

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(86) 240 final

Brussels 23 April 1986

Communication from the Commission to the Council relating to
the signature of the Final Declaration of the Ministerial
Conference on Safe Ships on Clean Seas in The Hague, 23 April
1986

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1. The Minister of Transport in the Dutch Government has invited the Commissioner responsible for Transport, the Environment and Nuclear Safety, together with the Ministers responsible inter alia for maritime safety in the 14 states whose maritime authorities have signed the Memorandum of Understanding on Port State Control, to a Ministerial Conference entitled "Safe Ships on Clean Seas" in relation to Port State Control in The Hague on 23 April 1986.
2. The Dutch Minister has proposed that at the end of the Conference the participants shall sign the Final Declaration a draft of which, drawn up in a series of preparatory meetings, is attached. This Declaration does not contain legally binding obligations and under these conditions the Commission considers that there is no reason to apply the provisions of Article 228.
3. By the present Communication the Commission informs the Council of its intention to participate in the Conference and, if it judges it appropriate, to sign the final documents. It will take care to ensure that these documents are in accordance with the common transport policy and the Community action programme for the environment.
4. In the opinion of the Commission the acceptance of these documents does not imply any change in the distribution of competences between the Community and Member States.
5. The Commission invites the Council to take note of this Communication.

20 March 1986.
English text.

DRAFT FINAL DECLARATION (RESULT OF DISCUSSIONS IN HIGH LEVEL PREPARATORY MEETING IN THE HAGUE, 19 MARCH 1986).

FINAL DECLARATION OF THE "SAFE SHIPS ON CLEAN SEAS CONFERENCE", HELD IN THE HAGUE ON 23 APRIL 1986.

A *) PREAMBLE

A1 Recalling the decisions taken at the Ministerial Conference on Maritime Safety in Paris on 26 January 1982 to review regularly the operation of the Memorandum of Understanding on Port State Control as signed on that occasion and to meet again for that purpose at a new conference,

A2 stressing once more their concern to improve maritime safety, to protect the marine environment and to improve the working and living conditions and safety of seafarers,

A3 stressing further that the primary responsibility for the effective application of the standards laid down in international instruments rests upon flag states,

A4 taking into account the satisfactory co-operation of the countries within the framework of the Memorandum,

A5 deciding to continue the common efforts, and desiring to further develop the effective and harmonized port state control system as established by the Memorandum,

*) references to (sub)paragraphs will be deleted in final version.

20 March 1986.
English text.

A6 The Ministers responsible for maritime safety of Belgium, Denmark, Finland, France, the Federal Republic of Germany, Greece, Ireland, Italy, the Netherlands, Norway, Portugal, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland and the responsible Commissioner of the European Communities, met in The Hague on 23 April 1986 at the invitation of the Netherlands' Minister of Transport and Public Works, to evaluate almost four years of co-operation on port state control within the framework of the Memorandum.

A7 The Ministers extended a warm welcome to the representatives of the International Labour Organisation (ILO) and of the International Maritime Organization (IMO) who also attended the conference.

B RELEVANT INSTRUMENTS

B1 The Ministers continued to affirm the importance they attach, in view of the international character of shipping, to the work of the appropriate international organizations such as ILO and IMO.

B2 In this respect the Ministers recalled that they had urged, from the beginning of their discussions on port state control, an early ratification by the fourteen states of all relevant instruments mentioned in the Memorandum. They noted with satisfaction that the fourteen states have become party to practically all relevant instruments and that this has contributed to the early entry into force and the effective operation of those instruments.

20 March 1986
English text.

B3

The Ministers noted that since the Memorandum became effective on 1 July 1982 two important IMO instruments had entered into force, one for the prevention of pollution from ships 1) and one for the training, certification and watchkeeping of seafarers 2) which enabled the partners to the Memorandum to apply these instruments. Moreover, regulations of other relevant instruments already in force had in certain cases been updated significantly 3). They further noted that rules for the construction and equipment of ships carrying dangerous chemicals 4)5) or liquefied gases in bulk 6) will become mandatory in a near future and thus be applied within the framework of the Memorandum.

(1)2)3)4)5)6): see annex)

C PORT STATE CONTROL EFFORTS

C1

The Ministers noted that since the Memorandum took effect in 1982, 38.000 inspections of foreign flag ships have been conducted. 1500 ships had to be detained or delayed on account of serious deficiencies. The effect of this collective action of port state inspections is that in practice in a twelve month period about 65 % of all foreign flag ships in the region's ports have been inspected. Almost half of all port state inspections are carried out on ships flying the flag of one of the region states. They were satisfied that it has become increasingly difficult for a substandard ship to operate in the region without being detected and forced to rectify serious deficiencies.

20 March 1986
English text.

C2 The Ministers requested the Port State Control Committee, the executive body established under the Memorandum, to keep the annual number of inspections under review. The Ministers emphasized the need for and their continuing interest in port state control and concluded, on the basis of the results of almost four years of inspections, that the continuation and strengthening of port state control within the framework of the Memorandum is fully justified. In addition to their national commitments to flag state control, the Ministers are determined to maintain and, if necessary, increase their efforts to make resources available for port state control with a view to raising the overall number of inspections.

D INFORMATION SYSTEM

D1 At the second Ministerial Conference it had been agreed that the exchange of information between the maritime authorities is essential for efficient port state control. In this respect the Ministers commended the French maritime administration and in particular the «Centre Administratif des Affaires Maritimes» (CAAM), for its efforts in developing the «Système d'Information Relatif aux Navires Controlés» (SIRENAC), which provides a modern computerized data base on port state inspections. Most of the maritime administrations in the region are connected to this data base via on-line terminals. Those administrations which are not yet connected to the data base have stated that they will consider doing so.

[The Ministers confirmed the principle of equal cost sharing for this system between all member states as from 1986.]

20 March 1986
English text.

02 The Ministers noted the importance of allowing for future developments of the system in order to further expedite the exchange of information on ships that have been inspected or which need re-inspection in the next port of call.

03 The Ministers were of the opinion that such further developments will enable the respective inspection services of their countries to achieve a greater efficiency in the selection of ships to be inspected, thus avoiding duplication of inspections which is an unnecessary burden for ships' masters and personnel, as well as for administrations and surveyors.

E HARMONIZATION

E1 The Ministers, aware of the great value of further harmonizing port state control procedures and the need for feed back of practical experience in the field, stressed the importance of holding regular seminars for surveyors on topics related to maritime safety, the prevention of pollution and to working and living conditions and safety of seafarers. They welcomed the bilateral arrangements for surveyors to visit other administrations in the region and took note of the newly developed manual for surveyors, which, inter alia, includes a user guide for the information system. They regarded these developments as important steps towards a further harmonization of port state control activities.

20 March 1986
English text.

F POLLUTION PREVENTION

F1 The Ministers noted with satisfaction that as from 2 October 1983 Annex I to MARPOL 73/78, dealing with the prevention of marine pollution by oil, is being enforced and that Annex II to MARPOL 73/78, dealing with the prevention of pollution from ships by noxious liquid chemicals carried in bulk, will become effective on 6 April 1987.

F2 The Ministers noted that Annex II to MARPOL 73/78 will be applied by the region countries from its effective date of application on the basis of guidelines and control procedures to be developed by IMO.

F3 The Ministers considered it necessary that appropriate regulations for the prevention of marine pollution by harmful substances carried by sea in packaged forms and garbage from ships (Annexes III and V to MARPOL 73/78) should enter into force as soon as possible, taking into account the efforts within the IMO to improve the existing regulations.

F4 The Ministers noted that the amendments to Protocol I to MARPOL 73/78 as recently adopted will, inter alia, assist coastal states in obtaining improved information on incidents off their coasts, enabling them to take prompt and adequate remedial action.

20 March 1986
English text.

F5 The Ministers recalled the statements in the Final Declaration of the International Conference on the Protection of the North Sea, done at Bremen on 1 November 1984, which affirm that port state control is of major importance to prevent marine pollution by ships.

F6 The Ministers noted that the meeting of the contracting parties to the Barcelona Convention, which took place in Genoa in September 1985, adopted a resolution aiming at the development in the Mediterranean Sea of floating reception facilities, complementary to shore-based facilities. They expected that this action, which had been endorsed by IMO (Assembly Resolution A.585(14)), will substantially contribute to the prevention of pollution by ships.

F7 The Ministers expressed satisfaction that MARPOL 73/78 had been fully incorporated in the port state control procedures and the information system and that focal points in every region state and speedy exchange of information had been arranged. They were convinced that the prevention of marine pollution by ships including the detection of illegal discharges will become more effective.

20 March 1986
English text.

G CO-OPERATION

G1 The Ministers expressed great interest in the development of port state control in other regions. They recalled that in the Memorandum of Understanding it is envisaged that a maritime authority of another state which is willing to subscribe to the commitments laid down in the Memorandum may, with the consent of the Memorandum partners, adhere to the Memorandum. They also welcomed any kind of co-operation with countries aiming at improving their efficiency in this field or of exchange of views on procedures. In this connection they requested the Port State Control Committee to develop further contacts with the maritime authorities of the United States of America which have shown an interest in co-operation.

H DEVELOPMENTS AT THE ILO

H1 The Ministers expressed great interest in the work to be done by the Preparatory Technical Maritime Conference to be held during May 1986, especially as regards the discussion on the Merchant Shipping (Minimum Standards) Convention, 1976 (ILO Convention no. 147) which is one of the relevant instruments of the Memorandum. They requested the Port State Control Committee on the basis of this discussion, of the Maritime Session of the International Labour Conference scheduled for September/October 1987 and other related developments at the ILO, to keep the situation under review and, in due course, to make decisions as appropriate.

20 March 1986
English text.

I SHIP IDENTIFICATION NUMBERS

11 The Ministers took note of the discussion in IMO on ship's identification numbers. They concluded that a unique identification number for all ships over 100 grt would facilitate the world wide identification of such ships and also the exchange of information between the region partners. They undertook to co-operate in IMO's work to elaborate an efficient system for a unique identification number for ships.

K FURTHER DEVELOPMENTS

K1 The Ministers expressed their satisfaction with the work of the Port State Control Committee and requested that the implementation of this Declaration and any further developments which would warrant consideration at a future Ministerial meeting should be carefully monitored, with a view to suggesting additional action in pursuance of the objective of safe ships on clean seas.

L ACKNOWLEDGEMENTS

L1 The Ministers expressed their appreciation for the co-operation that exists within the framework of the Memorandum between the maritime authorities and the International Labour Organisation and the International Maritime Organization.

20 March 1986
English text.

L2

The Ministers noted with appreciation the essential role and the valuable contribution of the surveyors responsible for the practical performance of port state control. They realized that the professional approach shown by the surveyors had in a positive way influenced the international acceptance of port state control.

L3

The Ministers thanked their colleague of the Netherlands for providing the service of an effective secretariat which greatly facilitates the operation of the Memorandum.

20 March 1986
English text.

ANNEX TO THE FINAL DECLARATION OF THE "SAFE SHIPS ON CLEAN SEAS CONFERENCE".

- 1) Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL 73/78).
- 2) International Convention on the Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW).
- 3)
 - a. 1981 Amendments to the International Convention for the Safety of Life at Sea, 1974 (SOLAS), entered into force on 1 September 1984;
 - b. 1983 Amendments to SOLAS, will enter into force on 1 July 1986;
 - c. Amendments to the Convention on the International Regulations for Preventing Collisions at Sea, 1972, entered into force on 1 June 1983;
 - d. 1984 Amendments to the Annex of MARPOL 73/78, entered into force on 7 January 1986;
 - e. Amendments relating to Protocol I to MARPOL 73/78, are expected to enter into force on 6 April 1987.
- 4) International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code), will become mandatory under SOLAS on 1 July 1986 and is expected to become mandatory under MARPOL 73/78 on 6 April 1987.
- 5) Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (BCH Code), is expected to become mandatory under MARPOL 73/78 on 6 April 1987.
- 6) International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC Code), will become mandatory under SOLAS on 1 July 1986.