARDS ON  
MERCHANT SHIPS

The Council of the European Communities,

Having regard to the Treaty establishing the European Economic Community,  
and in particular Article 84(2) 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 and 8 April 1978 declared that the prevention of and fight against marine pollution, particularly by oil, must be made a major objective of Community action, and invited the Council, acting on proposals from the Commission, and the Member States to take appropriate action within the Community without delay and to adopt within the competent international organisations common positions on the rapid application of existing international rules in this field, particularly as regards minimum standards for the operating conditions of ships;

Whereas a memorandum of understanding was adopted on 2 March 1978 between the maritime authorities of eight North Sea countries (Belgium, Denmark, France, the Netherlands, the Federal Republic of Germany, the United Kingdom, Norway and Sweden); whereas this administrative agreement is designed to achieve the following main aims: to coordinate the action of these authorities as regards the control of and the exchange of information regarding substandard ships using their ports; to permit the effective application of harmonized procedures of surveillance and control of ships as regards certain minimum standards of safety and health laid down in a number of international agreements; to permit remedial action to be taken where these standards are not met; and to ensure that on ships calling at their ports or using their inland waters there is nothing which is clearly dangerous for health or safety;

Whereas the application of this memorandum of understanding, as extended to the Community as a whole, will have the effect of causing the maritime authorities of the Community to exercise more uniform surveillance of substandard ships using their ports, so as to ensure, on all coasts of the Community, the effectiveness of this supervision and control and thus the safety of ships;

HAS ADOPTED THIS DECISION:

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Article 1

1. Member States shall take all necessary steps to ensure that their maritime authorities, to the extent that they do not already participate, make application to participate in the memorandum of understanding signed in The Hague on 2 March 1978 on the maintenance of standards on merchant ships.
2. These applications to participate shall be made by 1978.
3. The maritime authorities shall inform the permanent secretariat referred to in Section 9 of the memorandum that their application is being made in accordance with this Decision.

Article 2

Member States whose maritime authorities already participate in the memorandum of understanding shall use their good offices to obtain the acceptance by non-Member States participating in the agreement of the applications to participate referred to in Article 1.

Article 3

The Member States shall give their full support to the memorandum of understanding and in particular shall require their maritime authorities to make full use of all the possibilities which it offers, so as to ensure, for ships using Community ports, the most effective control which is possible within the framework of the agreement.

This Decision is addressed to the Member States.

For the Council,