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15 January 1979

DOCUMENT 555/78

Report

drawn up on behalf of the Committee on Regional Policy, Regional Planning and  
Transport

on

- I. the best means of preventing accidents to shipping and consequential marine  
and coastal pollution, and
- II. shipping regulations

Rapporteur: Lord BRUCE of DONINGTON

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On 11 April 1978, motions for resolutions on shipping regulations were tabled by Mr FELLERMAIER, on behalf of the Socialist Group (Doc. 51/78), and by Mr COINTAT, Mr COLIN, Mr BOURDELLES and Mr SPICER on behalf of their respective political groups (Doc. 53/78/rev.).

At its sitting of 14 April 1978, the European Parliament referred these motions for a resolution to the Committee on Regional Policy, Regional Planning and Transport as the committee responsible and to the Committee on the Environment, Public Health and Consumer Protection and the Committee on Economic and Monetary Affairs for their opinion. The Committee on Agriculture was also asked for its opinion on Mr Fellermaier's motion for a resolution (Doc. 51/78).

On 27 April 1978, the Committee on Regional Policy, Regional Planning and Transport was authorised to organise a public hearing on the best means of preventing accidents to shipping and consequential marine and coastal pollution.

The public hearing was held in Paris on 20, 21 and 22 June 1978.

The Committee on Regional Policy, Regional Planning and Transport considered a preliminary draft report by its Chairman, Lord BRUCE of DONINGTON, at its meeting of 27/28 November 1978, and the draft report at its meeting of 19/20 December 1978, when it was adopted unanimously.

Present : Lord Bruce of Donington, chairman and rapporteur ; Mr Brosnan, Mr Delmotte, Mr Buchs, Mr Johnston, Mr Jung, Mrs Kellett-Bowman, Mr Osborn, Mr Seefeld and Mr Starke.

At its meeting of 25 May 1978 the Committee on Economic and Monetary Affairs decided not to deliver an opinion.

The opinions of the Committee on the Environment, Public Health and Consumer Protection and the Committee on Agriculture are attached.

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The Committee on Regional Policy, Regional Planning and Transport hereby submits to the European Parliament the following motion for a resolution together with explanatory statement

MOTION FOR A RESOLUTION

on

I The best means of preventing accidents to shipping and consequential marine and coastal pollution

and

II shipping regulations

The European Parliament,

- having regard to the motions for a resolution on shipping regulations tabled by Mr FELLERMAIER (Doc. 51/78), and by Mr COINTAT, Mr COLIN, Mr BOURDELLES and Mr SPICER (Doc. 53/78/rev.),
- having regard to the report from the Committee on Regional Policy, Regional Planning and Transport and the opinions of the Committee on the Environment, Public Health and Consumer Protection and the Committee on Agriculture (Doc. 555/78),
- taking into full account the evidence given at the public hearing organised by the Committee on Regional Policy, Regional Planning and Transport into the best means of preventing accidents to shipping and consequential marine and coastal pollution,
- reaffirming its profound anxiety about accidents to shipping, such as the 'Amoco Cadiz' incident, and the severe damage to the marine and coastal environment which can result from such incidents,
- aware that without concerted action by the Member States, further accidents to shipping with what may be disastrous consequences, will certainly occur in Community waters,

- further aware that even if all possible measures are taken there remains a minimum unavoidable risk of accidents occurring which makes it necessary to ensure that co-ordinated efforts are made to find effective means of combatting marine and coastal pollution,
1. Congratulates the Commission, not only on the proposals it has put forward concerning shipping safety and oil pollution since the 'Amoco Cadiz' incident but also for proposals it had made previous to this incident, but which were not acted on by the Council of Ministers;
  2. Endorses the Commission's action programme contained in its Communication to the Council of 27 April 1978 concerning marine pollution arising from the carriage of oil<sup>1</sup>;
  3. Regrets the fact that while the European Council decided at its meeting in Copenhagen of 7 and 8 April 1978 that the Community should make the prevention and combatting of marine pollution, particularly by hydrocarbons, a major objective the Council of Ministers has in some cases either rejected or weakened Commission proposals which were designed to make it possible for the Member States to adopt common attitudes and to take common measures;
  4. Calls, therefore, on the Council of Ministers to accept present and future proposals by the Commission for the mandatory enforcement by the Member States of the appropriate provisions of International Conventions relating to maritime safety, shipping standards and oil pollution, and in particular the proposals for decisions concerning the Barcelona and Bonn Agreements which cover cooperation in dealing with the pollution by oil of the Mediterranean and the North Sea respectively;
  5. Points out that it is only by coordinated action, leading to the effective enforcement of International Conventions that the Community will be able to protect itself from the dangers and risks that arise from sub-standard shipping whether sailing under flags of convenience or indeed under the flag of any nation.
  6. Requests the Commission in addition to continuing their work of enforcing existing Conventions to:-
    - (a) institute, in cooperation with the relevant national and international expert bodies, an immediate study into the possibility of instituting a system of Ship Traffic Control in appropriate Community waters;
    - (b) to draft proposals for the institution of an escort system for large oil tankers and other vessels carrying dangerous cargoes by means of an advanced coastal radar system common to all the ports concerned on the Atlantic, the English Channel and the North Sea;

<sup>1</sup>Doc. 121/78

- (c) institute, in cooperation with the relevant experts, research into the possibility of installing a marine equivalent of the aviation "black box" on all vessels over a certain tonnage using areas of particular difficulty to shipping, whether by reason of density of traffic, of navigational difficulty or both within Community waters;
  - (d) provide assistance for research into (i) mechanical means of recovering spilt oil, and (ii) the development of biologically acceptable dispersants;
  - (e) examine means of establishing common Community classification standards which would have to be complied with by owners before Community insurance companies would insure a vessel;
  - (f) make proposals whereby a number of "ports of refuge" could be established within the Community, if necessary with Community financial assistance, where disabled vessels could be taken and their cargoes unloaded safely;
7. Calls on ship owners to ensure that all VLCC's and other ships carrying dangerous cargoes using Community ports should be provided with a trained team capable of operating a standardised "emergency organisation" system;
8. Calls on the insurance companies, in consultation with IMCO and the interested parties, to make the necessary revisions to the "Open Form" of salvage contract in order to ensure that no delay should take place in agreeing the terms for salvaging ships carrying oil or dangerous substances while at the same time ensuring that unreasonable legal liabilities are not placed on the salvage operators or the shipowners;
9. Considers that insurers should be prepared to give inducements encouraging the safety of ships either in the form of reduced premiums or by implied or expressed warranties; if necessary, Community law should be harmonised in order to ensure that breaches of expressed warranties would void insurance policies;
10. Does not feel that it is necessary to set up special Community emergency teams, either on shore or at sea, to deal with accidents or their consequences but does consider that the Commission should actively pursue its own suggestions concerning the cooperation between, and the effectiveness of, emergency teams which have been or which are to be set up in the Member States and also to examine the adequacy of present resources available for the towing of vessels in distress. When and

if any Community surveillance system is set up in connection with fishery protection, such a system should, as far as possible, play a role in contributing to general shipping safety in Community waters;

11. In this connection, requests the Commission to consider the best means by which a standardised procedure could be introduced, once an incident has occurred, for setting up an emergency command post at the most appropriate location. Such command posts, which would include representatives of all interested parties, should, however, be empowered to override any particular interest or interests in the light of possible environmental damage;
12. Once more urges upon the Council of Ministers and on the governments of the Member States that it is only by coordinated action and effective enforcement of International Conventions that marine safety can be improved in Community waters;
13. Instructs its President to forward this resolution to the Council and Commission of the European Communities and, for information to the national Parliaments, IMCO and other interested bodies.



EXPLANATORY STATEMENTI. INTRODUCTORY

1. At the moment of preparing this report, it seems certain that some time, in the near rather than the distant future perhaps, a further shipping accident involving a large tanker will occur with consequences similar to those which have arisen in a series of incidents from that of the "Torrey Canyon" in 1967 to that of the "Amoco Cadiz" in 1978.<sup>1</sup>
2. It was as a result of the impetus provided by the "Amoco Cadiz" that the European Council and the Council of Ministers were spurred to take Community action, though in fact such action had been suggested earlier by the Commission but had been ignored by the Council of Ministers<sup>2</sup>.
3. The "Amoco Cadiz" disaster also provided the immediate impetus for the organization by the Committee on Regional Policy, Regional Planning and Transport of the public hearing on the most effective means of preventing accidents to shipping in Community waters and the avoidance of consequential marine and coastal pollution which was held in Paris between 20 and 22 June 1978.
4. It is in the light of that hearing that the present report has been drafted, and it contains not only a restatement of the Committee's view on the Commission's proposals on which interim reports have already been made, but also it sets out recommendations for other action which should be taken whether at national, international, Community or bilateral level.

<sup>1</sup> Since this paragraph was written the "Christos Bitas" was holed on the rocks off the Pembrokeshire coast in the Irish Sea, causing extensive oil pollution.

<sup>2</sup> Commission Communication to the Council of 6 June 1977 following the EKOFISK incident.

5. It was not possible, within the necessary time constrictions of a brief hearing of two days, to pursue questions of detail with the thoroughness appropriate to an enquiry extending over several weeks and it must therefore be immediately reiterated - as was indeed made clear from the outset - that the enquiry's main purpose was to bring the principal issues involved into sharper focus for the greater convenience of our European Parliamentary colleagues to whom the whole question of the prevention of accidents at sea and the avoidance of consequential pollution is of some importance.
6. If the first paragraph of this report began with the pessimistic statement that another major incident involving oil pollution is sooner or later inevitable, it became clear to the Committee during the course of the hearing that it was inevitable only under present conditions, and that the chances of avoiding such an occurrence could be very greatly increased (a) by the ratification and effective enforcement of present international conventions, and (b) by the introduction of certain other measures which will be examined later in this report.
7. The means of avoiding the accidents exist. What appears to be lacking is a real sense of urgency on the part of Member States who alone can take the necessary measures concerning ratification and who, acting together within the Community, can then enforce them effectively at Community level.

## II. THE PUBLIC HEARING

8. Annexed to this report is (a) a list of the participants who contributed to the discussions; and (b) the Chairman's questionnaire which was circulated to all attending. As far as the list of participants is concerned, your rapporteur would hope that it will make it clear that the Committee endeavoured to gather the views of as many interests as possible, though inevitably it was necessary to turn away some organizations who asked to be represented because of the limited time available. The list of participants taken in conjunction with the annexed questionnaire should show something of the work method which the Committee pursued during the course of the hearing. A verbatim report of the public hearing has been produced in the language of each speaker (PE 54.206), and reference to this will be made in this report. Unfortunately it has been impossible to produce a translation of this verbatim report into all Community languages in time for the consideration of the present report.

9. At the hearing itself the proceedings began on the first day with introductory statements by the expert witnesses. On the second day the questionnaire was considered in four parts:

- (a) Those questions relating to ship design, qualifications of master and crew, working conditions etc.;
- (b) Those questions relating to shipping lanes, communications, surveillance, enforcement of, and penalties for, infringement of rules etc.;
- (c) Those questions relating to incidents and their consequences - insurance, salvage, prevention of consequential pollution; damage to the environment etc.;
- (d) Those questions relating to the ratification of international agreements, Community action and other measures to be taken.

At this stage of the hearing, questions and comments were invited from members of the Committee as well as from the experts.

10. The last day of the hearing, Thursday, 22 June 1978, was taken up with conclusions drawn by both experts and members of the Committee.

### III. ACCIDENTS TO SHIPPING - THE GENERAL PROBLEMS

11. Since this question was being considered essentially as a Community matter, it was inevitable that much of the Committee's attention at the hearing was focussed on problems arising at the approaches to and in the English Channel which is not only the most crowded shipping lane in the world, but which is also an area where a succession of incidents have had severe repercussions on the marine and coastal environment. But even if the Committee concentrated a good deal of its work on a limited geographical area, a number of questions of general importance were raised, and it is hoped a number of solutions of general importance have been suggested.

12. A truism which became increasingly evident throughout the hearing is that shipping is by its very nature an international activity, though the consequences of accidents to shipping may very well be a matter of national concern.

13. It is because of the international nature of shipping problems that the Inter-Governmental Maritime Consultative Organisation (IMCO) was originally formed, and warm tribute must be paid to the work of this body in drawing up conventions and protocols to those conventions which if ratified and enforced would undoubtedly provide a major element in the battle against accidents to shipping and all that they entail.

14. Unfortunately, as became clear from the unanimity of the experts at the hearing, the failure to ratify and/or enforce these conventions - notably The International Convention for the Safety of Life at Sea, 1974 (SOLAS), The International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL) and International Labour Office (ILO) Convention 147 - currently makes them worth little more than the paper on which they are written. This is a point which will be returned to later in this report.

#### IV. THE COURSE OF AN INCIDENT

15. In this section the course of an incident will be followed in the same way as it was on the second day of the public hearing (see para. 9 above), and a brief description will be given of the problems identified at each stage and of the solutions that emerged to these problems.
16. The Committee began their detailed investigation on Wednesday, 21 June with a consideration of the basic problems which arise for a ship of any flag, sailing in any waters of the world; that is to say questions relating to ship design, qualifications of master and crew and working conditions (Questions 2, 3 8 and 17 of the Chairman's Questionnaire). Consideration was not limited to these specific questions, and members of the Committee and experts were invited to consider and discuss all aspects falling within this area.
17. As far as the actual design of ships is concerned, this is a complex matter involving as it does the Shipbuilder, the Ship owner, the Classification societies, IMCO and the legislation of the nation states. It would be out of place here to go into too great a technical detail concerning the various proposals which are under active consideration and experimentation for improving ship design, particularly the design of very large crude oil carriers (VLCC's). These include such matters as the question of twin screws and twin rudders, and combinations of single screw twin rudder and vice versa, the need for better braking systems and to improve the manoeuvrability of large vessels going at slow speeds. Here the Committee were satisfied that all sides of the industry were actively engaged in the pursuit of design safety, though it was pointed out by one expert (Captain Long) that safety in ship design almost by definition never has so integral a role as it must have in aircraft design.
18. Inspection
- Evidence was given to the Committee, and was not rebutted, of the case of a ship passed by the Lloyds Register at Grimsby two years ago and given a safety certificate, yet setting out 17 days later with rotter lifejackets, and rusting bulkheads and which experienced compass, radio, auxiliary engine and rudder failure during the subsequent voyage. While such incidents may not be frequent or

widespread it is clear that they contribute to the greater likelihood of accidents, some of them with loss of human life, occurring. It also emerged on evidence on this aspect that although non-governmental organisations such as Lloyds Register have "codes of conduct" applicable to their inspectorate there are no means of enforcing such codes, which must therefore be considered as guidelines rather than enforceable disciplines of conduct. Moreover the coverage of the inspectorate is far from adequate.

'19 Control of design specifications

Though a number of witnesses emphasised the poor showing by the "flag of convenience" states in the question of maintenance of standards (as in the various other matters falling within this first heading) there was considerable agreement among the experts that the real problem was the sub-standard ship (or crew) and that the only effective means of control was through enforcement of international agreements and through greater powers for the port states.

This indeed was to be one of the main points that emerged, and was stressed at every stage of the Hearing.

20 Maximum Tanker size and size of crew

On this question there was little agreement among the experts and the disagreement fell into lines which could be anticipated. Broadly speaking representatives of owners and users were in favour of VLCC's while representatives of master and crew were in favour of limiting the ultimate size of VLCC's. Thus the representative of the International Federation of Ships' Masters Associations (IFSMA) would like to see a limit of 100,000 tdw for tankers generally and of 80,000 tdw for vessels using the English Channel. He suggested that ships of over 300,000 tdw in a condition of total breakdown were not capable of being towed in heavy seas. On the other hand it was argued by a representative of Oil Companies International Marine Forum (OCIMF) that the larger the ship the less danger it represented environmentally since it implies a reduction of total traffic movements in congested waters.

The Committee were struck by the evidence they heard concerning the reduction of the size of the crew on VLCC's. In recent years it would seem that the crew for a vessel of 250,000 tdw is being reduced from about 35 to 24 or 25 and that some years ago there was discussion of the possibility of having vessels of 1 million tdw so automated that they could be manned by a crew of 9 persons.

The Committee believe that the actual or potential reduction in the size of crews represents a very real hazard, involving as it does the practical impossibility of major repairs being undertaken on board ship in emergencies and under bad weather conditions. The question of minimum manning provisions is one which should be kept under very close and careful consideration by the International Labour Office (ILO) by IMCO and by the Commission.

As far as the maximum size of VLCC's is concerned, the Committee note that it was impossible for agreement to be reached in IMCO concerning this, though in 1971 it was possible to reach agreement on the maximum size of individual oil tanks. The Committee have no particular recommendation to make concerning a specific maximum size, but they consider that the Commission should study, as a matter of urgency, in consultation with the riverain States concerned, the question of what should be the maximum limited tonnage for ships using crowded or difficult areas in Community waters (notably the Channel).

#### 21 Training and Certification

It became clear almost at once that this was an area where a great deal needs to be done. Currently there is virtually no provision for any standard minimum level of training for ship's crew, and there is evidence that Masters and other ships' officers certificates can be, or were until recently, obtainable from certain states on a straightforward cash basis.

This is an intolerable state of affairs and made even more so when it is taken in conjunction with the reduction in the size of crew referred to in the preceding paragraph. Fortunately, however, this whole question has been under very active consideration in IMCO and the Convention on Training and Watchkeeping was concluded in July 1978. The Committee consider that this Convention is of vital importance, but must point out that unless it is rapidly ratified and then effectively enforced, it will be worth no more than the paper on which it is written.

(See para. 46 below)

#### 22 Working conditions

There was some conflicting evidence in this field, but it seemed to the Committee that considerable improvements could be made (a) by ratification and enforcement of the appropriate Conventions, notably ILO Convention 147, (b) by increasing crew size, particularly on the Bridge, (c) by rigorous enforcement at the hands of Belgium, Denmark, France, Germany, the Netherlands, Sweden and the UK of the agreement signed by them at the Hague on 2 March 1978 (The Memorandum of Understanding).

23. Emergency training

It was suggested in evidence, and accepted by the experts present, that it would be highly desirable to introduce on all VLCC's a "Safety Officer" who would be responsible (under the Master) for ensuring that the various legal safety provisions were complied with and who would also have under him a small team trained in emergency procedures. Though this system, which is employed by all the navies of NATO, is not in general use in mercantile fleets, the Committee believe it should become standard practice on VLCC's. They refer the question of whether it should be compulsory or not to IMCO and the Commission, but while it remains voluntary they would point out that the marine insurance companies can play a positive role in the form of offering reduced premiums to owners operating this system.

They urge the Commission to study this question with a view to drawing up appropriate standards and norms for Safety Officers and the teams working under them.

24. Flags of convenience

As defined by the OECD Maritime Transport Committee, flags of convenience are "flags of such countries whose law allows - and indeed make it easy for - ships owned by foreign nationals or companies to fly those flags in contrast to the practice of the maritime countries, where the right to fly the national flag is subject to stringent rules and involves far-reaching obligations". The principal flag states - Liberia, Panama, Singapore, Somalia, Honduras, Costa Rica and the Lebanon - have neither the power nor the administrative machinery for enforcing national or international rules, nor do they have a desire or the power to keep a check on the shipping companies themselves. Those either find that there are significant tax advantages in registration with a "flag" state - whose income tax is either low or non-existent - and that such registration makes it far easier to evade collective agreements, manning rules, certification requirements, safety regulations and inspection standards. While therefore not all flag of convenience ships are sub-standard and not all ships carrying national flags are up to standard it emerged from the evidence given that "convenience" was the sole justification for "flags of convenience" and that their continued and massive use was a significant factor in giving rise to circumstances where accidents at sea were more likely to occur.

25. Conclusion

As far as this section of the enquiry is concerned (and it is true too of the other sections), it is quite clear that "human fallibility", or error, whether defined as incompetent failure or competent failure is responsible for the greater part of accidents to shipping. Many studies over recent years have attributed at least 85% of navigation accidents and 75% of all accidents to human fallibility. Thus the enforcement of the appropriate Conventions and the introduction of effective training is a prerequisite in reducing accidents to shipping, but it is being seriously inhibited by the continued and massive use of Flags of Convenience.

26. The Committee then considered questions relating to shipping lanes, communications, surveillance, enforcement of the penalties for infringement of rules (Questions 4, 5, 6, 7, 9 and 19 of the Chairman's Questionnaire).

27. Enforcement and penalties

At the risk of anticipating some later comments in this report, it must be emphasised that it became clear to the Committee from the outset that effective enforcement of the provisions of various Conventions - notably SOLAS, MARPOL, ILO 147 and the International Convention on Training and Watchkeeping (TW 1978), adopted in July 1978, under the auspices of IMCO, would go a long way towards solving one of the most important problems, namely the prevention of accidents to shipping. This would not necessarily be a complete solution, other matters such as shipping lanes will be discussed below, but such enforcement would represent a very big step forward.

The actual state of ratification of these Conventions and steps that could be taken to enforce their provisions before their ratification if necessary will be discussed in detail in Section V below, but what can be said now is that it became increasingly clear to the Committee, and it was generally agreed among the experts, that Port State Control will have to be increased. We also gave careful consideration to marine "policing", that is to say to patrol vessels, operating, possibly on a Community basis, which could identify ships in Community waters in breach of existing regulations. It is quite possible that there is a useful Community role to be played here, preferably in conjunction with any Community system of air and sea surveillance in connection with fishery and fish conservation; but on the whole it seemed clear that the most effective measures would



ccnsist of port inspection and powers to detain ships (or possibly to expel them from Community waters) until breached regulations were complied with and fines paid.

This however should not preclude careful consideration being given to a Community coastguard system, nor to the eventual setting up, once sufficient data are obtainable, of a "black list" of vessels which will not be admitted to Community ports.

## 28. Shipping Lanes and Routing

The Committee here entered into consideration of a problem which essentially centres around the North West coast of France and the English Channel, one of the most crowded shipping lanes in the world, and one through which 1 million tons of crude oil pass daily. Currently there is in operation a shipping lane system for the Casquets and also traffic control arrangements for the narrowest point, the Dover Straits. The Committee's enquiries, however, led them less into examining existing schemes than into what might be developed in this particular area - and in comparable areas in Community waters.

Put simply the question is one of the feasibility of introducing a form of Ship Traffic Control (initially in the Channel) analagous to present systems of air traffic control. Under such a scheme ships would be identified by traffic control centres and then given specific routes and instructions to which they would have to adhere. Attractive though this idea is, it raises certain problems.

It was suggested that such a system might be incompatible with the final authority which should be vested in the Master. But against this is (a) the possibility that the Master's authority in an age of wireless communication has in fact been considerably weakened by instructions from the owners - and in fact needs to be strenghtened; (b) that on the analogy with air traffic control final authority in an emergency would rest with the Master, though not perhaps final liability if he could show he was acting on erroneous instructions from a Ship Traffic Control centre. On the technical side, the points were made that ships, unlike aircraft, operate in two dimensions. In one sense this is totally true - the use of a third dimension in sea transport must be one of last resort! - undoubtedly the lack of a third dimension inhibits such systems as the "stacking" of ships in certain areas; but the Committee do not find that this should be regarded as preventing the setting up of a different, but comparable, system for ship routing.

A further point urged was that present systems of ship identification, by radar or other means, were inadequate. Here the Committee felt that the use of satellites in conjunction with other advanced means of technology might facilitate this task. Unfortunately, though we had invited experts from the Scientific Committee of the North Atlantic Assembly, they were unable to attend the Hearing, and we were, therefore, deprived of much potentially valuable scientific evidence about the advantages of extant or potential systems compared with those actually in force.

Nonetheless, the Committee feel that in circumstances of particular difficulty (such as the English Channel) 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.

Essentially any such type of S.T.C. (Sea Traffic Control) should be envisaged as being on a Community rather than a national basis, and if necessary the expenses as well as the costs of such a system should be met by the Community rather than by national or international governments.

As far as the Western Approaches to the English Channel are concerned, it would be perfectly possible to envisage making Community-based charges for using compulsory facilities. Such charges could be based on the proportionate actual use made of this facility, either by particular owners or by flag states.

The Committee on Regional Policy, Regional Planning and Transport therefore recommend:

- (a) that the question of forms of Ship Traffic Control should be studied within the framework of IMCO;
- (b) that similar problems should be given urgent consideration by the Commission with a view to finding bilateral, or other solutions, at necessary points within Community waters with financial contributions being levied on a "user pays" basis.

29. The "Black Box"

Here again is an area where the Committee heard conflicting evidence, though at the end of the day it seemed to come down in favour of the introduction on merchant ships of a control device analogous to the "black box" used in civil aviation. Here the Committee, broadly speaking, would support the idea of the introduction of a device aboard merchant ships which would record all appropriate tele-communications from ship to shore, whether to owner, ship control or salvage points, from the point of entry into an STC zone until the departure of the ship from such a zone.

Although the current "state of the art" is not yet prepared for such a system we heard evidence (a) to the effect that it is scientifically possible and (b) that it is acceptable, at least as far as ship crews are concerned.

30. Conclusion

This is an area where the application of existing Conventions will be of little use: it is essentially a field in which uni- or bilateral (or more) solutions will have to be found. As far as State Port solutions are viable, then the model of the Memorandum of Understanding should perhaps be adopted in so far as existing controls, or projects for control, are adopted or put forward.

As regards methods of shipping lane control, the Committee believe that this must essentially represent a Community effort adapted to particular circumstances where research, aided as necessary by Community contributions, must be encouraged on the basis of an ultimate Community service being provided.

31. The Committee then considered questions relating to incidents and their consequences - insurance, salvage, prevention of consequential pollution, damage to the environment (Questions 10, 11, 12, 13, 14 and 15 of the Chairman's Questionnaire). This is an area which is less governed by conventions or legislation than the two previous ones which the Committee examined, but it is no less important since even when all possible steps have been taken to ensure the prevention of accidents, circumstances will arise when they are inevitable and the problem then arises of what are the best means which should be taken to minimise their consequences.

### 32. Insurance and Salvage

If a somewhat negative attitude was shown by the expert insurance witnesses concerning the role that the insurers could play in promoting marine safety, this was not true for circumstances where an accident had occurred.

The Committee heard evidence which indicated that from the point of view of insurers and salvors, the best form of salvage contract was the one known as "no cure no pay". Lloyd's "Open Form" is a classic type of such a contract which is designed to prevent bargaining or haggling at the site of an accident and to ensure that the salvor takes immediate action on the basis of receiving no recompense unless his efforts are successful. If they are, then the question of the compensation he should receive is determined subsequently by independent arbitration.

Obviously from the point of view of avoiding pollution (let alone questions of safety and risk to life), this type of contract is to be preferred to on-the-spot negotiations which, there is reason to believe, may become unduly, and dangerously, protracted. Unfortunately, however, the Committee were informed that in the last ten or fifteen years there has been a marked reduction in the use of "no cure no pay" salvage contracts. There are a number of reasons for this including an apparent desire by owners to seek more favourable terms than they would be likely to get from subsequent arbitration. More important, however, is the risk that salvors may well be held liable for damage consequent upon their operations. It was suggested to the Committee that from the earliest days of navigation until very recently this was no problem, but that it is one which has arisen with the transport of hydro-carbons and the consequent risk of environmental damage.

A consequence of the reduced use of "no cure no pay" has been a reduction in the number of "standby" salvage vessels stationed at critical positions.

The Committee are of the opinion that "no cure no pay" should be made compulsory for any incident involving vessels carrying oil, dangerous or noxious substances, and if necessary Lloyd's Open Form should be amended to afford reasonable indemnity to salvors.

This whole question is currently under review in IMCO and it would be highly desirable for the Member States to adopt a common line at these negotiations.

33. Common classification standards

One positive step the insurance companies might be able to take within a Community framework would be for them to insure only ships which met common classification standards. Such standards could be worked out on a Community basis by using the highest standards provided for by the various classification societies, and the Committee invite the Commission to study this matter in cooperation with the insurance companies and classification societies.

34. A Community Salvage Fleet

The Committee gave careful consideration to the possibility of setting up a Community salvage fleet, but finally were of the opinion that this would not be practicable or necessary provided (a) that the salvors are afforded reasonable inducements and protection (see para. 32 above) and (b) that some form of coordination is achieved as between the Member States and the various salvage operators.

35. Notification of Accidents

The Committee, on the basis of the evidence they heard, are convinced of the necessity that there should be a legal obligation on the Master to give immediate notification to the appropriate authority of any incident likely to endanger his vessel.

36. Command Centres following an incident

It was suggested by various experts that following any incident likely to involve coastal or marine pollution an emergency "command centre" should be set up, appropriately situated. The purpose of such command centres would be to ensure coordination and cooperation between the various interests concerned - national government, regional authorities salvors, owners, insurers etc. Authority should be given to such centres to take overriding action over specific interests in order to ensure that the risk of pollution was minimised.

In the opinion of the Committee this is an interesting concept, well worth following up and elaborating. They accordingly recommend that this idea should be studied at Community level, if necessary with assistance from Community Funds. Though such emergency centres would probably normally be national, although in some cases demanding cooperation between one or more Member States, it would be desirable to institute common definitions of their competence and duties.

37. Ports of Refuge

It was suggested in evidence by the representative of the International Salvage Union that ports of refuge could be established at certain key areas. The 'Christos Bitas' incident has reinforced the validity of this suggestion, and the Committee invite the Commission to give urgent consideration to this possibility.

Obviously ports of refuge would require special facilities, and it would be reasonable to make Community financial assistance available to such ports in view of the costs involved.

38. Once Pollution has occurred

There was a disturbing degree of unanimity among the experts that, currently, once pollution has occurred there is surprisingly little that can be done to combat it without grave disturbance to the marine and coastal environment. Once again prevention is to be preferred to the possibility of cures of doubtful efficacy. The marine biology expert who appeared before the Committee was uncompromising in his criticism of the various forms of chemical dispersants which are in current use; in his opinion the precipitation of hydro-carbons to the sea bed, though less unsightly than oil floating on the surface, was likely to cause enduring damage to marine life. Many witnesses agreed that once oil pollution has occurred the best solution is to try and contain it, as a first measure, and then to physically remove it.

Unfortunately even if this is the best theoretical solution, it would seem clear that present techniques are only partially effective, and then only under optimal weather conditions. The Committee did, however, hear evidence about progress which is being made in this field whether by means of improved vertebral booms to contain spillages or by improved vessels to pump up spilled oil and separate and retrieve it. The Conference of Peripheral Maritime Regions is in close touch with the industrial team developing the boom system, research on which is now completed.

The consequences of marine pollution - although spillages from ships form only a small part of the overall problem - are so severe and have such an adverse effect often in regions which are already suffering serious enough problems that the Committee believe that every effort should be made at Community level and with financial assistance from the Community, to further research into effective and acceptable means, whether chemical or mechanical, of dealing with pollution. The fact that there is a voluntary system of recompensing victims of pollution - comprised in the Tanker Owners Voluntary Agreement concerning Liability for Oil Pollution (TOVALOP) and a Contract regarding an Interim

Supplement to Tanker Liability for Oil Pollution (CRYSTAL) - is to be welcomed, but compensation is not enough; environmental damage should be prevented not recompensed.

39. Finally, the Committee devoted their attention to questions relating to the ratification of international agreements; Community action and other measures to be taken (Questions 16, 18, 19 and 20 of the Chairman's Questionnaire). In point of fact this part of our proceedings was comparatively brief since most of the points falling under his heading had, in fact, been dealt with in the course of considering the three previous divisions of our work. As has been indicated on a number of occasions earlier in this Report, the question of ratification and enforcement of existing and future international conventions is absolutely central to the question of preventing accidents to shipping. This subject will, therefore, be dealt with in the following separate section.

#### V. THE RATIFICATION OF CONVENTIONS

40. Annex V to this Report sets out the main Conventions covering the subject. It also provides details showing what proportion of ratification is required in order that the various Conventions become operational and what degree of ratification has been achieved.

Your Rapporteur is convinced that Annex V clearly demonstrates that the main Conventions would, if ratified and then enforced, provide the essential element in preventing accidents to shipping. But Annex V also demonstrates how disappointing the progress has been towards ratification, let alone enforcement, of these Conventions.

#### 41. Enforcement

One solution, which has in fact already been adopted on a non-Community basis by the signatories to the Memorandum of Understanding, is for the Member States, acting together, to enforce in their own waters the provisions of the various Conventions irrespective of the state of ratification. It should be pointed out that even effective enforcement of those conventions which have in fact been ratified would, in itself, represent a very big step forward. The question of what the Commission has proposed in this respect and what further proposals it has made will be considered in Section VI below.

The Committee share the view expressed by the Commission both in their proposals and in the evidence they gave at the Public Hearing, that concerted Community action is necessary in order to avoid the risk of "ports of convenience" coming into being in States not applying the provisions of the Conventions. It has indeed been suggested that one of the reasons why so few of the Conventions have been ratified is precisely because of this fear.

The Nine, let alone an enlarged Community, represent a sufficiently significant trading bloc to be able to enforce effectively the international provisions which have been worked out in IMCO in such a way that the problems of flags of convenience or sub-standard ships would in all probability be resolved. What is needed is complete Community ratification of conventions, the provisions of which could then be unilaterally enforced by the Community.

In this connection it is useful to recall that the USA has unilaterally enforced the 1966 IMCO amendments in connection with additional fire precaution measures on passenger ships. These recommendations are not yet in force in all countries, but in the words of a witness "unilateral action taken by the USA in requiring all passenger ships irrespective of flag to comply with these new measures when carrying American citizens, has had the required effect."

Given this precedent and that of the Memorandum of Understanding, there would seem no reason why the countries of the Community should not, if they have the will, be able, by acting together, to take steps which will have "the required effect".

42. In addition to this there is the problem of Conventions which are 'in force' from a legal point of view but which may not necessarily be 'enforced'; examples of this are the 1954 Convention for the prevention of pollution of the sea by oil (as amended in 1962 and 1969) - 'OILPOL 1954', and the 1960 Convention for the safety of life at sea - 'SOLAS 1960'.

The Committee welcome the Commission's proposal for a Council directive rendering mandatory the procedures for ship inspection forming the subject of resolutions of IMCO<sup>1</sup>. This directive will not only enforce the current IMCO resolutions concerning these two Conventions, but also, under Article 3(1) will make mandatory the effective application by the Member States of resolutions or recommendations concerning the implementation of international

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<sup>1</sup> OJ No. C 284, p. 3 of 28.11.78



maritime agreements which may be adopted in the future.

#### 43. Legislative Problems

Since action of this nature will have no standing in international law unless and until the Conventions become effective, it will be necessary for Member States to find legislative time in their national parliaments in order to enact the appropriate legislation. Your Rapporteur is well aware of the pressure on the time-tables of all national parliaments, but he considers that this is so pressing a problem that time must be found. When all is said and done it is not a question of adopting brand new proposals, but rather of confirming what has already been thrashed out and agreed in international organisations such as the ILO or IMCO.

There is, of course, a distinction to be made between actual enforcement legislation and legislation which may be necessary to determine certain standards.

### VI COMMISSION PROPOSALS

44. Following the "Amoco Cadiz" disaster the Commission presented a number of proposals aimed at dealing with accidents to shipping and marine pollution. These proposals may be summarised as follows:

(a) the signing, ratification or accession by the Member States to

- the 1974 International Convention for the Safety of Life at Sea (SOLAS) and the 1978 Protocol relating to it;
- 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;
- the Bonn Agreement of 9 June 1969 on cooperation in dealing with pollution of the North Sea by oil;
- the Protocol to the Barcelona Convention for the protection of the Mediterranean Sea against pollution, of 16 February 1976, concerning cooperation in combating pollution by oil and other harmful substances in cases of emergency;

(b) a Council Statement asking the Commission to present proposals (i) for harmonising 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; and (ii) for adopting a common position by the Member States in IMCO with a view

to making procedures and directives for checking ships and discharge compulsory, by Agreement where such procedures are the subject of IMCO resolutions and similar action with regard to tanker inspection as provided for in the 1973 MARPOL Convention as amended by the 1978 Protocol;

- (c) that the Member States should all extend their territorial waters to 12 miles.
- (d) a Council Resolution for a Community action programme on the control and reduction of pollution caused by oil spills at sea. The main points in this action programme may be summarised as follows:-
  - (i) Computer processing of data relating to ways of dealing with marine pollution by oil with a view to the immediate use of such data in the event of accidental pollution;
  - (ii) Computer processing of data relating to tanker or man-made structures liable to pollute Community waters or coastline, with a view to the immediate use of such data as necessary;
  - (iii) Measures to enhance the cooperation and effectiveness of the emergency teams which have been or are to be set up in the Member States;
  - (iv) Study of a Community contribution to the design and development of clean-up vessels to which may be fitted the equipment needed for the effective treatment of oil spills;
  - (v) Ways and means for a Community initiative to meet the qualitative and quantitative requirements for the towing of vessels in distress;
  - (vi) Study of the amendments and improvements which may have to be made to the rules of law regarding insurance against the risk of accident pollution from oil spills;
  - (vii) The development of a research programme on chemical and mechanical means of combating pollution due to oil discharged at sea, what becomes of it and its effects on marine flora and fauna;
  - (viii) The setting up of a group of national experts to advise the Commission on the preparation of the detailed proposals envisaged in this programme;
- (e) A Council Decision to apply the Memorandum of Understanding to all present and future Community countries not yet a party to it (see paras. 46 and 53 below).
- (f) A Council Directive rendering mandatory procedures on ship inspection forming the subject of IMCO resolutions (see para. 42 above).

45. The Committee have already given a preliminary favourable opinion on these proposals while reserving the right to produce detailed comments following the Public Hearing.

The detailed recommendations made in the course of this Report indicate clearly that the Public Hearing demonstrated beyond doubt the validity of the Commission's approach and many of our recommendations can be incorporated directly into the Commission's action programme.

46. Unfortunately, however, the Council of Ministers has not lived up to the positive approach of the European Council in Copenhagen in April 1978. General support has been given to the action programme, though in an attenuated form, thus the study of problems relating to towing has been struck out in what appears to be an arbitrary decision. More seriously the Commission's proposal that the MARPOL and SOLAS Conventions should be ratified by the Member States has been watered down to a recommendation. Equally the Council only adopted a statement in favour of the adoption of the proposed Decision to apply the Memorandum of Understanding referred to in para. 44(e) above. This may be understandable in the light of the announced intention of Ireland and Italy to become parties to it - and indeed Greece has also signified its intention of so doing - but it does remove the 'acquis communautaire' which a Decision would have provided and which would be of considerable importance when Spain and Portugal join the Community. No agreement, at the time of writing, has been reached by the Council on accession to the Bonn Agreement and the Barcelona Convention, nor on extending Community territorial waters to 12 miles. On the other hand, the Council has agreed to the Commission proposal for a statement described in paragraph 44 (b) above.

The Council has however agreed, at its meeting of 23 November 1978, to two measures<sup>1</sup> on which, in the interests of speed, the European Parliament was not consulted. The first of these concerns minimum conditions required of oil, gas or chemical tankers of 1600 or over gross registered tonnage entering or leaving Community seaports. It also provides that information should be given to the competent authorities of any deficiency or incident which will decrease the safety of the ship or may constitute a hazard to traffic or the marine environment. Provision is also made for Member States to pass on the relevant information to other Member States likely to be affected. The second Directive concerns the

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<sup>1</sup> OJ No. C 284 pp. 5 and 9 of 28.11.78

adequate qualification and certification of pilots in the North Sea or English Channel and the encouragement by each Member State of vessels flying its national flag to make use only of such pilots. Clearly these two decisions are to be welcomed as a part of the totality of measures which are necessary.

At the same meeting the Council also agreed to a recommendation for the ratification by the Member States of the 1978 Training, Certification and Watchkeeping Convention. In paragraph 21 above the Committee have already drawn attention to the importance of the effective enforcement of this new Convention and they therefore find it regrettable that the Council has only decided on a recommendation rather than a directive to Member States.

47. Despite the steps which the Council has already taken, the Committee must deplore the failure of the Council to act more positively, and they equally strongly commend the initiatives taken by the Commission and their constructive proposals.
48. From the evidence they have heard, the Committee have no doubt that steps could be taken by the Community, which would (a) represent a positive contribution to the prevention of accidents to shipping, and (b) solve, to a large extent, the problems of pollution that arise when such accidents do unfortunately occur.
49. Many of the remedies, whether those suggested by the Committee or those proposed by the Commission, already exist and the Committee are aware that the Commission is continuing to explore further improvements. It is our considered opinion that the blame for any future disaster such as the "Amoco Cadiz" will have to be laid fairly and squarely on the shoulders of the governments of the Member States and the Council of Ministers if they fail to implement the various proposals put forward in this report.

## VII. BASIC CONCLUSIONS

50. Human fallibility is responsible for all but a minute percentage of navigational accidents. Nor is this by any means confined to those in operational control of the craft involved or of their crews. It is shared, and in most instances overshadowed in terms of basic causation by human error and personal weakness at the hands of:-
  - (a) those politicians - whether in government or otherwise - who give a low priority to the necessity for the prompt ratification of conventions to which their respective governments have subscribed and for the urgent introduction of enforcement legislation and practical means of its implementation and/or

- (b) those individuals - either on their own account or as senior directors of companies or corporations involved in the chartering or owning of ships - who, whilst paying fulsome tribute to the virtues of the various IMCO and other conventions and agreements, scrupulously refrain from exercising pressure, either personally or by "lobby" organisation, upon their respective governments to ratify and enforce the conventions which they affect to support and/or
- (c) those individuals - again on their own account or as senior directors of companies or corporations involved in the chartering or owning of ships who are prepared, whilst fully supporting unratified and unenforced conventions continue:-
- (i) to support "flags of convenience" as a means of securing greater profitability by reason of taxation advantages, lower wage costs, training, manning and certification requirements and, above all, lack of enforcement will and facilities by the flag countries concerned;
  - (ii) to use substandard ships (whether under flags of convenience or otherwise) at lower freight costs coupled with high risk insurance rates;
  - (iii) in rare but important instances, to voyage on the expectation of total loss in order to collect insurance in varying degrees of culpable disregard of the attendant risks of accidents at sea and possible consequential loss of human life and of pollution to the environment and/or
  - (iv) those insurers who, for high risk premiums, are prepared to continue to afford insurance cover to ships whose condition does not meet convention requirements and who constitute a potential menace to other shipping and/or
  - (v) those ship inspectors, sometimes belonging to reputable inspectorates with unenforcable "codes of conduct" whose certificates of seaworthiness sometimes bear little or no relation to the condition of the ships so certified and/or
  - (vi) those in editorial responsibility of the various press and broadcasting media in various countries who stimulate public pressure on governments and others to take effective

action to prevent accidents at sea and consequential pollution only at the time or immediately following a large or significant incident and

- (vii) for a very large number of the rest of us who are prone quickly to forget sensational reports of incidents in the hope either that such accidents will not recur or that if they do their consequences can be quickly minimised and on the belief that there is little we can do as citizens about it.

Plainly there are large numbers of Community citizens to whom the above strictures, which are set out on the basis of "if the cap fits let it be worn", do not apply.

#### VIII CONSEQUENTIAL RECOMMENDATIONS

51. The first essential would appear to be the ratification and effective enforcement of the various international conventions dealing with all aspects of safety and conditions of work at sea.
52. Recognising that this aim is easy to express as a theoretical ideal, it is necessary for the Member States of the EEC to enforce unilaterally within their waters those conventions to which they are parties whether or not they have been ratified. This will presumably imply appropriate national legislation to be enacted by each Member State.
53. A valuable model here is the "Memorandum of Understanding between certain Maritime Authorities on the Maintenance of Standards on Marine Ships" signed at the Hague by Belgium, Denmark, France, the Federal Republic of Germany, the Netherlands, Norway, Sweden and the United Kingdom on 2 March 1978. (The Memorandum of Understanding).
54. Adopting this procedure to conventions implies effective port state control within the Community, i.e. it does not involve ensuring that sub-standard ships do not enter Community waters (this can only be done by effective enforcement and ratification of the conventions at an international level), but it does imply the inspection of craft when they arrive in a Community port, and if necessary their

detention until the necessary standards have been achieved or alternatively their expulsion to a port outside Community waters. Inspection standards need to be considerably improved and if the existing classification societies are unable to enforce professional discipline amongst their members and to extend their existing coverage, they should be replaced (possibly by partial absorption of their more efficient inspectors) by Community or governmental ship inspectorates on disciplined and organised lines. The Commission should examine means by which a Community 'pool' of inspectors could be established, or alternatively should study means of loaning inspectors from Community countries who are well manned in this respect to Community countries which are undermanned (such as Ireland).

Without some such system, which could well be on an 'at need' basis to deal with shortage of resources, it will be very hard for certain countries to do more than carry out their own statutory requirements regarding the inspection of their own ships, whereas what would be desirable would be for Member States to be in a position to carry out spot checks on foreign vessels in their ports.

55. It is only by concerted Community action that the danger of "ports of convenience" will be avoided and this can be done by establishing Port State Control procedures and strictly enforcing them (see para. 54 ).
56. As far as shipping lanes and the control of shipping in crowded or difficult areas such as the English Channel are concerned, the following measures should be given priority:
  - (a) the Commission should institute an immediate study in cooperation with the relevant expert bodies into the possibility of instituting a system of Ship Traffic Control analogous to present systems of Air Traffic Control;
  - (b) obviously the type of STC decided on will depend on particular circumstances, and it may thus be operated by one Member State or by two or more acting jointly as appropriate;
  - (c) however operated, such Ship Traffic Control should be regarded as a Community effort and the costs should be met on a Community basis;
  - (d) if necessary contributions towards the cost could be levied by making a charge on vessels passing through a Community STC area;

(e) in connection with the above points, the territorial waters of all Member States should be extended to 12 miles.

57. The Commission should institute immediate research into the possibility of installing a marine equivalent of the "black box" on all vessels over a certain tonnage passing through Community STC areas. The purpose of such a device would be to monitor the radio communications of vessels during their passage through such areas.
58. All VLCC's using Community ports should be provided with a trained team capable of operating a standardised "emergency organisation" system.
59. In the event of any accident in Community waters, there should be an express obligation on the master to give immediate notification to the nearest or most appropriate shore authority or STC centre.
60. In the event of any accident requiring assistance for the ship concerned, there should be no question of time being wasted in bargaining over the cost of salvage operations, and a modified form of Lloyds "Open Form" contract, which takes into account the particular problems of salving ships carrying oil or dangerous substances, should be used.
61. If necessary modifications should be made to the present form of such contracts to ensure that they do not operate unfairly against the interests of shipowner or salvor.
62. Consideration should be given to the possibility of establishing common Community classification standards which would have to be complied with before European insurers would insure a vessel.
63. Despite the reservations expressed by the insurers, steps should be taken to ensure that insurers are encouraged to give inducements to safety either in the form of reduced premiums under certain circumstances or by institute or expressed warranties. It is for consideration as to whether it should be made illegal to insure craft below certain stipulated minimum standards.
64. If necessary, Community law should be harmonised so that breaches of expressed warranties will void the insurance policy.



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65. Consideration could be given to the setting up at certain key areas of ports of refuge where disabled craft could be towed. Such ports of refuge should be provided with appropriate equipment to deal with salvage and the recovery and transfer of oil.
  66. Community assistance should be given to research (a) into mechanical means of recovering spilt oil, and (b) into the development of biologically acceptable dispersants.
  67. Once a major incident has occurred, there should be a standardised procedure for setting up an emergency command post at the appropriate location. Such a command post would include representatives of interested parties, but it should have authority to override the particular interests of any one party in the light of possible environmental damage.

#### IX MOTIONS FOR A RESOLUTION AND OPINIONS

68. The Committee have had referred to them two motions for a resolution concerning shipping safety (Docs. 51/78 and 53/78/rev.) which are annexed to this Report, as are the opinions from the Committee on the Environment, Public Health and Consumer Protection on both motions, and that of the Committee on Agriculture on Doc. 51/78.
69. Your Rapporteur has tried to take full account of these motions for a resolution and the opinions on them in the preparation of his Report insofar as they relate to matters falling strictly within the competence of the Committee on Regional Policy, Regional Planning and Transport.
70. On the basis of evidence heard at the Paris hearing, the Committee were not convinced of the immediate need to set up any form of "disaster force" as envisaged in both motions. Naturally if and when a Community fishery surveillance service is formed, such a body could be expected to make an important contribution to shipping safety either by reporting accidents and their consequences or by giving assistance to vessels in distress; in the meantime however, the simplest and most effective means of improving towing and similar facilities, including oil dispersal, would appear to lie firstly in the Commission gaining an accurate impression of what facilities exist and then in the effective coordination of existing vessels and services when accidents occur.

OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND  
CONSUMER PROTECTION

Draftsman : Mr P. VERONESI

On 22 May 1978 the Committee on the Environment, Public Health and Consumer Protection appointed Mr Veronesi draftsman.

At its meeting of 30 November 1978 the committee considered the draft opinion and adopted it unanimously.

Present: Lord Bethell, acting chairman; Mr Veronesi, Draftsman; Mr Andersor, Mr Bertrand (deputizing for Mr Van Aerssen), Mr Brosnan, (deputizing for Mr Herbert), Mr Edwards, Mr Lamberts, Mr W. Müller, Mr Plébé, Mr Radoux (deputizing for Mr Brégégère), Mr Spicer, Mrs Squarcialupi, Mr Verhaegen and Mr Wawrzik.

## I. INTRODUCTION

1. At its meeting of 14 April 1978 Parliament referred motions for resolutions Nos. 51/78 and 53/78 rev. on shipping regulations to the Committee on Regional Policy (as the committee responsible) and to the Committee on the Environment. These motions for resolutions had been tabled by Parliament's political groups against the background of the Amoco Cadiz disaster which took place in spring 1978 off the coast of Brittany.

2. It was also against the background of this tanker accident that the Committee on Regional Policy organized a public hearing on shipping accidents and their consequences in Paris on 20 - 22 June 1978. In considering this matter the Committee on the Environment had at its disposal the full verbatim report of the hearing as well as the summary of the hearing issued by the Committee on Regional Policy on 7 July 1978.

## II. BACKGROUND: EXTENT AND CAUSES OF THE POLLUTION

3. Between 2 and 10 million tonnes of hydrocarbons are discharged into the oceans of the world annually. The breakdown of sources is estimated as follows:

(a) Pollution originating from land	54%
(aa) by river	
(bb) from coastal refineries	
(cc) from other coastal industries and/or towns	
(b) Pollution from sea transport	37%
(aa) cleaning of tanks, etc.	
(bb) repairs in ports, etc.	
(c) Tanker and other ship accidents	6%
(d) Pollution from oil drilling, etc.	3%

4. At first sight the proportion of pollution caused by tanker accidents appears relatively minor. In fact, it is a great deal more significant than the figures show. The concentrated and massive pollution resulting from accidents such as that involving the Amoco Cadiz (which lost 200,000 tonnes of oil) excludes any possibility of natural absorption and regeneration and leads to the total local destruction of marine fauna and flora.

### III. THE CONSEQUENCES OF MARINE POLLUTION

5. Hydrocarbons contain poisonous substances which, according to the level of their toxicity and concentration, endanger marine organisms and animals. The sea possesses a natural, although limited ability to defend itself against threats of this kind. Certain marine bacteria are able to break down hydrocarbons naturally.

6. This natural absorption and regeneration capacity usually fails in the case of tanker accidents, when large quantities of hydrocarbons are deposited into the sea. Marine bacteria which naturally break down oil require oxygen. The oil slick, however, prevents them from getting this oxygen.

7. The natural absorption and regeneration capacity frequently fails in Community coastal waters because of the continuous and uninterrupted introduction of harmful substances. According to the marine biologist who spoke at the hearing of the Committee on Regional Policy, large areas of Community waters are seriously affected and there is a danger that they will gradually die.

8. One of the results of the Amoco Cadiz disaster was that mussel and oyster cultures off the Brittany coast were either poisoned or destroyed. Moreover, oyster beds were so badly affected by oil deposits that, for the time being, they can no longer be used to grow oysters.

9. Knowledge of the consequences of marine pollution by hydrocarbons is based to a large extent on empirical observations following tanker accidents. Experts believe that there have not been sufficiently probing examinations of the phenomenon. Knowledge about the continuous and uninterrupted pollution of the sea, moreover, is considered insufficient and sketchy.

#### IV. COUNTERMEASURES: PREVENTION HAS PRIORITY!

10. Experts who attended the Committee on Regional Policy's hearing agreed on the principle that prevention is better than cure. The universally-held opinion was that existing materials and methods for dealing with oil slicks are either inadequate or dangerous to the environment.

11. Mechanical means: the best method would of course be to pump up the oil and thus remove it from the sea. This method, which has been tested in calm seas and in port, is difficult and in many cases impracticable in rough or choppy seas, as the Amoco Cadiz case showed. Another method consists in skimming the oil, i.e. forcing it from the surface to the seabed. The advantage of this is that damage to the surface, particularly to plankton, is kept within limits and damage to the coasts is prevented. However, this involves accepting enormous damage to the sea-bed and the complete destruction of the fish grounds for many years.

12. Chemicals: these are undoubtedly more effective than the mechanical methods. Their effects on marine flora and fauna, however, have so far been only sketchily investigated. It appears certain that they destroy for many years the marine organisms, which, in turn, are responsible for keeping the sea clean. Moreover, these chemicals are poisonous. The possibility cannot be ruled out that their toxic effects on marine flora and fauna may have wider damaging repercussions and initiate a tragic and relentless chain-effect of death by poisoning.

13. In this situation marine biologists recommend pumping off the oil from the surface as the only way of dealing with oil slicks. Moreover, they urgently recommend that a start be made on scientific studies and experiments to extend the arsenal of mechanical facilities for controlling and treating oil slicks and, at the same time, investigating the consequences of chemicals on marine fauna and flora.

#### V. MEASURES PLANNED BY THE COMMUNITY

14. On 27 April 1978 the Commission submitted to the Council a communication on the marine pollution arising from the carriage of oil (Amoco Cadiz)<sup>1</sup>. At its sitting of 13 June 1978<sup>2</sup> Parliament approved these proposals in principle.

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<sup>1</sup> Doc. 121/78

<sup>2</sup> OJ C 163 of 10 July 1978, p.17

15. This Commission communication has three parts:

- a draft resolution setting up an action programme of the European Communities on the control and reduction of pollution caused by oil spills at sea;
- a proposal for a Council decision concluding the protocol to the Barcelona Convention for the protection of the Mediterranean Sea against pollution, of 16 February 1976, concerning cooperation in combatting pollution by oil and other harmful substances in case of emergency;
- a recommendation for a Council Decision concerning negotiations by the European Economic Community with a view to its accession to the Bonn Agreement of 9 June 1969 on cooperation in dealing with pollution of the North Sea by oil.

16. At its meeting of 26/27 June 1978, the Council adopted the draft resolution referred to above. The proposals for decisions on the Mediterranean Sea and the Bonn Agreement have still to be considered by the Council.

#### VI. CONCLUSIONS

17. The committee believes that European Community measures are urgently needed to prevent oil tanker disasters such as that involving the Amoco Cadiz from taking place in future. Priority must be given in the context of these measures to actions which, where possible, prevent accidents from happening rather than to measures designed to reduce the consequences of tanker accidents.

The Committee on the Environment therefore requests the committee responsible to incorporate the following points in its motion for a resolution:

- (a) Parliament regrets the fact that the Council, at its meeting of 26/27 June 1978, approved only some of the measures proposed by the Commission and not the proposals for decisions concerning the Barcelona and Bonn Agreements;
- (b) Parliament calls upon the Commission to pay more attention than hitherto to 'chronic' pollution of the sea through rivers, coastal refineries, coastal industries, the cleaning of oil tankers on the high seas, etc., which together account for 90% of all marine pollution, and to take suitable countermeasures;
- (c) Parliament believes in this connection that studies should be made as to whether and to what extent the setting up of a monitoring system for the Community's coastal waters to control all shipping traffic, to keep a continual record of chronic marine pollution, to report on

the occurrence and spread of oil slicks, to control the cleaning of oil tanks in coastal waters and on the high seas, to provide weather reports for rescue crews, etc., would be expedient and practicable;

- (d) Parliament gives its full support to the Commission's proposal to set up a research programme on chemical and mechanical means of combating pollution due to oil discharged at sea, what becomes of it and its effects on marine flora and fauna.

OPINION OF THE COMMITTEE ON AGRICULTURE

Draftsman : Mr C. DURAND

At its meeting of 13 June 1978 the Committee on Agriculture appointed Mr Durand draftsman.

At its meeting of 18 and 19 July 1978 the committee considered the draft opinion and adopted it unanimously.

Present: Mr Kofoed, chairman; Mr Liogier, vice-chairman; Mr Durand, draftsman; Mr Andersen, Mr Ansquer, Mr Brégégère, Mr Brugger, Mr Corrie, Mr Dewulf, Mr Fröh, Mr Hansen, Mr Klinker, Mr Pisoni, Mr Tolman and Mr Vernaschi (deputizing for Mr Pucci).



## INTRODUCTION

1. At its sitting on 13 April 1978, the European Parliament held a general discussion on shipping regulations, following the 'Amoco Cadiz' disaster in which thousands of tons of oil escaped when the tanker ran aground, causing serious economic and ecological damage in Brittany.

2. In response to the high feelings aroused by a disaster on such a large scale, the following four motions were tabled in the European Parliament:

- 1) the motion for a resolution tabled by Mr Kofoed, on behalf of the Committee on Agriculture, with request for urgent debate pursuant to Rule 1 of the Rules of Procedure, on the 'Amoco Cadiz' disaster, which the Committee on Agriculture had adopted unanimously at its meeting on 30 and 31 March (Doc. 37/78/rev.);
- 2) the motion for a resolution tabled by Mr Fellermaier, on behalf of the Socialist Group, with request for an immediate vote pursuant to Rule 47(5) of the Rules of Procedure to wind up the debate on the oral question (Doc. 28/78) on shipping regulations (Doc. 51/78);
- 3) the motion for a resolution tabled by :
  - Mr COINAT, on behalf of the Group of European Progressive Democrats,
  - Mr COLIN, on behalf of the Christian-Democratic Group,
  - Mr BOURDELLES, on behalf of the Liberal and Democratic Group,
  - Mr SPICER, on behalf of the European Conservative Groupwith request for an immediate vote pursuant to Rule 47(5) of the Rules of Procedure to wind up the debate on the oral question (Doc. 28/78) on shipping regulations (Doc. 53/78/rev.);
- 4) the motion for a resolution tabled by:
  - Mr COINAT, on behalf of the Group of European Progressive Democrats,
  - Mr CARPINTIER, on behalf of the Socialist Group,
  - Mr COLIN, on behalf of the Christian-Democratic Group,
  - Mr BOURDELLES, on behalf of the Liberal and Democratic Group,
  - Mr SPICER, on behalf of the European Conservative Group,
  - Mr EBERHARD, on behalf of the Communist and Allies Groupwith request for an immediate vote pursuant to Rule 47(5) of the Rules of Procedure to wind up the debate on the oral question (Doc. 28/78) on shipping regulations (Doc. 55/78).

3. When it came to vote on the urgency of these last three resolutions at its sitting on 14 April 1978, Parliament approved the request for urgent procedure on the motion for a resolution tabled by Mr COINTAT and others (Doc. 55/78), which was adopted together with the motion for a resolution tabled by the Committee on Agriculture (Doc. 37/78/rev.) at the close of the sitting<sup>1</sup>.

Previously, Lord Kennet, on behalf of the Socialist Group, had withdrawn the request for an immediate vote on the motion for a resolution tabled by Mr Fellermaier (Doc. 51/78) and Mr Yeats, on behalf of the Group of European Progressive Democrats, had withdrawn the request concerning the motion for a resolution tabled by Mr Cointat and others (Doc. 53/78/rev.)

4. These last two motions for a resolution were referred, in accordance with Rule 25 of the Rules of Procedure, to the Committee on Regional Policy, Regional Planning and Transport as the committee responsible and to the Committee on Economic and Monetary Affairs and the Committee on the Environment, Public Health and Consumer Protection for their opinions; Mr Fellermaier's resolution (Doc. 51/78) was also referred to the Committee on Agriculture for its opinion.

5. It is therefore on this basis that the Committee on Agriculture has been asked to give its opinion. It will confine itself to drawing the attention of the committee responsible to the following points.

## II. COMMENTS ON THE MOTION FOR A RESOLUTION

- a) coastguard fleet responsible for coastal surveillance (paragraph 1 of the resolution)
6. The idea of forming a special fleet of aircraft and vessels responsible for surveillance of Community waters within the 200-mile limit as part of a policy of joint fishing and management conservation is not new to the Committee on Agriculture.
7. In adopting the draft opinion by Mr Klinker on the draft general budget of the European Communities for the financial year 1978<sup>2</sup> at its meeting on 29 and 30 September 1977, the Committee on Agriculture indirectly paved the way for the creation of a coastal surveillance body at Community level by presenting to the European Parliament a proposal for an amendment<sup>3</sup> to introduce a new Item 8303 'Surveillance of the Community fishing zone'. It should be noted that in its

<sup>1</sup> OJ No. C 108, 8.5.1978, pages 59 and 60

<sup>2</sup> Doc. 314/77/Ann.

<sup>3</sup> OJ No. C 280, 21.11.1977, page 22

preliminary general budget of the European Communities for the financial year 1979, the Commission made an entry of 16 million EUA (see Article 871 'financial participation in respect of the inspection and surveillance operations in the maritime waters of Denmark and Ireland' - former Item 8303) as part of its proposal of 1 December 1977 to the Council<sup>1</sup>.

8. Thus paragraph 5(c) of the motion for a resolution in Mr Klinker's report (Doc. 466/77) on behalf of the Committee on Agriculture, approved by the European Parliament on 16 February 1978<sup>2</sup>, concerning some aspects of the final version of the common fisheries policy, asked 'that the Commission, in close cooperation with the Member States and the European Parliament, look into the possibility of forming a fleet of Community-built aircraft and ships for the purpose of patrolling the Community fishing zone and preventing marine pollution'.

9. Similarly, in the motion for a resolution tabled by Mr Kofoed on the 'Amoco Cadiz' disaster (Doc. 37/78/rev.) which Parliament approved (see paragraph 3 of this opinion), the Committee on Agriculture requested :

- 1) that the specialized equipment for preventing or fighting pollution be financed on a Community basis,
- 2) that 'a European coastguard service be formed as the most effective way of ensuring the application of Community rules under the common fisheries policy or any other rules falling within the framework of an overall policy on the sea, especially with regard to the prevention of marine pollution'.

10. Finally, in Mr Corrie's report (Doc. 39/78), drawn up on behalf of the Committee on Agriculture, on the proposal from the Commission of the European Communities to the Council (Doc. 460/77) for a decision on financial participation by the Community in respect of inspection and surveillance operation in the maritime waters of Denmark and Ireland, the European Parliament again stated at its sitting on 15 June 1978<sup>3</sup> that it was in favour of forming a Community coastguard service (see paragraph 6 of the motion for a resolution). The European Parliament also instructed the Committee on Agriculture to look closer at the question of inspection procedures, with particular reference to 'the progressive establishment of a body to patrol the fishing zones on behalf of the Community' (see paragraph 10 of the motion for a resolution, as amended by Mr Hughes<sup>4</sup>).

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<sup>1</sup> Doc. 460/77 - see also report by Mr Corrie (Doc. 39/78)

<sup>2</sup> OJ No. C 63, 13.3.1978, page 28

<sup>3</sup> PE 54.008, page 27 (minutes of the meeting)

<sup>4</sup> PE 52.999

11. The Committee on Agriculture can only approve any proposal to form a permanent fleet for coastal surveillance.

It considers that the Community should make an effort to set up a Community coastguard service with the following responsibilities :

- . supervision of the implementation of common regulations on fishing
- . control of shipping
- . preventive and other measures to combat pollution
- . **marine science activities**
- . search and rescue

12. These civil responsibilities are a necessary corollary to the common fisheries policy; what purpose would a common policy on the conservation of fishing resources serve if the species to be protected were threatened by marine pollution, whether from shipping, off-shore oil drilling or industrial waste disposal at sea?

13. Interestingly enough, attitudes in the Member States have changed somewhat. Mr Guy Guermer, Chairman of the French parliamentary committee of enquiry into the 'Amoco Cadiz' disaster, said in an interview with the newspaper 'Le Monde'<sup>1</sup> that there was a clear need for a marine police force separate from the navy, as it would be dangerous to divert the navy from its basic task of defence. Mr Guermer also added that in the computer age, it would be sensible to set up a European agency to collate the information that the individual countries obtained from their 'MARPOL' plans (MARPOL (marine pollution) is the name of the plan which France implements to combat oil slicks.)

14. These remarks would seem to suggest that the time has come to hive off civil coastguard duties from the navy and that a need for Community cooperation is beginning to be felt so that Member States' resources can be pooled to fight against disasters at sea.

Since prevention is better than cure, it is important that the Member States of the Community should agree in the not-too-distant future to hand over to the Community responsibility for the whole range of civil duties that might be carried out by a Community coastguard service.

15. Apart from the practical aspect of this transfer of powers and the increased efficiency which would result from it (a European solution being less expensive than the juxtaposition of national solutions, since duplication of effort could be avoided), the political importance of a Community coastguard service should not be underestimated as it would constitute an assertion of the European identity towards third countries.

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<sup>1</sup> Le Monde, 13 June 1978, page 42 (no. 10,378)

b) Chemical and other means of fighting pollution (paragraph 4 of the motion for a resolution)

16. The Committee on Agriculture agrees with the thinking behind this paragraph. In the Amoco Cadiz disaster, 610 tonnes of chalk, 275 tonnes of powdered rubber, 463 tonnes of diluted dispersants and 856 tonnes of concentrated dispersants were poured into the sea to fight the oil slick.

It is therefore important to find methods or chemicals which have a limited effect on submarine plant and animal life. The European Community should therefore encourage research in this field, and to do so it must, if necessary, provide financial aid for marine biology centres in the Member States so that they can study new methods and chemical or other means of fighting marine pollution.

(c) Disaster prevention organization (paragraph 5 of the motion for a resolution)

17. The disaster prevention organization mentioned in the motion for a resolution should form an integral part of the Community coastguard service.

Meanwhile, the idea of 'setting up a disaster prevention organization, based on mutual assistance and equipped with suitable towing and pumping vessels as well as adequate supplies of dispersing agents' might offer a useful interim solution.

It would be in line with Mr Guermer's suggestion for a European agency to collate the data provided by the various MARPOL plans in each coastal State.

18. However, until such time as a European agency - in other words a Community coastguard service - is set up, arrangements must be made at this stage for cooperation between the authorities in the coastal Member States responsible for combating marine pollution. They do in fact cooperate already, but on a bilateral basis. To achieve greater efficiency, there must be Community-wide coordination of the activities of all the national bodies whose task it is to combat pollution of the sea.

19. The Community could also finance, in whole or in part, the purchase of special equipment such as anti-pollution vessels and airborne equipment, as requested by the Committee on Agriculture in its resolution of 14 April 1978 (see paragraph 9 of this opinion).

### III. CONCLUSIONS

20. The motion for a resolution tabled by Mr Fellermaier on behalf of the Socialist Group gives the Committee on Agriculture an opportunity to re-state its position on a certain number of points which are of fundamental importance to the common fisheries policy and the future development of the European Community.

(a) The Committee on Agriculture would again recommend the setting up a Community coastguard service which is considered essential for the following reasons:

- (1) the European Community needs a neutral supervisory body to monitor the implementation of Community regulations under the common fisheries policy. During the debate on 14 June 1978 on the fisheries policy<sup>1</sup>, Mr Gundelach said in the House that it was clear that the Community would have to be more active in applying controls, in order to secure equality of treatment, which was still inadequate today. He noted with satisfaction that the Commission itself recognises the need for a guaranteed neutral form of control, although he felt it was too soon to set up a Community control body. However, the Vice-President of the Commission felt that (Parliament's) proposals were encouraging for their European approach to control, and the day, (in his view) would come when it would be possible to implement such proposals in full.
- (2) It would be wider, on the grounds of efficiency and economic logic, to have such control carried out by the Community itself. To be efficient, control needs a coordination centre in charge of all available facilities - aircraft, helicopters and ships. The optimal use of these facilities implies that the aircraft, helicopters or ships of one Member State should be able to patrol a Community fishing zone under the administration of another Member State. If this could be done the Community as a whole would require fewer aircraft, helicopters and ships than if control were carried out on a national basis. The Community should therefore assert its primacy, especially in a situation where it assists the Member States to purchase surveillance equipment.

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<sup>1</sup>Debates - Report of Proceedings, sitting of 14.6.1978, page 197 (provisional edition).

- (3) In forming a Community coastguard service, the Community would assert its identity vis-à-vis third countries. However, until this service is actually set up, it would be desirable for Member States to begin now to coordinate their Community fishing surveillance activities and for their aircraft, helicopters and ships to carry a distinctive emblem showing that they belonged to the European Community.
- (b) The European Community should promote anti-pollution research if necessary by supplying financial assistance to marine biology centres in Member States so that they can develop products with minimal effects on submarine plant and animal life.
- (c) Finally, the establishment of a disaster prevention organisation as an interim measure is an idea which should be encouraged. This organisation could subsequently be merged with the Community coastguard service.

21. The Committee on Agriculture, without wishing to comment on their substance, feels that the Commission's proposals contained in its Communication to the Council on the marine pollution arising from the carriage of oil ('Amoco Cadiz')<sup>1</sup> and announced in the House on 13 April 1978 (see annex), by Mr Natali, Vice-President of the Commission, approach the problem in a positive spirit.

Nevertheless, the Committee of Agriculture is still convinced of the need to set up a body independent of the Member States, subject, perhaps, to the authority of the Commission, to monitor the implementation of Community regulations on all matters pertaining to the sea, whether it be fishing, pollution, shipping, the exploitation of marine resources, etc.

22. The intention of the Committee on Agriculture in submitting this opinion is to point out the path the European Community should take in the medium term so that the potential of the common fisheries policy can finally be achieved. It therefore invites the Committee on Regional Policy, Regional Planning and Transport to support it in its aims, as set out in paragraphs 20 and 21 of its opinion.

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<sup>1</sup>Doc. 121/78

Extract from the statement by Mr NATALI  
Vice-President of the Commission  
before the European Parliament  
during the debate on 13 April 1978  
on shipping regulations<sup>1</sup>

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'With regard to combating hydrocarbon pollution, which comes within my direct responsibility in the Commission, I intend to propose that an action programme on the following points be transmitted to the Council, which could discuss it on 30 May next:

- the setting-up of a system of collection and dissemination of information on the manpower and material resources available in the Member States for combating this type of pollution;
- the setting up of a system of collection and dissemination of legal and technical information relating to tankers putting into Community ports;
- Community action to strengthen the cooperation and effectiveness of national anti-pollution teams and possibly to set up national or multi-national teams;
- a possible contribution by the Community to the designing of special ships for recovering hydrocarbons discharged into the sea;
- a research programme dealing particularly with the identification of harmless chemical means of dispersing oil slicks;
- finally, the study of modifications and possible improvements to the laws on insurance and towing.'

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<sup>1</sup> OJ No. 229, April 1978 (Annex). Report of Proceedings, 10-14 April 1978, page 228.



MOTION FOR A RESOLUTION - DOCUMENT 51/78

tabled by Mr FELLERMAIER on behalf of the Socialist Group

with request for an immediate vote pursuant to Rule 47(5)  
of the Rules of Procedure to wind up the debate on oral  
question (Doc. 28/78)

on shipping regulations

The European Parliament,

- having regard to the seriousness of the disaster which has befallen the Breton people and its consequences for the economy and environment of Brittany,
- wishing to confirm the Community's solidarity with the stricken populations by providing an additional 1,000,000 EUA in financial aid under the heading 'Aid to disaster victims in the Community',
- deploring the fact that little has been done by Member States through the Commission to organize a special task force equipped with adequate operational and technical means for combatting pollution caused by hydrocarbons following the Torrey Canyon disaster,
- recognizing that had such steps been taken by Member States the disaster that has befallen Brittany may well have been less destructive if not avoided,
- conscious of the need to adopt at Community level any measures likely to prevent the recurrence of such disasters,
- having regard to the European Parliament's previous initiatives in this field, and in particular the report by Mr PRESCOTT (Doc. 479/76),
- taking account of the failure to ratify the international conventions on safety at sea and pollution,

1. Invites the Commission to introduce, at Community level, a regional agreement providing for the control of tankers transporting dangerous substances and for compulsory maritime routes ; invites it also to organize all the facilities for intervention - including aircraft - available in the Member States of the Community to form a permanently available coastguard fleet, as first proposed by the Socialists over one year ago, responsible for coastal surveillance, air-sea rescue and fishing conservation;
2. Asks the Commission to submit proposals with a view to putting an end to the abuse of flags of convenience, whose use by multinational oil companies involves unacceptable risks for populations and crews ; points out that vessels flying such flags cause twice as many accidents as other vessels;
3. Points out that, in order to guarantee maximum security, higher qualifications should be required of crews and strict construction standards should be adopted for oil tankers;
4. Calls on the Commission to investigate new methods of combatting marine pollution caused by hydrocarbons and, in the present situation, to study the long-term effects on flora and fauna of the products used to absorb oil slicks in the event of accidents;
5. URGES the Commission to urge and help the coastal states of the Community to set up a disaster prevention organization, based on mutual assistance and equipped with suitable towing and pumping vessels as well as adequate supplies of dispersing agents, with a view to taking more effective action than hitherto in the event of disaster;
6. Instructs its President to forward this resolution to the Council and the Commission.

MOTION FOR A RESOLUTION - DOCUMENT 53/78/rev.

tabled by

Mr COINTAT, on behalf of the Group of

European Progressive Democrats

Mr COLIN, on behalf of the Christian-Democratic Group

(Group of the European People's Party)

Mr BOURDELLIS, on behalf of the Liberal

and Democratic Group

Mr SPICER, on behalf of the European

Conservative Group

with request for an immediate vote pursuant to Rule 47(5) of the Rules of Procedure to wind up the debate on oral question (Doc. 28/78)

on shipping regulations

The European Parliament,

- struck by the seriousness of the disaster which has befallen the Breton people and its consequences for the economy and the environment,
- wishing to see the spirit of solidarity manifested in the Community take concrete form to assist the stricken populations,
- conscious of the need to adopt at Community level any measures likely to prevent the recurrence of such disasters,

1. Asks the Commission to provide the stricken populations with a further financial aid of 1 million EUA in addition to the 500,000 EUA already released;
2. Points out that this aid can be charged against Article 590 of the budget entitled 'Aid to disaster victims in the Community', to which 5 million EUA had been allocated by amendment of the European Parliament during the adoption of the 1978 budget;
3. Draws the Commission's attention to the need to ensure that this aid reaches its ultimate destination as quickly and directly as possible and that the fact that it is Community aid is properly indicated;
4. Invites the Commission to propose Community rules providing for the control of tankers transporting dangerous or polluting substances, special itineraries at a suitable distance from the coast, the closing of Community ports to vessels which do not conform to the standards laid down under maritime law, and improved coordination of all the facilities for intervention available in the Community for the purpose of coastal surveillance;
5. Proposes to this end the setting up of a fleet of heavy-duty tugs which could be financed in part by oil companies and insurance companies;
6. Asks the Commission to submit proposals aimed at putting an end to the abuse of flags of convenience which cause twice as many accidents as other vessels and whose use by multinational oil companies involves unacceptable risks for populations and cress;
7. Points out that, in order to guarantee maximum security, higher qualifications should be required of crews and stricter construction standards should be adopted for oil tankers;
8. Calls on the Commission to investigate new methods of combatting marine pollution caused by hydrocarbons and to study the long-term effects on fauna and flora of the products currently used.
9. Instructs its President to forward this resolution to the Council and Commission.

ANNEX III

LIST OF PARTICIPANTS

Members of the European Parliament

Lord BRUCE of DONINGTON, chairman

Mr NYBORG, vice-chairman

Mr McDONALD, vice-chairman

Mr DURAND, vice-chairman

Mr ALBER, Mr ALBERS, Mr BROSNAN, Mr BROWN, Mr CORRIE, Mr DELMOTTE,  
Mr EBERHARD, Mrs EWING, Mr FORNI, Mr FUCHS, Mr HAASE, Mr IBRÜGGER, Mr JAHN,  
Mr JOXE, Mr KAVANAGH, Mrs KELLETT-BOWMAN, Mr LIOGIER, Mr NOE', Mr OSBORN,  
Mr PRESCOTT, Mr SEEFELD, Mr TOLMAN, Mr VERONESI, Mr WAWRZIK

Experts

Commission of the E.E.C., Mr CARPENTIER, Mr PEARSON, Mr PLEINEVAUX

International Federation of Ships Masters' Associations, Capt. REVOIL

Committee of Transport Workers Unions in the EEC, Mr NEVIN

International Salvage Union, Mr KLEYN VAN WILLIGEN

Marine Safety Services Ltd., Capt. LONG

Oil Companies International Marine Forum, Capt. DICKSON, Mr WALDER

Liaison Committee of Community Shipowners Associations, Mr CLAUSSEN,  
Mr LAMEIJER, Mr HORROCKS, Mr TODD

Lloyds Insurance, Mr GREEN, Mr RUTHERFORD

Lloyds Register of Shipping, Mr HILDREW

EEC Shipbuilding Linking Committee, Mr AWOLIN, Mr von BECK

Inter-Governmental Maritime Consultative Organisation (IMCO), Mr SASAMURA

Conference of Peripheral Maritime Regions of the European Communities,  
Mr DESPICHT

Mr TURQUIER, Director of Marine Biology Laboratory, University of  
Paris-Jussieu

COMMITTEE ON REGIONAL POLICY, REGIONAL PLANNING AND  
TRANSPORT

CHAIRMAN'S QUESTIONNAIRE

arising out of the decision to hold a Public Hearing  
into the Prevention of Accidents at sea and the  
avoidance of Pollution arising therefrom

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1. On the basic assumption that passage by sea involves hazards inseparable from the uncontrollable nature of natural forces what, according to you, are the principal factors contributing to the incidence of accidents at sea?
2. To the extent to which human failure is involved, what significance do you place on :-
  - a) the rules and procedures imposed on ships' masters by law or by their owners;
  - b) the navigational limits - in terms of routes, route lanes and voyage times - imposed on ships' masters;
  - c) inadequacy in the operational efficiency of masters and of their crews and/or of their training, and in particular the adequacy of their certification;
  - d) inadequate ships manning, in total and at each level of operation;
  - e) faulty ship discipline;
  - f) inadequate procedures, or inadequately understood procedures, covering the pre-recognition of dangerous conditions, the approach of actual danger and of emergency action at all crew levels;
  - g) living and working conditions of crew members;
  - h) absence of regular drill exercises covering action in emergency situations;
  - i) inadequate watch procedures,

and what steps do you consider should be taken to minimise the limitations or deficiencies to which you attribute significance?

3. To the extent to which technical failure is involved, what observations have you to offer on :-
- a) ship design, particularly of very large crude carriers (VLCCs), or of other ships transporting dangerous cargoes, and in particular, the question as to whether there are conditions when it is impossible to control the movements of a fully loaded VLCC despite its equipment up to the highest present technical standards;
  - b) the question of pre-voyage inspection of craft and their equipment and rectification of defects;
  - c) the duplication of steering systems and the provision of twin screws;
  - d) the provision of double hulls, multiple bulkheads and other measures to prevent spillage;
  - e) repair skills for fault or damage at sea;
  - f) adequacy of spare parts or repairing equipment
  - g) adequacy of communication systems
    - i) inter-communication systems aboard
    - ii) ship to ship
    - iii) ship to shore at each of short, medium and long ranges
    - iv) ship to air
 and of testing procedures in force;
  - h) adequacy of radar systems and depth sounding mechanisms and inspection and testing thereof;
  - i) adequacy of navigational equipment and bridge control systems and inspection and testing thereof;
  - j) adequacy of wavelength bands for radio transmission and reception and the risks of radio or atmospheric disruption;
  - k) adequacy of life-saving equipment, lifeboats and their inspection and testing?
4. Bearing in mind that oil deposited on the sea moves at approximately 3% of surface wind speeds at what minimum distance from the coastline should the landward limits of shipping lanes available to VLCCs and other oil carrying craft be set?
5. In your view, should there be a difference according to type and size of vessel and cargo carried for the minimum distance from the coastline for the landward limits of shipping lanes?

6. Taking into account the perpetual hazards of passage by sea and the risk of incident with resultant danger to lives and cargoes and possible pollution, is there a reasonable case for regular and routine radio exchanges between ship and the coastguard (or their equivalent) stations within the maritime states likely to be involved?
7. Bearing in mind the density of traffic in certain Community waters, to what extent could permanent radar surveillance increase safety and reduce the minimum safety distances between ships?
8. Are there any instructions to the Master by shipowners or their agents which in any way might inhibit him from calling on outside assistance at the time judged by him, on the basis of his own experience, expertise and apprehensions, to be vitally necessary? Are there any arrangements, official or unofficial, by virtue of which masters or crews could be penalised (financially or otherwise) as the result of any towing or salvage operation being agreed upon? If so, what are they?
9. In the light of the greatly increased number of craft and total tonnage passing through waters adjacent to the European maritime states, and the prospect of further increases, is there a case for the establishment - within defined geographical limits - of a shipping lane police comprising regularly employed and suitable craft and crews? Should these be themselves capable, either singly or in combination, of undertaking towing and/or salvage operations? Should such a police force be established by amendment to the 1973 International Convention for the Prohibition of Pollution from Ships or otherwise?
10. Are existing tug and/or salvage ship facilities adequate for the purposes of assisting craft, especially VECs, and can they be used, in the event of accidents occurring in areas where the established shoreward limits of shipping lanes are used, on the coasts of the maritime countries, to take in tow, or refloat and tow, in tow, craft in danger of grounding or grounded - in good time - to prevent such damage to craft as may result in release of cargoes into the sea with the consequent danger of pollution of both sea and coast? Would you favour the creation of a European pool of tugs, similar to the pool already in operation in South Africa, and, if so, under what auspices and under what conditions?



11. To what extent does any necessity for the conclusion of an agreement between a ship's master and a tug owner (or more than one tug owner) prior to taking a tow (or tows) on board involve a loss of time with a consequent increase in the risk to life and cargo and a decrease in the time remaining to deal with both marine and coast pollution? Is it desirable to review Lloyd's "Open Form" and in any event make its use, or the use of some agreed equivalent, compulsory? What other remedies would you propose to avoid loss of time in taking tows aboard?
12. Do you consider that, once marine pollution is apprehended or actually occurs, the existing arrangements are adequate technically, operationally and administratively, to disperse or minimise it and to prevent coastal pollution? If not, what further measures would you propose? Is the "Mancheplan" considered to be effective and would you consider an extension of the procedures operated by the Anglo-French Safety of Navigation Group, to the remaining maritime countries and if so, under what auspices and under what conditions? Do you consider that the EEC has any role to play in this connection? Should the Bonn Agreement of 1969 be extended and, if so, in what respects? Should collaboration be extended formally with non EEC states (such as Norway) and if so, bilaterally between Member States, or by the EEC?
13. What are your views as to the effectiveness of existing dispersants, and of their availability in quantity for use in areas of maximum danger from pollution? To what extent is their toxicity to marine life a factor in inhibiting their use?
14. Have you any information as to the adequacy, in availability, numbers and effective equipment, of spraying vessels and pumping barges? Is it desirable that these should remain under national control, or should a pool be considered?
15. To what extent should vessels transporting dangerous or potentially pollutant cargoes be equipped with devices which would enable the crew of the vessels themselves to minimise the effects of any spillage?
16. To what extent has partial ratification (or, where appropriate, delays in the coming into operation of some or all of their provisions) of the following International Conventions/Agreements, appreciably added to the dangers dealt with in this questionnaire? That is to say, inter alia :-

- n) Safety of Life at Sea Convention 1974 (requiring, inter alia, tankers to be provided with main and auxiliary steering gears)(SOLAS 1974) ;
- b) The International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties 1969
- c) The Bonn Agreement of 1969
- d) The International Convention on Civil Liability for Oil Pollution Damage 1969
- e) International Fund for Oil Pollution Damage 1971
- f) The International Convention for the Prevention of Pollution from Ships 1973 (MARPOL)
- g) ILO Convention NO. 147 on Minimum Standards (Merchant Shipping) 1976?

17. To what extent, in your view, has the continued use of ships flying Flags of Convenience added to the dangers dealt with in this questionnaire, and what remedial steps concerning their use do you suggest?

18. What further action, if any, do you consider should be made to strengthen and, if necessary, enforce the IMCO recommendations adopted inter alia:-

- a) in 1967 re traffic separation schemes;
- b) in 1968 - Dover Strait, Lizard and Isles of Scilly extensions of the scheme;
- c) in 1971 - further traffic directional schemes;
- d) in 1972 - mandatory confirmation of such schemes;
- e) in 1972 - revised collision regulations

together with proposals :

- f) in 1971 - for limiting size of oil cargo tanks.

19. Do you consider the penalties exacted for Convention Agreement infringement to be an adequate deterrent against their non-observance? Do you consider that existing control of regulations actually in force is sufficient both in terms of frequency and intensity? Would you be prepared to support Community port closure to offenders as being an effective deterrent?

20. What other measures would you suggest could be undertaken by the Community in the whole question of prevention of accidents at sea and the avoidance of pollution?

BRUCE OF DONINGTON  
Chairman

ANNEX V

RATIFICATION AND ENTRY INTO FORCE OF CONVENTIONS AND AMENDMENTS - (As at 1 June 1978)

Convention	Date of Adoption	Conditions for Entry Into Force		Intervening Period	No. of ratifications	Date of Entry into Force	Time Req'd. for Entry into Force
		No. of States	Other Conditions				
SOLAS 1960	17.6.60	15	7 States with 1 m. gross tons of shipping	12 months	98	26.3.65	4 yrs 11 mnths
1966 Amds.	30.11.66	65		12 months	46		
1967 "	25.10.67	"		"	36		
1968 "	26.11.68	"		"	37		
1969 "	21.10.69	"		"	26		
1971 "	12.10.71	"		"	17		
1973 (General) Amds.	20.11.73	"		"	7		
1973 (Grain) Amds.	20.11.73	"		"	6		
SOLAS 1974	1.11.74	25	50% of world's tonnage	12 months	13(+/- 47% tonnage)		
SOLAS Protocol 1978	17.2.78	15	"	12 months	0		
Collision 1972	20.10.72	15	65% world's shipping by nbr. or tonnage	12 months	53	15.7.77	4 yrs 9 mnths
OIL Pollution 1954	12.5.54	10	5 States with half million gross tons of shipping	12 months	59	26.7.58	4 yrs 2 mnths
1962 Amds.	13.4.62					18.5 & 28.6.67	5 yrs 1 mnth
1969 Amds.	21.10.69					20.1.78	8 yrs 3 mnths
1971 (Gt Barrier Reef)	12.10.71	40		12 months	20		
1971 (Tanks) Amds.	12.10.71	40		"	21		
MARPOL 1973	2.11.73	15	50% world's tonnage	12 months	3(+/- .03% tonnage)		
MARPOL Protocol 1978	17.2.78	15	"	12 months	0		
Load Lines 1966	5.4.66	15	7 States with 1 m. gross tons shipping	12 months	91	21.7.68	2 yrs 3 mnths
1971 Amds.	12.10.71	60		12 months	25		
1975 Amds.	12.11.75	"		"	17		
Tonnage 1969	23.6.69	25	65% world's tonnage	24 months	35(+/- 60% tonnage)		
Intervention 1969	29.11.69	15		90 days	32	6.5.74	5 yrs 6 mnths
Intervention Protocol 1969	2.11.73	15		90 days	2		
Civil Liability 1969	29.11.69	8	5 States with 1 m. tanker tonnage	90 days	35	19.6.75	5 yrs 7 mnths
Nuclear Carriage 1971	17.12.71	5		90 days	6	15.7.75	3 yrs 8 mnths
Fund 1971	18.12.71	8	750 m. tons imported oil	90 days	14	16.10.78	6 yrs 10 mnths
Container 1972	2.12.72	10		12 months	16	6.9.77	4 yrs 10 mnths
Fishing Vessels 1977	2.4.77	15	50% world's fishing vessels	12 months	0		
INMARSAT Convention	3.9.76		5 States representing	60 days	6		
INMARSAT Operating Agreement	3.9.76		95% initial investment shares		2		
Limitation of Liability 1976	19.11.76	12		One year <sup>++</sup>	0		
Dumping 1972	13.11.72	15		30 days	37	30.8.75	2 yrs 9 mnths

+ Period between date on which conditions for entry into force are fulfilled and date of entry into force  
<sup>++</sup> First day of the month following one year

