

European Communities

EUROPEAN PARLIAMENT

Working Documents

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DOCUMENT 1-417/82

SECOND REPORT

drawn up on behalf of the Committee on the
Environment, Public Health and Consumer Protection

on the proposal from the Commission of the
European Communities to the Council (Doc. 1-577/81 -
COM(81) 463 final) for a draft decision adopting a con-
certed action project for the European Economic
Community in the field of shore-based maritime
navigation aid systems

Rapporteur: Mr E. REMILLY

PE 78.315/fin./2

1.2.1

English Edition

By letter of 5 October 1981 the President of the Council of the European Communities requested the European Parliament to deliver an opinion on the proposal from the Commission of the European Communities to the Council for a decision adopting a concerted action project in the field of shore-based maritime navigation aid systems.

The President of the European Parliament referred this proposal to the Committee on the Environment, Public Health and Consumer Protection as the committee responsible and to the Committee on Transport, the Committee on Energy and Research and the Committee on Budgets for their opinions on 12 October 1981.

On 20 October 1981 the Committee on the Environment, Public Health and Consumer Protection appointed Mr REMILLY rapporteur; it also decided to consider the motion for a resolution of 23 February 1981 tabled by Mr COTTRELL (Doc. 1-943/80), which had been referred to it on 9 March 1981, together with the Commission proposal.

The committee considered the Commission's proposal and the draft report at its meetings of 17 and 18 March 1982 and at the latter meeting it unanimously decided to recommend that Parliament should adopt the Commission proposal with the amendments given below.

The committee subsequently decided to maintain the option of proposing the application of Rule 36(2) of the Rules of Procedure.

On 17 June 1982, however, at the request of the chairman, the report was referred back to committee pursuant to Rule 85 of the Rules of Procedure.

At its meeting of 22 June 1982 the committee reconsidered the report and the amendments tabled to it in plenary sitting. It approved the amended motion for a resolution unanimously.

The following took part in the vote: Mr Collins, chairman; Mr McCartin, vice-chairman; Mr Alber, Mr Bombard, Mr Del Duca, Mr Forth, Mr Ghergo, Miss Hooper, Mrs Krouwel-Vlam, Mrs Lentz-Cornette, Mr Muntingh, Mr Nordman, Mrs Pantazi, Mrs Schleicher, Mrs Seibel-Emmerling, Mr Sherlock, Mrs Squarcialupi, Mr Vandemeulebroucke and Mrs Weber.

The explanatory statement will be presented orally.

The opinions of the Committee on Transport and Energy and Research are attached.

The opinion of the Committee on Budgets will be published separately.

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The Committee on the Environment, Public Health and Consumer Protection hereby submits to the European Parliament the following amendments and motion for a resolution:

Amendments proposed by the
Committee on the Environment,
Public Health and Consumer
Protection

Text proposed by the Commission
of the European Communities

Proposal from the Commission of the European Communities to the Council for a draft decision adopting a concerted action project for the European Economic Community in the field of shore-based maritime navigation aid systems (Doc. 1-577/81)

No. 1

The words 'shore-based maritime navigation aid systems' to read 'maritime navigation aid systems in coastal areas' in the title of the proposal for a decision and throughout the text.

No. 2

Article 1

The Community shall implement, over a period of three years from 1 January 1982, a concerted action project in the field of shore-based maritime navigation aid systems, hereinafter referred to as 'the project'.

The project shall consist of the coordination at Community level of the research work defined in Annex I forming part of the research programmes of the Member States.

Under this project, Community funds shall also be made available for research contracts. These funds shall be granted primarily for the development of common standards and harmonized procedures

Article 1

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The project shall consist of the coordination at Community level of the research work defined in Annex I forming part of the research programmes of the Member States

Amendments proposed by the
Committee on the Environment,
Public Health and Consumer
Protection

with the long-term goal of
providing a comprehensive frame-
work for the surveillance of
vessels in coastal areas.

No. 3
Article 3

It is estimated that the maximum financial contribution by the Community with regard to coordination will be 2.1 million European units of account and that one official will be required to coordinate the project. This figure is for guidance only.

The European unit of account is defined by the financial regulations applicable.

No. 4
Article 5

1. In conformity with a procedure to be established by the Commission after consulting the Committee, countries participating in the project and the Community shall exchange on a regular basis all useful information concerning the implementation of research work relating to the project. Participating Member States shall supply the Commission with all the information needed for coordination. (Two sentences deleted)

2. The Commission shall establish annual activity reports on the basis of the information supplied and shall transmit them to the Member States and to the European Parliament.

Text proposed by the Commission
of the European Communities

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It is estimated that the maximum financial contribution by the Community with regard to coordination will be 2.1 million European units of account and that one official will be required to coordinate the project.

The European unit of account is defined by the financial regulations applicable.

Article 5

1. In conformity with a procedure to be established by the Commission after consulting the Committee, countries participating in the project and the Community shall exchange on a regular basis all useful information concerning the implementation of research work relating to the project. Participating Member States shall supply the Commission with all the information needed for coordination. They shall also attempt to supply the Commission with information on research work on the subject which is either planned or has been completed by bodies for which they are not responsible. Such information

Amendments proposed by the
Committee on the Environment,
Public Health and Consumer
Protection

Text proposed by the Commission
of the European Communities

Article 5 (continued)

shall be treated as confidential if the Member State supplying it so requests.

2. The Commission shall establish annual activity reports on the basis of the information supplied and shall transmit them to the Member States and to the European Parliament.

No. 5

Annex II

3. The Committee shall be composed of officials in charge of the coordination of national contributions to the project and of a Commission delegate. Each member may be accompanied by experts. An equal number of representatives of the workers, the international maritime organizations, shipowners and the port authorities of the Member States shall be attached to the Committee as observers.

Annex II

3. The Committee shall be composed of officials in charge of the coordination of national contributions to the project and of a Commission delegate. Each member may be accompanied by experts.

MOTION FOR A RESOLUTION

concerning the procedure for consultation of the European Parliament on the proposal from the Commission of the European Communities to the Council for a joint decision adopting a concerted action project for the European Economic Community in the field of shore-based maritime navigation aid systems

The European Parliament,

- having regard to the proposal from the Commission to the Council (COM(81) 463 final),¹
 - having been consulted by the Council (Doc. 1-577/81),
 - having regard to the motion for a resolution (Doc. 1-943/80),
 - having regard to its resolution of 14 February 1979² on the best means of preventing accidents to shipping and consequential marine and coastal pollution, and its resolution of 16 January 1981³ on the proposal for a directive concerning the enforcement, in respect of shipping using Community ports, of international standards for shipping safety and pollution prevention,
 - having regard to the Council Resolution of 26 June 1978⁴ setting up an action programme of the European Communities on the control and reduction of pollution caused by hydrocarbons discharged at sea,
 - having regard to the second report of its Committee on the Environment, Public Health and Consumer Protection and the opinions of its Committee on Transport, Committee on Energy and Research, and Committee on Budgets (Doc. 1- 417/82);
1. Welcomes the Commission's proposal, in view of the persisting threat to European coastlines and port approaches;
 2. Shares the Commission's view that existing national navigation aid systems can be improved, especially in straits, port approaches and other hazardous areas;

¹OJ No. C 256, 8.10.1981, p. 7

²OJ No. C 67, 12.3.1979, p. 22 (report by Lord BRUCE OF DONINGTON)

³OJ No. C 28, 9.2.1981, p. 52 (report by Mr CAROSSINO)

⁴OJ No. C 102, 8.7.1978, p. 1

3. Is convinced that the proposed coordination of research activities in the Member States can be of value for this purpose but that it is necessary to adapt the financial resources made available for these activities to the fundamental aims of the programme;
4. Calls on the Commission to ensure that these projects always supplement the activities of the specialist international organizations in order to make these systems as effective as possible and also to prevent the introduction of divergent regulations;
5. Invites the Commission to consider the long term application of systems which do not constitute an obstacle to freedom of movement at sea and are not prejudicial to the interests of those who make their living from the sea;
6. Proposes that the research programme should extend beyond the narrow field of 'shore-based navigation aids' to cover navigation aids provided also by patrol vessels, aircraft and satellites;
7. Requests the Commission to ensure that objective criteria are used to allocate the research work under the programme among the Member States, taking account both of existing national research programmes and of the economic importance of shipping to these countries;
8. Welcomes the fact that the Commission and Council are resolutely proceeding with the implementation of the Council Resolution of 26 June 1978 and the action programme;
9. Notes that, at a ministerial conference held in Paris on 26 January 1982, the governments of nine Member States of the European Community and of Norway, Sweden, Finland, Spain and Portugal signed a memorandum in which the countries taking part undertook, with effect from 1 July 1985, to inspect at least 25% of all merchant ships entering their harbours for compliance with international standards;
10. Notes also with regret that the Commission, in view of the said memorandum of 26 January 1982, has withdrawn its own proposal for the enforcement of international standards in Community ports (Doc. 1-432/80), without consulting or even informing Parliament;
11. Calls on the Commission therefore to check that the memorandum of 26 January 1982 is strictly implemented, and, should it prove ineffective, to reintroduce its original proposal;
12. Shares the view expressed by the COTTELL in resolution Doc. 1-441/80 and invites the Commission to:
 - pay particular attention to the need to make the procedures for the inspection of port conditions more effective;
 - ensure that vessel maintenance standards are rigorously applied;
 - look into information suggesting that qualifications and licences for captains and navigators may be bought freely within the Community by unqualified people;
13. Approves the proposal for a decision, subject to the amendments hereby adopted and requests the Commission to incorporate these amendments pursuant to the second paragraph of Article 149 of the EEC Treaty.

MOTION FOR A RESOLUTION DOCUMENT 1-943/80

tabled by Mr COTTRELL

pursuant to Rule 25 of the Rules of Procedure

on safety standards of Community vessels and
vessels using Community ports

The European Parliament,

- desiring to assist Member States, the Community, classification societies and appropriate international organizations in raising safety standards of vessels at sea,
- aware, however, that independent evidence from classification societies suggests that the overall standard of safety maintenance is declining,
- believing that this is directly related to recessionary factors and desire to reduce costs,
- alarmed at the consequences of falling standards in terms of loss of vessels, and possibly, life,
- concerned that port state inspection may be degenerating into a formality, with no effective enforcement procedure,
- viewing with concern the possibility that IMCO may be losing effectiveness as an international monitor of safety standards,
- desiring to investigate the situation currently prevailing within Member States, with regard to Community and non-Community vessels,
- alarmed at reports that qualification certificates may be purchased within the Community by personnel not qualified as mariners,

Requests the Commission,

1. To restate policy with regard to the tightening of effective port state inspection procedures;
2. To investigate independent reports that maintenance standards are being deliberately reduced in order to save costs;
3. To examine evidence that qualifications and certificates to master and navigate vessels may be bought freely within the Community, by non-qualified persons;
4. To examine the possibility of promoting closer coordination between classification societies in the Member States, and with those in third countries;
5. To consider whether existing enforcement procedures in Member States are sufficient;
6. To review the effectiveness of individual Community Member States' contributions to IMCO in terms of safety standards;
7. To undertake this work urgently and report to Parliament.

OPINION OF THE COMMITTEE ON TRANSPORT

Draftsman: Mr LAGAKOS

On 27 November 1981 the Committee on Transport appointed Mr LAGAKOS draftsman.

The committee held an initial exchange of views on 26 February 1982. It considered the draft opinion on 29 March 1982 and adopted it unanimously.

The following took part in the vote: Mr Seefeld, chairman; Mr Carossino and Mr Kaloyannis, vice-chairmen; Mr Lagakos, draftsman; Mr Albers, Mr Buttafuoco, Mr Cardia, Mr Cottrell, Mr Fuchs (deputizing for Mr O'Donnell), Mr Gallagher (deputizing for Mr Gabert), Mr Gatto (deputizing for Mr Ripa di Meana), Mr Janssen van Raay (deputizing for Mr Hoffmann), Mr Key, Mr Klinkenborg and Mr Moreland (deputizing for Mr Moorhouse).

1. The Commission proposal relates to the implementation of a concerted action programme in the field of shore-based maritime navigation aid systems.
2. This action programme is intended to reduce the potential dangers posed by maritime navigation to human life, property, cargoes and the environment.
3. This aim undoubtedly reflects one of the Committee on Transport's main concerns regarding maritime transport. In his report drawn up in January 1975 on the best means of preventing accidents to shipping and consequential marine and coastal pollution and shipping regulations¹, Lord Bruce of Donington considered that 'a type of "ship control system" should be introduced, analogous, but appropriately adapted, to air traffic control in order to ensure that, within areas of constrained sea-room, sufficient room for manoeuvre is possible in view of any natural geographical features'.
In the report he drew up at the end of 1980 on international standards for shipping safety and pollution prevention², Mr CAROSSINO wrote: 'The Committee on Transport requests the Commission, in cooperation with the relevant national and international authorities ... to subject ... to a thorough examination ... the desirability of introducing a sea traffic control system for vessels in busy Community waters (with appropriate radio and telecommunications installations)'.
4. The Committee on Transport can only welcome a proposal of this kind, which meets the widely felt need for navigational safety, particularly following the maritime disasters which have made a considerable impact on public opinion over the past few years.
However, it is important to ascertain whether the concerted action programme proposed by the Commission is the most effective means of attaining this objective.

¹ Doc. 1-555/78, paragraph 28, p. 18

² Doc. 1-708/80, paragraph 62, p. 24

THE CONCERTED ACTION PROGRAMME AND WHAT IT INVOLVES

5. One of the rapporteur's primary concerns is to ascertain the extent to which these activities would duplicate the work of international organizations, particularly that of the Intergovernmental Maritime Consultative Organizations (IMCO). On an initial assessment the activities involved in the concerted action programme do not appear to be covered directly by other agreements such as the SOLAS agreement, which was concluded in IMCO and is more concerned with passive safety systems. However, the Commission must be very careful not to exceed its terms of reference and must ensure that its work always complements that of the specialized international organizations: a representative from these organizations could usefully be involved in the work carried out by the Commission in the context of this programme.
6. Your rapporteur considers that, however laudable the objective of the concerted action programme, the ultimate result should not be the creation of a rigid and bureaucratic control system, which would present a serious obstacle to shipping by increasing the costs and the various formalities involved.

However, it would appear perfectly feasible to propose a really effective control system for safety and pollution prevention, the value of which would be appreciated by the shipping companies.

7. From an examination of the seven topics covered, the concerted action programme would appear to be very ambitious. It proposes broadly to cover the field of shore-based maritime navigation aid systems. There is cause for some scepticism here, given the wide range of aspects considered. Furthermore, to judge by the descriptions given in the explanatory statement, these programmes (particularly the first three) appear to be very analytical in nature. It would be unfortunate if this concerted action programme were merely to list existing data, some of which would be obsolete by the time published, given the extremely rapid rate of technological progress in the field of telecommunications. In relation to the latter point, the accent would seem to be on technological research and innovation in relation to navigation aid systems whereas one would have expected greater emphasis to have been placed on the future outlook.

8. The fears aroused by the content of the programme are to some extent confirmed in the estimates of its cost. The overall figure of 10.1 million ECU for three years would appear to be somewhat unrealistic. If the concerted action programme is intended to help achieve significant progress in the work on navigation aid systems, it is to be feared that the sum quoted will not allow any effective contribution to be made. If, on the other hand, it is intended to collect information and compare various points of view, the proposed resources could be excessive.
- The overall cost should therefore be adjusted upwards or downwards, depending on the objectives the Commission wishes to attain through this programme.
9. As the action programme affects only shore-based maritime navigation aid systems it excludes complementary surveillance points, which would likewise seem a vital element in the implementation of a genuine accident-prevention policy, particularly:
- satellites (both for surveillance and for communications);
 - surveillance aircraft (for the largest zones) and helicopters;
 - coastguard vessels.

CONDITIONS GOVERNING THE IMPLEMENTATION OF THE PROGRAMME

10. Annex I to the draft Council decision outlines the research work involved in the concerted action programme and its allocation among the Member States of the Community.
- No mention is made of the criteria governing this allocation. It is therefore surprising that a Member State like Greece is involved in only three research subjects out of eight, and not the most important ones at that (the seven programmes cover eight research topics), given that its fleet accounts for 40% of the Community fleet and that Greece is therefore the country affected most directly by any measure taken in this field.
11. In order to facilitate the implementation of the programme, it is proposed that a committee be set up consisting exclusively of representatives from the Member States participating in the action programme (who may be accompanied by experts) and a Commission delegate. The committee should include other participants whose opinion would be valuable in the course of the work: shipping companies, port authorities, international maritime organizations and seamen's representatives.

CONCLUSIONS

The Committee on Transport requests the Committee on the Environment, Public Health and Consumer Protection to pay attention to the following points in its report:

- ensure that the Commission's work is strictly complementary to that of the specialized international organizations, both in the interests of greater efficiency and to prevent divergent regulations from being drawn up;
- make plans for the eventual implementation of systems which do not obstruct free maritime movement, taking care not to damage the interests of those for whom the sea is their livelihood;
- include navigation aid systems based on surveillance vessels, aircraft and satellites in the action programme;
- make the financial endowment of the action programme commensurate with its fundamental objectives;
- apportion the programme's research work between Member States according to objective criteria based on the knowledge of maritime navigation which they already possess;
- enlarge the committee responsible so as to include non-governmental organizations such as: specialized bodies (ILO, IMCO), trade unions, representatives of port authorities.

OPINION OF THE COMMITTEE ON ENERGY AND RESEARCH

Draftsman: Mr T NORMANTON

On 25 November 1981 the Committee on Energy and Research appointed Mr NORMANTON, draftsman.

The committee had an initial exchange of views on 11 November 1981 and considered the draft opinion on 27 January 1982. The opinion was adopted unanimously at this latter meeting.

Present: Mrs Walz (chairman); Mr Gallagher (vice-chairman); Mr Bombard (deputizing for Mr Percheron), Mr Calv ez (deputizing for Mr Pintat), Mr K. Fuchs, Mr Galland, Mr Linkohr, Mrs Lizin, Mr Meo, Mr Moreland, Mr M uller-Hermann, Mr Pedini, Mr Protopapadakis, Mr Purvis (deputizing for Sir Peter Vanneck), Mr Rogalla, Mr Sassano, Mr Seligman and Mr Veronesi.

INTRODUCTION

1. The proposal concerns a three-year investigation into marine navigation problems, particularly along coasts and near ports. In view of the congested and increasing traffic in some Community waters and accidents which have occurred, with subsequent public concern, this is a subject which merits attention at Community level. International cooperation is vital in this field.
2. The programme is to be carried out in the framework of COST-agreements, which may involve non-Member States. The Committee on Energy and Research has previously expressed its support for the concept of research under the COST framework.
3. In general, therefore, the Committee on Energy and Research welcomes the proposal, subject to the observations below.

On a procedural point, it wishes to record that it should be the committee responsible when consultations concern research programmes.

Objectives and Additionality

4. The programme is not one of "blue sky" research, i.e. a programme to investigate a topic because it might give some interesting results. Rather the reverse, in fact, for much work has already been done or is under way (see page 5, "State of the Art", and page 7, penultimate paragraph, of the English text).
5. The fact that work is under way in many countries does not detract from the usefulness of concerted action in promoting the exchange of information and in avoiding duplication of effort. This sort of activity would appear to account for about 30% of the Community contribution of 2.1 million ECU (total programme cost is 10.1m ECU).
6. However, 1.5 million ECU is set aside for the award of study contracts, and it is not clear what this is intended to cover. Even if gaps come to light in the existing work included in the concerted programme, it is the Member States which will "attempt to fill any gaps" (see penultimate paragraph of section 4, "programme content"). In order to ensure that this 1.5m ECU is additional expenditure, rather than merely a repayment of what the Member States would spend anyway, the objectives to be achieved with this extra money should be specified in more detail.
7. The Commission has indicated that these contracts will relate to studies aimed at the project itself, rather than to research. If this is so, the amount set aside seems remarkably high. It should be all the more possible to specify clear, practical, and measurable objectives given that work is under way and there are specific problems to be solved.

8. As an initial proposal for specifying the objectives of the contracts to be paid for by the Community, the Committee on Energy and Research suggests that these funds be concentrated on:

- defining common standards and basic technical specifications for vessel pinpointing and tracking devices used by traffic centres,
- establishing harmonized procedures incorporating traffic service information, guidance and piloting on the basis of existing procedures in European shipping.

These appear to be the sub-programmes of greatest common interest and therefore most logically funded by the Community.

9. As an extension of this, it may well be possible at the end of three years to define a complete ship control environment including procedures, on-board equipment and the facilities necessary ashore. This could then be used for a pilot project, for example, or indeed as the basis for Europe-wide agreement, insofar as this dovetails with work being done by international organisations.

Programme content

10. This opinion does not intend to consider programme content in detail. It is clear that port areas are becoming so congested and the consequences of accidents in coastal areas so severe that systems of control akin to those used for aircraft are having to be used or considered. These will be shore-based in the main, but there are some exceptions:

- (a) satellites may well have some role to play in surveillance and providing navigation information, although more particularly for offshore work; their capabilities are constantly and rapidly being improved; more important in the inshore context is the improved ship-to-shore communications they can provide,
- (b) many vessels are equipped with sophisticated navigation equipment but this is sometimes ignored or not used. Automatic alerting systems may be appropriate. Just as airliners now have to be equipped with "ground proximity warning systems" as well as altimeters, so ships might be required to carry automatic devices to warn of running aground,
- (c) the effectiveness of shore-based equipment can be enhanced by certain ship-board equipment. For example, devices called "transponders" react to the incidence of radar by emitting information. A shore-based radar operator would thus see not only where ships were but also their names, etc. The compulsory carriage of transponders would ease the control of large ships and the identification of polluting ships immensely.

These considerations imply that the programme title is too narrow in specifying "shore-based".

Other points

11. In order that Parliament's budgetary powers are not compromised, the amount in Article 3 of 2.1 m ECU should be defined as being "indicative" only.
12. The steering committee should have a wider membership than that proposed; in particular, shipping and port interests need to be represented.
13. It is right and proper that they should report on the results of the project to Member States and to Parliament. The right of Parliament to such a report should not be overridden. Reference in Article 5 to a situation in which Parliament would not be informed should therefore be deleted.

CONCLUSIONS

14. The Committee on Energy and Research asks the Committee on the Environment, Public Health and Safety to include the following points in its report:
 - (a) amend the title, Article 1, Article 4 and Annex II, to refer to "inshore" in place of "shore-based",
 - (b) add to the end of Article 1 the following:

"Community funds for study contracts will be concentrated on developing common standards and harmonized procedures with the long-term aim of defining an overall environment for controlling ships inshore",
 - (c) add to the end of the first paragraph of Article 3 the following:

"This amount is indicative only",
 - (d) delete the second, third and fourth sentences of the third paragraph of Article 5,
 - (e) replace the last sentence of Article 3 of Annex II by:

"The committee shall also comprise an equal number of observers representative of shipping and port interests".