

Comité des Associations d'Armateurs des Communautés Européennes
Association sans but lucratif

EUROPEAN PARLIAMENT SOCIALIST GROUP CONFERENCE

London, 22nd/23rd November 1983

CAACE OPENING STATEMENT

Ladies and Gentlemen,

On behalf of my colleagues and myself, I would first like to thank the organisers of this Conference for giving us the opportunity to participate in what I'm sure will be a most worthwhile occasion. In addition, in advance of my contribution proper, I should mention that, unless otherwise stated, we will be representing the Comité des Associations d'Armateurs des Communautés Européennes (CAACE) - the European Shipowners' Association. This organisation, based in Brussels, has, as its members, all shipowners' Associations from the Member States and has, as its central aim, the establishment of common positions among its members on various maritime issues and the promotion of agreed policies with the institutions of the Community. The ultimate objective, of course, is to further the health of the EEC shipping industry in order to strengthen its competitive viability.

Before referring to the particular policy questions of concern to the European shipping industry, it would seem necessary to briefly remind everybody here of the economic and commercial realities within which European shipowners currently operate. Only by an appreciation of such realities can our views on specific issues be seen in a proper perspective.

Without doubt, the EEC shipping industry is of great importance, not only in the context of the Community's commercial performance, but also as an industry in its own right.

In this wider context, the Community, as the largest economic entity in the world, relies heavily on its trade with other countries for its survival; consequently, as the majority of its foreign trade is carried by sea, it is clearly in the Community's interest to ensure the efficient movement of this trade. The EEC fleet makes a major contribution to such cost-effective movement and it therefore follows that the Community has a vital stake in preserving, and indeed enhancing, the competitive position of the shipping industry.

The Community's interest in the competitive position of its fleet becomes even more obvious when one looks at the characteristics of the industry. In particular, its existence relies heavily on its activities in the cross-trades (i.e. trades between third countries), evidenced by the fact that in 1982 over 50% of its total freight revenue was derived from such activities. Moreover, despite the decline in recent years, the fleet still represents nearly 25% of the world total and, on the figures available, makes a net contribution to the balance of payments of Member States of some 9 billion dollars. Last, but by no means least, on the 1st January this year, European shipping companies employed almost 300,000 sea-going personnel as well as over 100,000 more ashore. All sectors of the Community benefit. For your information, a CAACE pamphlet giving EEC shipping statistics is available at the foyer.

Having hopefully made the case for the importance to the Community of the shipping industry, I would now like to mention the commercial climate within which we currently operate. I am afraid the picture is acutely depressing, as I am sure you are aware.

1982 was the third successive year that witnessed a decline in world seaborne trade, and total carryings are now at the same level as 10 years ago.

To compound this scenario, the world merchant fleet has increased by some 60% over the same 10-year period, with the result that in most world trades severe over-tonnaging and unremunerative freight rates are common characteristics. Moreover, the outlook for a recovery in the freight markets is not good and it would seem reasonable to predict that the share of the world tonnage of Member States will fall below the current level of just under 25% mentioned earlier. It does not need me to remind you of the negative effects of such a development for the Community, both commercially, and in terms of employment. The strategic aspect should also not be overlooked.

However, having described, in broad terms, the realities, it should be stressed that efforts are being made by owners to find new ways of maintaining their competitive position. In particular, European shipping companies are taking advantage of new technology in order to improve transport economy. It is hoped that such efforts will lead to reduced costs as regards fuel consumption, more efficient ship management and manning arrangements.

In this process, it is clear that not only do individual Governments have a rôle to play but, especially in the light of today's Conference, the Community institutions will also inevitably become involved.

It is in this latter regard that I would now like to set out the general objectives which European Shipowners believe should be the framework within which the Community should operate, in their undoubted desire to see the industry prosper in the future. It should be stressed at this stage, that shipowners recognise the importance of Community action, with all the political and economic muscle that it entails.

Shipowners believe that the Community should, on the one hand, promote free and fair competition and, on the other hand, oppose flag discriminatory, protectionist measures and all kinds of non-commercial practices undertaken by other countries. In the context of these guiding principles, it should be stressed that we would advocate that the Community adopts a pragmatic approach in addressing the crucial issues which currently face the industry.

While my colleagues can elaborate on the finer points, I would now like to turn to shipowners' views on these particular issues referred to.

First, the UN Code of Conduct for Liner Conferences which, I am sure you are aware, entered into force in October following ratification by West Germany and the Netherlands. Moreover, other Member States are likely to ratify in the not too distant future.

Our potential difficulty, vis-à-vis the Code, is the possibility of developing countries and others introducing unilateral measures which effectively close the trade involved by excluding the possibility of competition from non-conference lines. Such a situation would be unacceptable and the Community should be prepared to take retaliatory measures to ensure that contracting states abide by their legal obligations. Then, on this issue, the designation of a national shipping line is of fundamental importance to the effective operation of the Code and shipowners hope that the Community will ensure, through their talks, that only bona-fide national shipping companies are granted national line status.

The second major issue concerns the proposed application of the competition rules to maritime transport, currently being discussed within the Community.

While many shipowners do not see any cogent reason to implement competition rules for shipping, others wish this process to be accelerated. However, they all recognise that, in accepting the Brussels package, Governments have an obligation to consider proposals from the Commission. Nevertheless, we are anxious that the particular characteristics of the shipping industry are taken into account, as well as the legal framework within which shipping operates, notably liner conference shipping. In essence, with the entry into force of the Code, it is important that an EEC competition regulation does not conflict with the provisions of the Code as modified by the Brussels package.

The third area of concern involves non-commercial competition.

Participants here may well be aware of the Commission's initiative in instigating a monitoring system of certain trades, as a means of identifying the problem of non-commercial competition posed by Eastern-Bloc state-trading countries as well as other like-minded countries. Shipowners have fully supported this move and believe that the results conclusively indicate the adverse effects of such activities on the European shipping industry. However, as I believe has been stated in the European Parliament, such an exercise, while useful, cannot be an end in itself, as any deterrent effect it might have will rapidly evaporate if it is realised that no positive action to counter such activities will be taken. Consequently, shipowners welcome the recent Council decision to enable co-ordinated action to be taken against any countries which engage in non-commercial operations.

I would next like to refer to the question of open registries.

No doubt this subject will be raised later in the Conference, but perhaps it would be useful to briefly state

the shipowners' views in the context of the current examination by UNCTAD of registries of all ships.

We think that, in view of the legislative developments in the various international organisations in recent years, this is really becoming a non-problem. Currently, the question is really two issues: the registration of ships and the standards of ship operation.

Regarding the first, the obligations of flag states are spelt out in many international conventions and recommendations, particularly in the High Seas and Law of the Sea Conventions. Over the last three or four years UNCTAD has tried to take it further by developing an instrument specifically on the conditions for the registration of ships. It has not yet succeeded and the split between West and East or North and South is as wide as ever.

This is essentially for the good reason that what is being proposed is prejudicial to Western - or, in our case, Community - shipping. The main difficulties lie with the proposed legal obligations on all ships first to be manned primarily with nationals of their country of registration and secondly to be owned in the country. That, frankly, just does not correspond to present-day reality, particularly in such an international industry as shipping. Specifically:

- 1 most Community shipping companies have the ability to employ non-nationals on their ships. Some have done so for more than a hundred years; conversely, there are many Community nationals serving on non-Community ships. Any imposed change in the pattern of seafaring employment could have dramatic implications;
- 2 in most Community fleets, there is substantial inward investment, which brings trade and employment to the country concerned. It is essential that this is not inhibited;

3 shippers and other cargo interests maintain that they benefit from competition and that any limitation of it - for example, through introducing the protectionist arrangements proposed - will limit their freedom of choice and therefore raise the cost to consumers.

On the second broad issue - standards - I think it is acknowledged even by our union colleagues that open registries are not synonymous with sub-standard ship operations and employment conditions. Shipowners strongly support IMO and ILO standards on safety, employment and environmental matters as it is through such instruments that an effective check on sub-standard ships and conditions can be maintained. In the context of improved standards should be mentioned the Memorandum of Understanding on Port State Control which has started to make a significant contribution in applying international instruments and will, hopefully, continue to develop. In this regard, shipowners have urged the Port State Control Committee that, in the overall interests of improving standards, wide publicity be given to the figures reporting on the operation of the scheme and that the deficiencies recorded be made known on a country-by-country basis. As regards the desire of developing countries to expand their shipping interests, it should be stressed that Member States have gone a long way already in meeting such desires, by accepting the terms of the UN Code of Conduct for Liner Conferences. Moreover, shipowners and Governments have constructively participated in UNCTAD studies on the dry and wet bulk trades.

Shipowners believe that the most effective method of achieving increased participation of developing countries is through joint ventures with owners from developed countries.

In the area of social affairs, shipowners, in general terms, would hope that it would be appreciated in the Community that measures designed for shore-based industries are not necessarily appropriate for the shipping world. This has been acknowledged in the past, in relation to various specialised proposals, and it is to be hoped that this will continue.

It will be realised that one area, which can be classified as a social affairs issue, and which is becoming an increasingly negative factor for the industry, vis-à-vis its competitors, are the high manning costs of European shipping. While it would clearly take some thought, action by the Community, which could lead to a mitigation of this competitive disadvantage, could well be of great benefit. I am thinking, in particular, of assistance in the field of training costs, tax benefits and social security payments, for example.

As regards safety and anti-pollution, as said before, shipowners can lend their wholehearted support to measures which improve standards in these areas, in particular IMO and ILO instruments such as MARPOL and ILO No.147. However, having said this, it is vital that the industry is not faced with regulations more stringent than its competitors and therefore suffers commercially as a result.

Finally, in relation to research, shipowners have welcomed the Cost 301 project in the field of shore-based navigation aid systems, as well as the Commission's initiative in putting forward a Marine Transport Research Programme. However, in both these fields, it is important that useful, practical results emerge.

I hope in this brief resumé that the position of the shipping industry has been adequately covered. Above all, it should be appreciated that shipping is an international industry which needs both freedom and fairness in order to prosper.

Speech of Mr. CONTOGEOGRIS,
Member of the Commission of the European Communities
at the Conference of The Socialist Group of the Euro-
pean Parliament on "The situation in European Shipping"

(London, 22 November 1983)

First of all may I thank you for this invitation and compliment you on your initiative in convening a conference on such an important subject. I appreciate that this is not an isolated initiative either, as Parliament has consistently taken a major interest in shipping and ports matters over the past years. I am confident that the hearings and discussions in the course of this conference will help to clarify our views and possible means of action in relation to the major actual problems in world shipping.

In order to illustrate the Community's role in shipping it would, I suggest, be useful to paint in a few background features which make it clear why the Community does take so much interest in the shipping sector as a whole. Shipping accounts for some 95% of all goods moved in international commerce - and most of these goods are bulk commodities. Indeed the Community receives something like one third of world imports by weight. Ships have, over the past 30-35 years increased in size and in specialist function and, thus, in cost. Modern ships must, therefore, spend a minimum time in port if they are to be economical - this demands good port facilities both in the nature of adequate draught and adequate handling facilities, but causes also specific problems for the crews.

We note the crisis in the tanker market with total world tonnage decreasing steadily and a current surplus of well over 100 million DWT. Indeed, as INTERTANKO has recently reported, well over half the world's Very Large Crude Carrier fleet is arguably surplus to requirements and this despite the massive scrapping of over 50 million DWT since 1979.

We note the current problems in the dry bulk market where although total tonnage carried remains fairly stable, the tonnage of shipping available continues to rise. I understand that the latest calculations show a surplus of some 70 million DWT or over a third of the fleet - and yet a further 20 million DWT or more will be delivered before the end of next year, thus providing poor prospects for any sustained market recovery in 1984.

We are very conscious of the increasing competition from state trading countries' fleets and its effect, in times of recession, on Community shipowners.

We look at the U.S. shipping scene and try and see whether we can reach an agreement with them which will ensure the continuance of a commercially competitive system in our trades.

We see the important growth in influence on shipping of the developing countries. They account for some 60% of world seaborne exports and 40% of overall seaborne trade and they aspire to carry more of it than they do.

Finally-although no doubt some of you in the audience could think of many other sombre features of the industry- finally I just mention shipbuilding where our shipyards are facing declining order books, and where the desperate search for orders tends at least to prolong the crisis in the shipping industry.

What is the Community's role in all this? Generally speaking, it is a major task for the Community to contribute to solving the problems which have been described. Both the foreign trade and the shipping interest of the Common Market require that Europe be active with the aim of maintaining the Freedom of World shipping and of promoting fair and commercial conditions of competition for the European Shipping Industry. With regard to these aspects the Commission and the other institutions of the Community have been active and continue to be so, taking into account the various interests of the Member States, shippers, shipowners and seafarers alike.

I will not talk in detail about all the Community activities in shipping but concentrate on the two subjects which you have set up for this conference : shipping safety and open registries. I therefore deliberately only mention shortly the Community action on the UN Code of Conduct for shipping conferences which has now come into force and which is an instrument to put a limit to protective policies : the monitoring system and the competition rules, which all concern specific aspects of liner shipping.

All our Member States have maritime interests but the maritime states do not necessarily have the same approach. The country which I know best, Greece for example, has up till now been much more interested in bulk shipping and tramping than in liner shipping. The United Kingdom, Netherlands and Denmark also have very important cross trading interests whereas France and Germany have tended to concentrate somewhat more on the carriage of their national trade.

Before an audience such as this I do not need to describe the decision making processes in the Community. Suffice it to say that what emerges from those processes is often very different from the initial Commission input - and the maritime sector is no exception.

The field of shipping safety is one example. Since the "Amoco Cadiz" incident off the breton coast in 1978 the Commission has been, and continues to be, particularly interested in the promotion of maritime safety and pollution prevention. We see the Community in a complementary role to the IMO and ILO. Many of the directives, regulations and recommendations of the Community concern this area and pledge the Member States to ratify and implement the relevant IMO and ILO Conventions such as SOLAS, MARPOL, STCW and ILO 147. In June 1980 the Commission put to the Council a proposal for a directive concerning the enforcement, in respect of shipping using Community ports, of international standards for shipping safety and pollution prevention. In December 1980 a ministerial conference was convened in Paris to discuss this subject which became known as port state control. A working group was established to draw up a Memorandum of Understanding on Port State Control - Memorandum which was based to a considerable extent upon the Commission's draft directive. The Commission played a major role in the work of this group which led to the signing of the Memorandum, in January 1982,

by representatives of the maritime authorities of 14 States including the nine maritime Member States of the Community.

A supervisory committee of representatives of the signatory states was set up to ensure the harmonious and rapid implementation of the Memorandum. The Commission represents the community interest on this committee. The Committee has just produced its first annual report covering the period 1 July 1982 to 30 June 1983 and I am pleased to learn that several countries have already reached the 25% target of inspections which Ministers committed themselves to meeting within 3 years of the Memorandum coming into force. Indeed nearly 9000 ship inspections were carried out in the first year of operation and nearly 300 ships were detained or delayed as being too dangerous to set to sea until deficiencies were put right.

We shall not be satisfied until all our Member States as well as Norway, Sweden, Finland, Portugal and Spain, which were the other signatories to the Paris Memorandum of Understanding, have both ratified all the relevant IMO and ILO Conventions and have reached inspection targets which are at least the 25% agreed in the Memorandum. The Commission will soon present a report with its views to Parliament on this matter and, as a member of the Port State Control Committee, will continue to keep a watchful eye on developments.

I think it is likely that this measure is going to lead to an increased scrapping of substandard ships which will presumably also make some contribution to stabilizing freight markets.

One of the areas where the Community is thrusting ahead in order to promote shipping safety and of which the outside world is scarcely conscious is that of research. Research is expensive and it is clear that by combining the efforts of the Member States better value can be obtained from the available funds. We have launched a 3 year project known as COST 301, which is designed to establish, if possible, more effective means of aiding navigation by assistance from shore based stations. We are backing research into the application of data processing

to the shipping industry and to the ports industry - we are investigating means of stimulating research in the shipping sector with a view to making the Community fleet more competitive. These are long term activities but they are designed to keep a competitive edge to Community shipping.

The Community, with its world wide shipping and trading interests, has to work and cooperate in an open international framework when pursuing the objective of shipping safety. It cannot set up standards on its own or just close its ports to substandard ships. But, by proceeding in the way I have described, it has ^{made} a major contribution to safety, not only for pollution prevention but also with respect to the lives of the crews. In addition working conditions on board ships are favorably promoted as ILO Convention No. 147 is one of the relevant instruments covered by the Memorandum of Understanding.

In dealing with the subject of flags of convenience we must try and be rational rather than emotional. Let me first of all mention some facts. The total tonnage under what we prefer to call open registry flags has decreased from 217 million dwt in 1980 to some 197 million dwt today. It is now some 27% of the world fleet, a slightly greater proportion than that of the Community's fleet. Secondly, the open registry tonnage owned by Community shipowners is only some 37 million dwt and that figure too is markedly lower than five years ago. Today only some 19% of the world's open registry fleet is owned by Community shipowners. Nevertheless one cannot ignore the role that these ships play in the Community's economy, most of them being engaged in the transport of raw materials for our industry. The fact that they are able to offer competitive tariffs is of fundamental importance to our economy. Thirdly one cannot generalize about open registry flags. Some of the most modern and safe ships fly such flags as well as some of the worst examples afloat. There is clear evidence, for example, from the Port State control inspections, that at least one major open registry flag has a better record than many Community countries.

These are facts insofar as they concern the Community. What is the background to all this? Why is open registry shipping so popular - even

to the extent that I have mentioned with Community owners?

Clearly shipowners are tempted by registering their ships under an open registry flag. Their motivations are various but undoubtedly the matter which has caused most discussion is the fact that in general open registry shipping employs seafarers and officers at salaries considerably below those paid in most OECD countries.

Some participants to this conference might deplore this fact. But they should realize also that in any policy aiming at the harmonization of seafarers' wages world-wide would be quite unrealistic - mainly because the countries from which these lowly paid seafarers are recruited would not wish to see western wages paid to what would become a highly privileged class in the less-developed country concerned. All that being said in my view the real problem is to ensure that sub-standard ships, whatever their flag should be driven from the seas.

If we adopt a stubborn political view of open registries we are likely to overlook the serious economic repercussions both for Community shipowners and European consumers.

The Commission has consistently taken the line of expressing solidarity with the Group B countries in the OECD and it will use its best endeavours to return to a consensus situation in other international fora such as UNCTAD.

Group B has taken a constructive and positive line. It believes that all states must ensure the existence of a genuine link between the state and the ship and enforce effectively their jurisdiction over their vessels particularly with regard to the safety of the ships and their crews, protection of the marine environment and the welfare and working conditions of seafarers, in order to ensure compliance with internationally agreed standards. On the other hand Group B has consistently made the point that it cannot accept any principles directed towards limiting registration to vessels which meet narrow requirements on the nationality of ownership, crew and management. It is good and sound economic policy

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within the Community that we guarantee the right of establishment in other member countries, free movement of capital and free movement of labour. These principles also serve the economic welfare of other countries and help promote the efficiency of the international shipping industry. We hope that the Group of 77 will understand this within the framework of the UNCTAD-negotiations on open registries. You know that a further preparatory Committee has just met in Geneva to prepare the diplomatic conference of next year. But I repeat once again : yes to an international agreement which would help to ban/^{sub-}standard ships and to identify irresponsible shipowners and operators, no to the application of uneconomic conditions to shipping which would only raise transport costs.

Ladies and Gentlemen, this brings me almost to an end on the issue of open registries. But as we are talking about the comparison of wages and crew costs on a world wide scale I cannot refrain from mentioning one problem which your conference might consider today and tomorrow. That is the effect of European costs on the competitiveness of European shipping. I know that this is a crucial question and I do not want to give an answer right away. I feel, however, that this question might be covered in your discussions on the problems of European shipping. Is there any chance that European shipowners and trade unions can come to an understanding about the employment of a certain number of non-European crew members on European ships? It seems to me that there is on balance more chance of employment for European crews if there is less reason for the flagging out of European ships.

When looking at all these problems we do have in mind, as I have said, the fact that we cannot treat them only in a Community context as the maritime industry is worldwide and decisions cannot be taken in isolation ignoring their repercussions. Thus, of course, we are interested in the shipping policies of other countries. In particular, we have responsibilities under the second Lomé Convention and we hope to develop the shipping contacts further under the third Lomé Convention negotiations for which are now under way.

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We hold regular meetings with the maritime authorities of Norway and Sweden and more recently have begun consultations with Japanese authorities. We consult regularly, through the Consultive Shipping Group with the US maritime administration.

All these consultations are in addition to the contacts we have with these countries through our observer status in such international organisations as UNCTAD, IMO, OECD and ILO. There is no intention here of forming a separate Community block in these organizations but one of our aims is to ensure that cargo-sharing agreements in liner shipping certainly go no further than those proposed under the "Brussels package" application of the UN liner Code. At the same time we have to ensure that cargo sharing does not extend to bulk shipping. We do not want to see the present open markets carved up into a series of 50-50 deals. The rapidly changing bulk shipping market, with regular cargo flows, totally free entry and a pricing system based directly on the relationship between supply and demand is the last area which needs regulatory intervention. The present bulk shipping cargo market is open, competitive and non-discriminatory and in my view should stay that way.

I hope that these few comments on our international relations will dispel any doubt you might have about the way in which we interpret our responsibilities. I hope too that this brief account of certain aspects of our work will serve to prove that although there are specific areas where the Community has virtually replaced the policies of Member States, our contribution to shipping policy is in most areas designed to complement rather than to replace their efforts. We also try to work very closely with the industry - both with shipowners and with seafarers - since I firmly believe that generally speaking we are able to make quicker and more satisfactory progress when we are in agreement with both industry and the Governemnts. We cannot always achieve this agreement, but we try to do so whenever we can.

Thank you for your interest.

STATEMENT BY
JIM SLATER, GENERAL SECRETARY,
NATIONAL UNION OF SEAMEN
TO THE SPECIAL HEARING ON SHIPPING
IN EUROPE
22/23 NOVEMBER 1983

I WANT TO CONCENTRATE THE ATTENTION OF THIS SPECIAL HEARING
ON THREE ASPECTS OF SAFETY:

- * FIRST, ATTITUDES OF SAFETY,
- * SECOND, SAFETY STANDARDS,
- * AND THIRD, THE ENFORCEMENT
OF SAFETY STANDARDS.

WE MUST BE CLEAR ON OUR FOUR MAIN POINTS OF CONCERN:

- * SEAFARERS,
- * PASSENGERS,
- * CARGO,
- * SHIPS.

THE MOST FUNDAMENTAL PROBLEM IS THE PRIORITY WHICH GOVERNMENTS -
IMO - EEC COMMISSION - SHIPBUILDERS - SHIPOWNERS - CHARTERERS -
MANAGERS - SUPERINTENDENTS AND CAPTAINS, GIVE TO ENSURING THE
SAFETY OF THESE FOUR COMPONENTS WHEN A VOYAGE IS UNDERTAKEN. AS
A SEAFARER MYSELF, WHO HAS EXPERIENCED SHIPWRECK AND BEING ADRIFT
IN A LIFEBOAT WAITING FOR RESCUE, I CAN TELL YOU HOW MANY SEAMEN

SEE THE PRIORITIES OF THOSE WHO CONTROL SHIPS - THAT IS THE OWNERS, THE MANAGERS, THE CHARTERERS, THE SUPERINTENDENTS. THEY WILL TELL YOU THAT HUMAN LIFE COMES FIRST, BUT EXPERIENCE TELLS US AND, ALL THE EVIDENCE SHOWS, THAT WHILST PASSENGERS MIGHT BE REGARDED AS THE MOST IMPORTANT, SEAFARERS THEMSELVES ARE AT THE BOTTOM OF THE LIST, BEHIND SHIPS AND CARGO.

LET ME GIVE YOU SOME EXAMPLES. CASUALTY STATISTICS ARE REPORTED BY A LARGE NUMBER OF ORGANISATIONS - LLOYDS, LIVERPOOL UNDERWRITERS, BREMEN INSTITUTE. THEY RECORD SHIPS LOST, AND DETAILS OF VESSELS DAMAGED. RECORDS OF SEAFARERS LOST OR INJURED APPEAR AS AN AFTER-THOUGHT. WHY? IS IT BECAUSE A DEAD OR INJURED SEAFARER DOESN'T COST AS MUCH IN INSURANCE AS A DAMAGED OR LOST SHIP. IT'S ALL ABOUT MONEY - HUMAN SUFFERING IS OF SECONDARY INTEREST, SO SUCH STATISTICS ARE NOT RECORDED IN DETAIL.

CASUALTY STATISTICS ARE ALSO PUBLISHED BY THE IMO. THEY HAVE PRODUCED A REPORT (ANALYSIS OF SERIOUS CASUALTIES TO SEA-GOING TANKERS 1968-80) BUT THIS REPORT DOES NOT TELL US THE FLAG OF THE TANKERS ON WHICH THE YEARLY AVERAGE OF 123 SEAFARERS LOST THEIR LIVES, IT DOES NOT TELL US THE NUMBER OF SEAMEN WHO HAVE DIED FROM ACCIDENTS NOT INVOLVING A SHIP CASUALTY, AND IT DOES NOT TELL US THE NUMBER WHO HAVE BEEN INJURED OR DISABLED. WHAT'S MORE, THEY REFUSE TO PUBLISH DEATHS BY IDENTIFYING THE FLAG OF VESSELS. THIS IS A TOTAL OUTRAGE.

THERE IS A WIDELY HELD VIEW THAT THE SEA IS BY NATURE DANGEROUS AND LITTLE CAN BE DONE ABOUT IT. BUT THE PEOPLE IN OTHER INDUSTRIES WOULD NOT ACCEPT THE APPALLING LOSS OF HUMAN LIFE WHICH EXISTS IN

SHIPPING. IN OUR SUMMARY PAPER, WE HAVE GIVEN YOU THE COMPARISONS WITH MINING, CONSTRUCTION AND MANUFACTURING. AND, THERE ARE PHOTOGRAPHS OUTSIDE THIS ROOM TO BACK UP THE POINT. BUT, THERE ARE THOUSANDS OF GRIEVING WIDOWS AND FATHERLESS CHILDREN, THERE ARE THOUSANDS OF MAIMED SEAMEN WHO CANNOT BE HERE TO TELL YOU OF THE HORRORS ON BOARD SHIP AND THE SHEER DISREGARD FOR THE LIVES OF SEAMEN.

LET ME QUOTE TO YOU FROM AN AGREEMENT MADE BY A SOUTH KOREAN MANNING AGENCY FOR FLAGS OF CONVENIENCE SHIPS. APART FROM THE SEAMEN BEING PAID ONLY \$ 280 A MONTH WHEN THE ITF WAGE IS \$821, THERE IS A CLAUSE ON ACCIDENT COMPENSATION. IT SAYS:

"IF DEATH RESULTS FROM INJURY IN THE EXECUTION OF THEIR DUTIES, 39 MONTHS WAGES ARE PAID - IF DEATH IS BY A REASON WITHOUT RELATION TO THE EXECUTION OF THEIR DUTIES SIX MONTHS CONDOLENCE MONEY SHALL BE PAID."

BUT HERE'S THE RUB:

" - IF THE CREW DIE BY THEIR INTENTIONAL OR SERIOUS FAULTS THIS CLAUSE MAY NOT BE APPLIED."

SINCE MANY FLAG OF CONVENIENCE SHIPOWNERS ARE NOTORIOUS FOR NOT PAYING CORRECT WAGES AND THERE ARE NO TRADE UNIONS ON BOARD SHIP THIS LAST CLAUSE WILL BE INVOKED TIME AND TIME AGAIN - NO PAYMENTS WILL BE MADE.

THE ATTITUDES OF THOSE WITH THE POWER TO PROTECT SEAFARERS AND MAKE SHIPS SAFE IS APPALLING - AS A RECENT PAPER BY THREE MEMBERS OF BRITISH SHIPBUILDERS' TECHNOLOGY DEPARTMENT POINTED OUT:

"THERE SEEMS TO BE NO REAL PRESSURE FROM THE PARTIES INVOLVED IN BUILDING OR OPERATING SHIPS, FOR GREATER SAFETY. WE CAN ONLY DEDUCE THAT IT MUST BE OUTSIDE INTERESTS, IN OTHER WORDS THE PUBLIC, WHO ARE LIKELY TO BRING INFLUENCE TO BEAR IF ACTION IS THOUGHT TO BE NEEDED; BUT THIS WILL GENERALLY ONLY BE IF THE ENVIRONMENT IS ENDANGERED. OTHERWISE SHIPS CAN BE LOST WITHOUT MUCH PUBLIC OUTCRY UNLESS PERHAPS WHEN A PASSENGER/CRUISE VESSEL EXPERIENCES A CASUALTY OR WHEN A RNLI LIFEBOAT IS INVOLVED."

SADLY IN THAT SAME PAPER, IT IS NOTED THAT "MORE SERIOUS MOVES TOWARDS THE 'FOOLPROOF' SHIP MUST AWAIT A LESS HARSH FINANCIAL CLIMATE OR A MUCH HARSHER REGULATORY ONE". SO IF OWNERS, AND OR GOVERNMENT, WILL SACRIFICE LIVES FOR PROFIT - AND MUCH MORE SO IN THE PRESENT HARSH ECONOMIC CLIMATE - THEN REGULATION BY OUTSIDE AGENCIES IS THE ONLY WAY. SELF-REGULATION HAS CLEARLY FAILED. ONLY WHEN THE 'PUBLIC' HAS TO BE SATISFIED WILL ANYTHING BE DONE, AND SADLY THE ATTENTION OF THE PUBLIC IS NOT DRAWN TO THE CONTINUING DEATHS OF SEAFARERS.

LOST SHIPS JUST DON'T MATTER TO SO MANY PEOPLE IN THE INDUSTRY:

- SHIPS ARE USUALLY ONE-OFF PRODUCTIONS, RATHER THAN STANDARD DESIGNS, SO THE SHIPBUILDER'S REPUTATION IS NOT GREATLY AT RISK;
- THE INSURANCE COMPANIES WILL PAY BACK THE SHIPOWNER FOR THE LOSS OF THE VESSEL;
- THE CARGO OWNER WILL ALSO GET HIS INSURANCE MONEY;
- SEAFARERS FROM THIRD WORLD COUNTRIES CAN BE READILY RECRUITED, AND WITH NO TRADE UNIONS THERE IS NO-ONE TO MOUNT AN EFFECTIVE PROTEST ABOUT LOST LIVES.

NOT ONLY ARE ATTITUDES TOWARDS SAFETY BAD, BUT THE STANDARDS CREATED AND EXPECTED ARE ALSO VERY LOW. AS A RESULT, 1,300 - 1,400 SEAFARERS DIE EVERY YEAR IN SHIP CASUALTIES. BUT, WHEN DEATHS FROM DISEASE, ACCIDENTS, AND UNEXPLAINED DISAPPEARANCES ARE TAKEN INTO ACCOUNT, WE ESTIMATE THAT AROUND 10,000 SEAFARERS DIE EVERY YEAR, THAT'S 30 A DAY. THIS IS A SCANDAL WHICH SHIPOWNERS, GOVERNMENTS AND INTERNATIONAL ORGANISATIONS CHOOSE TO IGNORE, BECAUSE PROFIT COMES FIRST. SUCH TRAGIC CIRCUMSTANCES CAN BE EASILY HIDDEN IN THE KNOWLEDGE THAT IT'S SIMPLY A CASE OF OUT OF SIGHT, OUT OF MIND.

I HAVE SAID THAT SAFETY STANDARDS AMONG FoC VESSELS ARE APPALLING, YET WE STILL HEAR MANY SHIPOWNERS COMPLAINING THAT THERE ARE TOO MANY SAFETY REGULATIONS. WE ALSO KNOW THAT WHILST MANY COUNTRIES HAVE NOT RATIFIED ILO AND IMO CONVENTIONS, A SUBSTANTIAL PROPORTION OF THE WORLD FLEET IS COVERED, AND THAT INCLUDES LIBERIA AND PANAMA. BUT, WHAT OF THE STANDARDS THEMSELVES? THEY ARE CERTAINLY BETTER THAN NO STANDARDS AT ALL OR THE STANDARDS THAT HAVE GONE BEFORE. BUT HOW DO THEY COMPARE WITH SAFETY STANDARDS IN AVIATION - THAT OTHER MAIN FORM OF INTERNATIONAL TRANSPORT.

WELL, FOR A START, AIRCRAFT ARE NEARLY ALWAYS IN COMMUNICATION WITH THE GROUND, BUT SHIPS CAN BE OUT OF TOUCH WITH LAND FOR DAYS ON END, SO WHEN ACCIDENTS HAPPEN IT COULD TAKE SOME TIME TO LOCATE A VESSEL'S POSITION, THEREBY DELAYING DIRECT HELP.

SECONDLY, AIRCRAFT HAVE FLIGHT RECORDERS - THE BLACK BOX - WHOSE INFORMATION CAN HELP IMPROVE SAFETY, BUT THERE IS NO EQUIVALENT IN SHIPS.

AS THE "BRITISH SHIPBUILDERS" REPORT SAYS:

"GENERALLY, THERE IS MORE MONEY SPENT ON LEARNING FROM AIRCRAFT DISASTERS THAN FROM SHIP CASUALTIES",

AND,

"ON THE WHOLE THERE ARE NO GROUNDS FOR COMPLACENCY WHEN SHIP SAFETY IS COMPARED WITH AIRCRAFT SAFETY."

IT SEEMS TO US THAT IT IS ONLY WHEN IT SUITS THE ECONOMIC ENDS OF SHIPOWNERS AND SHIP OPERATORS, WHEN PUBLIC OPINION HAS TO BE SATISFIED OR AN ECONOMIC CHALLENGE HAS TO BE HEADED OFF, WILL THERE BE ANY ENTHUSIASM FOR NEW AND IMPROVED SAFETY STANDARDS.

OUR COMPLAINT ABOUT SAFETY STANDARDS IS TWO-FOLD:

- * FIRST, STANDARDS ARE NOT GOOD ENOUGH IN ANY NATIONAL FLEET;
- * AND SECOND, EVEN EXISTING STANDARDS ARE NOT BEING MET, PARTICULARLY IN THE FLAGS OF CONVENIENCE FLEETS.

ON THE FIRST POINT, THE ENORMOUS ECONOMIC PRESSURES ON SHIPOWNERS, WHICH LARGELY COME FROM FLAG OF CONVENIENCE FLEETS, WILL ENCOURAGE AN OBSERVANCE OF MINIMUM STANDARDS - THE PRESSURE IS TO DESIGN AND OPERATE DOWN TO THE RULES RAHER THAN TO RESEARCH AND STRIVE FOR FURTHER IMPROVEMENTS. AFTER ALL, THE INSURANCE COMPANIES DO NOT OFFER LOWER RATES FOR ADDITIONAL SAFETY FEATURES WHICH ARE NOT REQUIRED BY REGULATIONS.

ON THE SECOND POINT, THE STANDARDS OF FOC FLEETS ARE SCANDALOUS. IT MUST ALSO BE SAID THAT WITHIN THE EEC, GREECE ALSO HAS A VERY BAD RECORD, AND THIS IS PROBABLY BECAUSE MANY OF THE VESSELS HAVE RETURNED TO THE GREEK FLAG AFTER BEING REGISTERED UNDER FLAGS OF CONVENIENCE.

OUR BACKGROUND PAPER SHOWS THE HIGH PROPORTION OF LOSSES WHICH CONTINUE TO BE CAUSED BY FOC FLEETS.

AND, ALONG WITH THE CAYMAN ISLANDS, THE WORST IS PANAMA.

IN 1982 ALONE, OVER A FIFTH OF THE CASUALTIES BOTH IN TERMS OF NUMBERS OF VESSELS AND TONNAGE LOST, WERE PANAMANIAN SHIPS, IF THE GREEK FLEET IS EXCLUDED FROM THE EEC FIGURES, THEN EUROPEAN FLEETS ACCOUNT FOR LESS THAN 8% OF THE VESSELS AND LESS THAN 4% OF THE TONNAGE LOST.

BUT, PANAMA HAS RATIFIED ALL THE MAIN CONVENTIONS. SO THERE IS THEN A PROBLEM OF ENFORCEMENT. ACCESS TO THE PANAMANIAN REGISTER IS VERY EASY, BUT PANAMA WILL POINT TO THEIR MARITIME MANUALS ON SHIP INSPECTIONS WHICH LIST 35 COUNTRIES AND 230 CITIES WITH INSPECTION FACILITIES.

YET EVERY MONTH, AS REGULAR AS CLOCKWORK, 6 PANAMANIAN SHIPS JOIN THE LONG LIST OF CASUALTIES, AND SHIP CASUALTIES MEAN DEAD AND INJURED SEAMEN.

SO WHAT DO THE IMO CONVENTIONS MEAN UNLESS THEY ARE ENFORCED?

WHAT DOES ENFORCEMENT MEAN TO PANAMA?

IN EUROPE, PORT STATE CONTROL IS SUPPOSED TO MEAN ENFORCEMENT. BUT WHEN PORTS ARE COMPETING FOR BUSINESS, THE SAME PRESSURES THAT ARE ON SHIPBUILDERS AND SHIPOWNERS TO DESIGN AND OPERATE DOWN TO THE MINIMUM STANDARDS WILL APPLY. HAVING THE REPUTATION AS EUROPE'S FOREMOST PORT IN SAFETY ENFORCEMENT IS HARDLY LIKELY TO ATTRACT TRADE WHEN OTHER PORTS WILL NOT BE SO STRICT.

SO, ALTHOUGH PORT STATE CONTROL WAS A STEP FORWARD, IT DOES NOT GO FAR ENOUGH AND IT WILL NOT BE A FORCE FOR IMPROVING ON EXISTING STANDARDS, BECAUSE IT IS AGAIN CONCERNED WITH THE MINIMUM.

THE AMERICAN APPROACH WITH ENFORCEMENT OF A 200 MILE ZONE, INSIDE WHICH TANKERS MUST COMPLY WITH SOLAS AND MARPOL CONVENTIONS WOULD BE A STEP IN THE RIGHT DIRECTION. BECAUSE MANY ACCIDENTS HAVE OCCURRED BEFORE A VESSEL HAS ARRIVED IN A EUROPEAN PORT.

WHAT IS NEEDED IS AN EEC FUNDED AND ORGANISED EUROPEAN COASTGUARD WHICH WOULD BE ABLE TO PATROL AND INSPECT VESSELS ON THE HIGH SEAS. IT IS NO GOOD RELYING ON THE FLAG STATES TO ENFORCE STANDARDS AND IMPROVE THEM. IT IS ALSO A COLLECTIVE EUROPEAN PROBLEM AND SHOULD NOT BE THE RESPONSIBILITY OF THOSE STATES WITH THE LONGEST COAST LINES.

IN ADDITION, THE EEC SHOULD BE TAKING A LEAD IN IMPROVING RESEARCH INTO NEW SAFETY STANDARDS AND IN INSTALLING NEW SAFETY FEATURES ON BOARD SHIP.

THE POWERS TO INTERVENE ON THE HIGH SEAS MUST BE TAKEN BY THE EEC. ALTHOUGH AN IMO CONVENTION ON THIS EXISTS IT HAS BEEN USED ONLY TWICE SINCE IT ENTERED INTO FORCE IN 1975. OUR SUMMARY REPORT CONTAINS CRITICISMS OF THIS CONVENTION, BUT THE POINT HAS TO BE EMPHASISED. UNDER EXISTING CONVENTIONS, INTERVENTION IS CONCERNED WITH SPILLED OIL AND NOT SPILLED BLOOD.

SO, TO SUM UP, ATTITUDES TOWARDS SAFETY, SAFETY STANDARDS AND SAFETY ENFORCEMENT ARE ALL BASED ON ECONOMICS, ON MINIMUM STANDARDS AND CONCERN FOR THE SEAFARER IS QUITE DEFINITELY LAST AND LEAST.

THE EUROPEAN PARLIAMENT HAS AN OPPORTUNITY TO CHANGE THIS.

NOVEMBER 1983

JS/PH/BG

Presentation for the Socialist Group of the European Parliament
:- London Conference on the situation of European Shipping
(22-23 November, 1983)

UNCTAD and shipping

My presentation summarizes developments within UNCTAD with respect to flags of convenience. In order to place this question in an appropriate perspective, it may be useful, however, first to make some introductory remarks about UNCTAD's involvement in shipping.

Since its inception in 1964, UNCTAD has been seeking internationally acceptable solutions to problems in international trade and development with particular attention to the interests and perspectives of the developing countries. The importance of ocean shipping, as a vital component in the structure of international trade, has been acknowledged by the setting up of a special body - the Committee on Shipping - which provides an internationally recognized inter-governmental forum for discussion and negotiation of world shipping policy issues. The discussions and negotiations in the Committee on Shipping - as within UNCTAD as a whole - take place on a "group" basis, i.e. developing countries, developed market economy countries, socialist countries of Eastern Europe and Asia and China.

The continuing aim of the developing countries has been to obtain more equitable conditions or "rules of the game" to participate in world shipping, both as providers of shipping services and as users. The developing countries contend, indeed, that their ability to participate in world shipping is heavily impaired by the high concentration of world fleet ownership in the hands of the traditional maritime countries which in effect control some 80 per cent of the supply of world shipping. The developing countries, on the other hand, which account for some 60 per cent of world exports and generate about 40 per cent of world trade, have a share in world shipping tonnage of only 13 per cent. The developing countries are gravely concerned about their low participation in world shipping - in relation to their volume of trade - and feel that intensified efforts should be made so that they may reach their stated goal of 20 per cent of the deadweight tonnage of the world merchant fleet by 1990. Developing countries claim however, that important structural changes in the world shipping industry are required to enable them to reach this goal. This claim has been explicitly recognized by the General Assembly of the United Nations through the adoption of the International Development Strategy for the Third United Nations Development Decade which calls upon the international community to take action to bring about the necessary structural changes in the world shipping industry and other steps with a view to enable the developing countries to reach as far as possible their stated

An important step in this direction has been realized this year in the liner conference sector with the coming into force on 6 October 1983 of the Convention on a Code of Conduct for Liner Conferences. The entry into force of the Code of Conduct represents the culmination of several years of determined efforts on the part of many member States of UNCTAD to redress inequities in the international liner conference system and to promote an equitable balance of interests both between shippers and shipowners and between traditional shipowners situated in developed market-economy countries and new shipowners in developing countries. It is thus a major step forward to provide a rational and international legal framework for the orderly and equitable development of world liner shipping. The Code has, of course, become widely known for its cargo-sharing provisions, in particular the so-called 40-40-20 rule, but another innovative feature of the Code deals with the relationship between member lines of conferences serving their countries' foreign trade. As a result, national shipping lines will no longer be arbitrarily excluded from such conferences. Furthermore, the Code for the first time gives legal force to the rights of shippers to participate in consultations with liner Conferences on such vital issues as freight rate increases, loyalty arrangements and imposition of surcharges. It also regulates freight rate increases, promotional freight rates, surcharges and currency adjustment factors.

It may be pointed out that the European Community and its member States played a very important role in this respect and it was indeed as a result of the ratification by the Federal Republic of Germany and accession by the Netherlands that the Convention came into force.

The developing countries realize that, in order to expand their participation in world shipping, they will need to expand considerably their operations in the bulk trades. Accordingly, activities within UNCTAD have in the last few years been particularly oriented towards the bulk sectors, since the eighth session of the Committee on Shipping (held in 1977) identified these as the sectors in which progress by developing countries had been minimal.

In analyzing the bulk trades, it became necessary for UNCTAD to turn the attention to flags of convenience, since about one-third of the world fleet is at present registered under flags of convenience and these vessels operate mainly in the bulk trades. The flag of convenience issue was also raised in UNCTAD as a result of concern over the rapid growth of this sector of the world merchant fleet where ships have no or little connexion with the States whose flag they fly and whose

Flags of Convenience or Open Registries

It may be useful to note that UNCTAD uses the term "open registries" which is somewhat broader than flags of convenience as it includes countries which are generally better known as tax havens but offer similar registration facilities to ships as the flag of convenience countries. As at mid-1983, the open registry fleet amounted to 202 million deadweight tons.

The basic work on the open registry question within UNCTAD started with the publication in 1977 of a report entitled: "Economic consequences of the existence or lack of a genuine link between vessel and flag of registry" (TD/B/C.4/168 and Add. 1 and Corr. 1). It will be recognized, of course, that the reference to the question of a genuine link derives from international law and in particular from Article 5 of the 1958 Convention on the High Seas which states that there must exist a genuine link between the State and the ship and that "in particular, the State must effectively exercise its jurisdiction and control in administrative, technical and social matters over ships flying its flag". The 1977 UNCTAD study analyzed the legal aspects of the genuine link, but more in particular the economic considerations underlying this phenomenon including a comparison of the economic features of the open registry system, on the one hand, and of national flag systems on the other. The report identified no less than fifteen factors which contribute to the registration of vessels in open registry countries but found that two of those were rather more significant than others, i.e. (i) freedom from taxation of profits and income and uncontrolled use of the cash flow and (ii) the possibility of reducing operating costs by inter alia, using lower paid crews. These two factors lie at the root of the development of open registries. An immediate economic consequence of grave importance is that part of the enormous over-capacity in shipping and ship-building which has been with us now for almost a decade can be traced to the fact that tax-sheltered profits from open registry operations have been re-cycled into new tonnage since such profits would often be subject to taxation upon repatriation to the home country of the beneficial owner.

Two other important factors which have emerged from the debate on open registries within UNCTAD during the last several years are the anonymity of ownership and lack of accountability of the owners of ships under open registry flags. Anonymity of ownership is indeed virtually advertised by the countries concerned as one of the advantages of open registries and research carried out by UNCTAD in 1978 indicated that the beneficial owners of open-registry ships were basically unknown to the governments of their home countries while the open registry countries would, in many cases, only know the nominal owners -

State and have no assets in that State it is practically impossible to bring them before courts. Subsequent research by the UNCTAD secretariat has shown that the control and ownership of the open registry fleet are dominated by three countries and one territory (the United States of America, Greece, Japan and Hong Kong) where beneficial owners of more than 70 per cent of open registry tonnage have their residence.

As to the effect of the existence of open registries on the European merchant fleet, research by UNCTAD into the beneficial ownership of open registry vessels shows that - at mid-1983 - shipowners of six European Economic Community countries beneficially owned 1,748 ships totalling 45.5 million deadweight tons or 22.5 per cent of the world open registry fleet. ^{1/} This is an increase of 317 vessels or 8 million dwt tons as compared to one year earlier. ^{2/} It is also important to note that for one country flagged out tonnage amounts to over 45 per cent of nationally registered tonnage and for two others to over 25 per cent. ^{3/} The fact that such high proportions of tonnages are "flagged out" should naturally cause concern about the reasons and consequences thereof, one of the most direct consequences being a reduction in tonnage owned and operated under the national flag.

It is clear that a considerably number of European shipowners consider that the economic activity of shipowning and operating is no longer attractive under the national flag and the reasons most often given appear to be higher costs of operations and in particular the high crew costs under the national flag. One immediate effect of flagging out is thus a reduction in employment opportunities for national crews but efforts by shipowners to reduce crew costs will often lead to the manning of vessels by less qualified or even unqualified officers and crews. Indeed allegations are frequently made that open-registry shipping is generally characterized by lower crew standards and poor safety and pollution records.

In this connection, it may be pointed out that questions of navigation, safety and prevention of pollution of the marine environment are not being considered within UNCTAD, as they are part of the activities of the International Maritime Organisation (IMO) based in London. Similarly, the question of labour standards and social conditions of seafarers is being considered by the appropriate organ of the International Labour Organisation (ILO) in Geneva.

A brief remark on the subject of port state control may, however, be in order. State control measures basically attempt to bring about the

^{1/} See "Beneficial ownership of open-registry fleets, 1983." Report by the UNCTAD secretariat - (TD/B/C.4/261).

^{2/} As at 1 July 1982 the same six EEC countries beneficially owned 1431

up-grading of substandard ships and to ensure the observance of international conventions concerning safety at sea and the prevention of pollution of the marine environment. Thus, the basic purpose of the Memorandum of Understanding concluded in January 1982 by fourteen European States (MOU) is to increase efficiency by improving and harmonizing port State enforcement actions in the participating countries and inspections of vessels under this system are carried out without discrimination as to flag. Actions by port States against substandard ships, however, can only be of a remedial and temporary nature and cannot alleviate the prime responsibility for ensuring standards which lies with the flag State. In addition, such actions do not address the basic economic aspects of the open registry phenomenon.

In this connexion, it may be noted that the work on open registries within UNCTAD over a period of several years has been concerned, to a considerable extent, with economic aspects of open registries. Thus, an Intergovernmental Preparatory Group (IPG) has been concerned with the drafting of a set of basic principles upon which vessels should be accepted on national registers and which should, inter alia, apply to: (a) the manning of vessels; (b) the role of the flag countries in the management of shipowning companies and vessels; (c) equity participation in capital; (d) identification and accountability of owners and operators. More in particular, the IPG has been concerned with the extent to which nationals should be involved in the equity, manning and management of ships in order to ensure that there is a "genuine link" between vessel and flag State. Such national involvement would appear necessary to give ships their "national character" and also to ensure that a State is in a position to exercise full jurisdiction and control over vessels flying its flag.

The IPG was also requested to recommend measures to protect the interests of labour-supplying countries, especially developing countries and any additional measures needed for ensuring full jurisdiction of the flag State over vessels which fly its flag.

Following a decision of the General Assembly of the United Nations the work of the IPG will form the basis for a Plenipotentiary Conference which will be convened in 1984 in order to consider the adoption of an International Agreement concerning the conditions under which vessels should be accepted on national shipping registers.

Only last week a Preparatory Committee for this Plenipotentiary Conference finished its work in an excellent atmosphere and achieved some progress towards the drafting of an international agreement for conditions of registration of ships.

However, views still differ very much on the substantial part of such an international agreement.

By resolution 37/209 of the General Assembly of the United Nations it was decided to hold a Plenipotentiary Conference in early 1984. The same resolution requests that the views of all interested parties should be fully taken into account in the preparatory work for such an agreement. It may be noted in this context that, pursuant to the General Assembly resolution, a delegation of the United States of America and also delegations of Liberia, Panama and the Bahamas attended the meetings of this Preparatory Committee. These countries had not participated in the work of the Intergovernmental Preparatory Groups.

The UNCTAD secretariat is always pleased and welcomes every opportunity to explain the various trends and developments in connexion with the "open registry" phenomenon because we are convinced that the existence of open registries has adversely affected world shipping as a whole and in particular the orderly development and expansion of the national fleets of the developing countries. Indeed, an Intergovernmental Working Group came to a similar conclusion when it met in 1978 and unanimously adopted a resolution to that effect. ^{4/}

A more orderly development of the world merchant fleet will only be possible when the international community takes the necessary steps to ensure that there is a genuine link between vessels and flag States and that flag States effectively exercise full jurisdiction over the vessels flying their flag. For flag States to be in a position to do so it is essential that certain basic principles be observed when vessels are accepted on national registers. In the interest of the future of world shipping it is to be hoped that an agreed set of principles as well as certain other conditions will be arrived at at the forthcoming Conference of Plenipotentiaries.

^{4/} See report of the Ad hoc Intergovernmental Working Group on the Economic Consequences of the Existence or Lack of a Genuine Link between Vessel and flag of Registry (6-10 February 1978) - (TD/B/C.4/177 - TD/B/C.4/AC.1/3).

The European Community and its member States have always played an important role in world shipping and have actively participated in the deliberations within UNCTAD, including those of the Preparatory Committee which concluded its work last week. They will no doubt wish to play an important role in the Plenipotentiary Conference which is now scheduled for March 1984, firstly in view of the importance of the European Community in world shipping, and secondly in view of the important negative consequences for the national merchant marines of any further increase in the flagging out of ships by European shipping companies.

NATIONALLY REGISTERED AND OPEN REGISTRY TONNAGE IN
 THE MERCHANT FLEETS OF MAJOR ^{a/}EUROPEAN COUNTRIES
 (As at 1 July 1982)

Country	Nationally registered tonnage (000 DWT)	Open-registry tonnage beneficially owned in the country (000 DWT)	Open-registry tonnage as a percentage of nationally-registered tonnage (%)
Greece	70 232	22 846	32.5
Germany, Federal Republic of	12 355	5 720	46.3
United Kingdom	35 990	3 365	9.3
Italy	17 044	2 461	14.4
Netherlands	8 430	2 199	26.1
France	18 727	1 005	5.4
TOTAL	162 778	37 596	-

^{a/} The table does not include countries with beneficial ownership of less than 1 million DWT of open-registry tonnage.

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Ευρωπαϊκό Κοινοβούλιο
Σοσιαλιστική Ομάδα

le Secrétariat

Bruxelles, 9 nov.1983

CONFERENCE

SUR LA SITUATION DE LA NAVIGATION MARITIME EN EUROPE

Londres, 22/23 novembre 1983

Assembly Hall, Church House,
Dean's Yard, Westminster

tél.: 01 222 6772 - 77

ORDRE DU JOUR

Mardi, 22 novembre

10 h 30

Ouverture de la conférence par Ernest GLINNE,
Président du Groupe Socialiste du Parlement
européen

Allocution de Neil KINNOCK, leader du Parti
Travailliste

Introduction de Jan KLINKENBORG, coordinateur
des membres socialistes de la commission
"transports" du Parlement européen:
"La situation de la navigation maritime en
Europe: problèmes, dangers, perspectives"

- a) exposé du point de vue de l'association
européenne des armateurs
- b) exposé du point de vue du comité européen
de liaison des syndicats des travailleurs
des transports de la C.E.E.

"La politique navale de la Commission des
communautés européennes"
présentée par le commissaire G.CONTOGEOGRIS

débat

13 h 00

Déjeuner offert par le Groupe Socialiste
Church House, Bishop Partridge Hall

.. / ..

THE POSITION OF THE SEA TRANSPORT INDUSTRY
IN THE EEC, WITH SPECIAL REFERENCE TO
FLAGS OF CONVENIENCE

ITF summary paper submitted to the Special Hearing
convened by the European Parliament Socialist Group
Transport Sub-Committee, London, November, 22nd/23rd, 1983.

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Section 1: Introduction

- 1.1 This paper provides an outline of a fuller ITF submission to a two day hearing on the future of the Sea Transport Sector in the EEC. The hearing has been convened by the Transport Sub-Committee of the Socialist Group of Members of the European Parliament.
- 1.2 The ITF understand that the broad objective of the hearing is to review and refine the arguments for a more co-ordinated and concerted 'European' maritime policy. The ITF has, of course, to take a global view of the shipping industry in order to defend and advance the needs of its constituent seafaring unions. Nonetheless, it is of the view that European seafarers would be better served by a Sea Transport sector that was more fully integrated into the future economic and social development of the EEC.
- 1.3 As a means of highlighting the need for such a policy the hearing will pay special attention to the negative consequences arising from the continued proliferation of 'Flags of Convenience' shipping operations. Whilst it is accepted that a significant number of vessels using FOC registries are beneficially owned in Europe, the negative consequences for European seafarers, nonetheless, remain. It should be emphasised that the ITF regard FOC operations as immediate symptoms of a malaise which is more deeply rooted in the diversified ownership structure of the global shipping industry. The hearing must come to grips with this and the destabilising potential of the unconstrained movement of shipping capital, if the future of the Sea Transport industry in Europe is to be assured.
- 1.4 Accordingly this summary paper begins with an outline of those political and economic factors which represent the most potent challenge to the future well-being of the European Sea Transport industry, and, to the livelihood of the thousands of workers directly and indirectly associated with it.

Section 2. Political and Economic Constraints

2.1 Four years ago*, the Economic and Social Committee of the EEC identified a number of "grave threats" to the "maritime transport industry, seafarers and also the environment" which required "urgent action". They were:

- growing competition from the fleets of state-trading countries (Comecon);
- flags of Convenience;
- flag discrimination;
- the emergence of new shipping nations;

The repercussions from these 'threats' were further grouped into 3 categories:

- safety at sea;
- vessels that are sub-standard from the economic, social and technical points of view;
- the threat to Community shipping companies' survival and the implications as regards the economic independence of a foreign-trade-oriented Community in the important transport sector.

2.2 Since this analysis was published the EEC has made limited attempts to confront some of the threats that were identified. For example, the conclusion of the Paris memorandum on Port State control (referred to in more detail in a following section) initiated the beginning of a tighter regulatory network in an effort to improve safety and technical standards on vessels trading in EEC ports. More recently, a deliberately vague understanding has been reached to allow for consultation and possibly agreement between the EEC partners on retaliatory action against unfair competition. Moreover, the Brussels package, and the current attempts to broaden this to gain general OECD agreement, can be seen as the first serious response by the EEC to the pressure from UNCTAD for a more orderly system of cargo sharing.

x) "EEC Shipping Policy Flags of Convenience"

Economic and Social Committee of the EEC Brussels, 1979.

2.3 Notwithstanding these moves (which in any case have had a very limited impact) the threats recognised in 1979 persist. Indeed, further deteriorations in world trade since that time make the call for urgent action even more compelling. A major reason for the EEC's seemingly negligent inertia lies in the Commission's continued political loyalty to the operation of free market economic policies.

2.4 The pursuit of free market economic policies (i.e. allowing governmental interference only to remove competitive distortions) in relation to the European Sea Transport Industry, founder because of the breakdown of the three critical assumptions:

- The long term trend in growth of world sea borne trade has halted. UNCTAD reported a drop of 8.4% in 1982 compared with a 4.0% fall in 1981. The forecasts for 1983 and 1984 remain unfavourable.
- Major shipping companies increasingly operate outside the control of individual member states. The use of flags of convenience is only one device to achieve this end. Far more disturbing is the way in which traditional 'unitary' shipping companies have been absorbed into the shipping operations of multi-national companies, whose beneficial ownership and country of origin can be obscure. Hence, in the post-war period the proportion of beneficial ownership taken by foreign interests has increased in virtually every individual fleet which makes up the European Sea Transport Sector.
- Free trade in sea-borne cargo no longer (if ever) exists. The EEC already operates a double standard by turning a blind eye to the cabotage practised by a number of its members, whilst criticising non-EEC states for flag discrimination policies. However, an even more damaging blind eye appears to be being used to ignore the increase in bilateral trading agreements (which embody flag discrimination and cargo sharing) which have thrown the traditional

trading relationships as represented by GATT into such disarray.

- 2.5 If we add to these changes the increasing pressure from UNCTAD to impose more orderly cargo sharing on world trade in order to allow the fleets of developing nations to grow, we can begin to appreciate the wider political and economic context against which the European Sea Transport Industry has to operate.
- 2.6 In the short term, against depressed world trade conditions with low freight rates, we can expect European and Scandinavian ship operators to search for low cost solutions. Unless constraints are imposed this will involve more tonnage moving under flags of convenience - with all the adverse economic and social consequences that this entails. However, even if constraints were successfully imposed or the costs of FOC's were equalised with those of OECD fleets, the EEC Sea Transport industry would not be free of all its problems.
- 2.7 As indicated, there would still be the questions of bilateral trading agreements, UNCTAD cargo sharing Codes, and the shift in the beneficial ownership of EEC flag vessels away from EEC based interests. In the medium and long term, therefore, these major structural difficulties remain.
- 2.8 Flags of Convenience can be seen as symptoms of the economic system which has developed world trade. In reality, FOC's represent a convenient device by which major shipping interests can both minimise their costs, by lowering standards and avoid obligations to the governments and seafarers of developed nations. If this device was removed it would be foolish to conclude that new ways to avoid European cost levels would not be sought. The growth of joint ventures between shipping interests from developed nations and the governments of developing countries illustrates one alternative to the flag of convenience. Subject to stringent conditions this may prove to be a relatively even-handed way to proceed and the ITF are certainly not against genuine efforts to co-operate in this manner.

The wholesale shift in beneficial ownership of EEC shipping assets towards the Far East or the shelter of tax havens is, however, another and more fundamentally disturbing development.

2.9 Whilst recognising the urgency of the need to deal with FOC activity, these longer term political and economic issues should not be ignored either by the hearing, or by the decision makers of the EEC.

Section 3. FOCs and their effects on the social situation of workers in the EEC.

3.1 The number of seafarers employed in the merchant fleets of EEC countries, (excluding Greece and Spain) is now only just over half of what it was 20 years ago. In 1960 their combined personnel totalled 312 thousand; by 1980 this had fallen to 175 thousand.

However, the fleets of Italy (included in the above totals) and Greece actually increased their manpower over the same period, the latter from 65 thousand to 79 thousand. So Greece now has more seafarers employed in its merchant navy than any other EEC country, including the U.K.

3.2 The manpower of all the EEC merchant marines can be broken down into three groups:-

- European nationals on European flagships;
- Non-European nationals on European flagships;
- European nationals on FOC vessels.

On average, among EEC countries including Greece, in 1981, 28% of ratings, but only 2.5% of officers, were not EEC nationals. But the proportions vary greatly, from 64% of ratings being non-EEC nationals in the Dutch merchant navy to 1% in the French Navy. The proportions of non-EEC national officers were very low for all EEC countries. (These figures from a report to the EEC Commission are based on a small sample and have aroused some criticism, but in the absence of more satisfactory data they give at least a broad idea of the position).

3.3 The existence of non-European nationals on European flagships about in the past when the pay and conditions of seafarers were so appalling that Europeans were not

3.4 The dramatic decline in numbers has occurred for several reasons:-

- the flagging out of vessels by European ship-owners in order to reap the cost advantages of employing ratings from low wage overseas countries;
- the slowdown in the growth in the volume of world trade;
- larger vessels requiring relatively smaller crews to man them;
- smaller crews for any given size of vessel resulting from design and organisational changes.

3.5 The European shipping industry can thus be viewed as a declining traditional industry in the same sense as the coal and steel industries are, both of which receive substantial assistance from the European Communities. The shipowners also act like the large multinational manufacturing concerns in being able to transfer 'production' to cheap labour economies.

3.6 The reduction in the size of most of the EEC merchant fleets has been accompanied by:-

- increased unemployment among seafarers; not all unemployed British seafarers are in the shipping pool of 1,300 officers and 1,650 ratings. Even in Greece the official figure of unemployed seamen was 14,000; and the actual number was probably much higher;
- pressure on redundancy and severance schemes; the General Council of British Shipping (GCBS) planned to cut its £4.5m redundancy payments expenditure by switching from a national scheme to one at company level which would qualify for rebates under the Redundancy Payments legislation; but was forced to back down by the British shipping unions;
- the loss of training facilities and opportunities: the same time as the World Maritime University recently opened in Norway to provide advanced training

facilities for senior maritime personnel, especially those from developing countries, training facilities in the traditional maritime countries are being run-down or closed because of the lack of job opportunities.

3.7 The poor state of the European shipping industry and the existence of the different groups of employees within merchant fleets, together exert a serious downward pressure on negotiated wage levels for EEC seafarers. The existence of those working on FOC ships exerts a downward pressure on all wage rates in the European industry. The existence of separate rates for non-European nationals on European vessels exerts a downward pressure on the European seafarers working alongside them. Both these groups tend to drag down the wages of the European nationals working on European vessels who view themselves in the context of their domestic labour markets where their families live. The ITF has consistently tried to place a floor under the downward wage pressures by negotiating wage agreements with FOC owners but would be the first to admit that this has only been partially effective.

3.8 Seafarers are, however, quite unlike land-based employees in that they suffer serious problems over payment of wages, especially on FOC ships. ITF inspectors have frequently found instances of double book keeping with the company pocketing the difference between the ITF agreed wages and those actually paid; or even occasionally treble book keeping - with the master taking an illegal commission. When the MV Venus was held in Cardiff recently the ITF calculated that the crew were owed \$200,000 arising from underpayment of wages.

Wages are usually paid considerably in arrears and many seafarers have found themselves unable to pick up their back-pay because the company has gone out of business. This has become such a serious problem that the ITF now recommends seafarers not to allow monies owing to build up for more than two months. Land-based employees in Europe would not stand for such treatment.

3.9 Other forms of exploitation are rife. Seafarers spend long periods at sea with no access to the facilities regarded as the norm on land. They are frequently abandoned, often without pay, sometimes even without food and water. When the leaky Panamanian ship "Island Girl" limped into Swansea in March 1980 it was found that the crew had not been paid, conditions were filthy, and one seaman was so hungry he had to eat seagulls. Indian members of the crew of the Panamanian registered Jaursinghwalapa appealed to the ITF for help after they had been abandoned in Jakarta, Indonesia without water for five weeks, without food for six weeks, without wages for six months and without diesel oil for eight months. Many seafarers have to rely on the ITF for repatriation when ship owners have failed to meet their obligations.

3.10 The continuing aim of the shipping employers is to minimise manning costs, but these are already low compared with land-based labour costs and also small when contrasted with capital costs. The situation of seafarers, whose costs are always being forced downwards to the lowest level, can be contrasted with that of air-line staff, whose wage rates tend to float towards the highest level, even in times of difficulties for the airline companies.

The Holleson studies for 1978 found that the manning costs for able seamen on large dry cargo ships were highest for Denmark, followed by Germany, and lowest for Greece, with the UK only slightly above. For tankers the ranking was the same except that total labour costs for the UK were above those of Greece. For container ships Germany and Belgium had the highest costs, with Greece, the UK and Ireland at the bottom of the ranking, in that order.* A more recent investigation showed that the average annual manning cost for a European flag ship is around \$51,300, compared with a convenience flag average of \$31,600 per crew.

3.11 A recent study by shipping consultants suggests that labour costs account for between 40 and 60% of tanker operating costs, and that manning costs have more than trebled between 1970 and 1981. However,

* Again, it is possible to dispute these figures but the general implications remain.

because of pressure from the ITF to make agreements with FOC members which will result in a narrowing of the crew cost differentials, shipowners are turning their attention to reducing manning levels. British Shipbuilders have designed a 35,000t dwt bulk carrier which could be manned by a crew of 17 instead of the present 33. A series of 'demonstration' ships with crews of 18 are being operated by Japanese owners. And the Norwegian government, under pressure from shipping companies, has recently agreed to permit crew reductions on its flag vessels, despite opposition from the seamen's union.

- 3.12 In response to this trend the ITF Congress 1983 agreed a set of safe manning levels for different sizes of cargo ship - for example, 9-10 for a 200-500grt vessel, 11-15 for a 500-1599grt vessel, 22 for a 1600-5599grt vessel, 25 for vessels over 6000grt. These scales only meet minimum IMO standards and for efficiency manning would be higher.
- 3.13 Factors affecting total manning costs include manning levels and level of back-up. The Holleson report found that back-up levels in 1981 varied between 24% of on-board numbers of ratings in the UK shipping industry (a contributory factor to the relatively low total labour costs of the UK) and 80% in the French shipping industry, with an EEC-10 average of 40%. Low back-up levels imply shorter periods of leave and potentially less safe crews.
- 3.14 Shorter periods of leave also imply longer annual average hours worked. The Holleson study found annual average hours worked (for all categories of seafarers on all the specimen ships in the survey) were highest in Greece, where leave is low, with 2558 hours per year, Denmark with 2158 and the UK with 2138; and lowest in the Netherlands with 1719 hours of work per year. The average weekly hours in those weeks actually worked were 58 in Greece and 56 in Denmark, the UK, and the Netherlands. The hours are clearly excessive when compared with those of land-based manual employees in the EEC, where average hours actually worked by men vary between 40 and 45.

Section 4. Safety and Port State Control.

- 4.1 Although shipping is inherently dangerous, one of the main features of FOC shipping has been the appalling safety record, both in terms of accidents on board ship and vessel casualties.
- 4.2 Long hours of work and long periods on board ship without leave are normal characteristics of shipping. Yet, European seafarers generally work up to 70 hours a week (including weekends) and take leave after 4-6 months on board ship.
- 4.3 This leads to very high accident rates in an industry which is notorious for accidents even in developed countries. For example, on British vessels fatal accidents are 35 times higher than in manufacturing, six times higher than in construction and four times higher than in coalmining. But, of particular significance is that over two-thirds of accidents occur during overtime working, as fatigue develops.
- 4.4 Seafarers on FOC vessels can be working over 90 hours a week and get leave (if they get any at all) after a year. With no trade union organisation on board FOC vessels, with scant regard for the safety and well-being of seafarers and with extremely long hours of work, both the incidence and the risk of accidents are likely to be much greater than on European vessels. However, since the administrative demands of open registries are minimal we have no comparable safety statistics.
- 4.5 Yet international concern has largely focussed on vessel casualties and pollution. Spilled oil has aroused greater international activity and public hostility than the spilled blood of seafarers, and with the worst records of vessels and tonnage lost, FOC fleets have been responsible for both on a large scale.
- 4.6 Over the five years from 1977 to 1981 vessel losses were two and three times worse than the world averages, and three to six times worse than the median European losses.
- 4.7 Major FOC casualties and oil spillages such as the Torrey Canyon in 1967, Ocean Forte in 1968 and Argo Merchant in 1976, provoked consid-

erable public outcry against the lack of control over FOC vessels and poor standards. This was particularly the case when beneficial ownership and control of vessels and oil movements lay with wealthy Western corporations, which failed to accept responsibility for losses and the bad record of FOC vessels.

- 4.8 Shipowners in traditional maritime nations and organisations such as the OECD, which had been against FOCs on the grounds that they provided unfair competition, gradually shifted their arguments from economic opposition to safety and FOCs became associated with unsafe, colliding and sinking vessels. The major problem of FOCs then came to be defined as the sub-standard ship and diverted attention from economic opposition.
- 4.9 The safety issue threatened to undermine FOCs as demands grew for traditional maritime flag vessels to be used. This led some of the principal beneficial owners, such as the oil companies and the major independent tanker owners, to press for reforms in the FOC registry regulations. For these beneficial owners freedom from control over safety matters was peripheral to the main freedoms of low or no taxation and hiring low-cost non-unionised crews.
- 4.10 Although Liberia and Panama ratified IMO and ILO conventions, this has to be seen in the context of the most powerful beneficial owners, dealing with a threat to the economic benefits of FOCs. Improvements in safety records would satisfy public outrage and allow FOCs to continue. To some extent there have been improvements in safety as in the 1960s and early 1970s casualty records were even worse than in the last few years. The biggest changes have probably been in the Liberian fleet which is dominated by large tankers and bulk carriers, whereas the Panama and Cyprus fleets, comprising smaller and older vessels, have worse records. However, continuing high losses characterise FOC fleets and the enforcement of safety regulations continues to be extremely lax.
- 4.11 Stricter safety regulations have been supported by FOC beneficial owners for economic ends rather than any particular concern for seafarers.

First, during the mid-1970's they afforded ^{an} opportunity to reduce surplus tanker tonnage and push up freight rates by removing vessels which could not conform. Second. Features such as crude oil washing, inert gas systems and segregated **ballast** tanks push up the capital cost of tankers and make it more difficult for non-FOC countries to enter into competition, and this is particularly the case with LDCs seeking to carry their own cargoes.

- 4.12 The principal response from traditional maritime nations has been to meet the problem of sub-standard ships (which are the result of sub-standard management and sub-standard maritime administration) with the concept of port state control. This was embodied in ILO Convention 147, adopted in 1976, and coming into force in November 1981. In Europe, Council recommendation 78/584/EEC urged member states to ratify IMO Convention 147. The EEC Commission also drew up a proposal for a Council Directive on Port State inspections, but this was rejected in favour of the Paris Memorandum, signed by 14 countries of Western Europe and Scandinavia, at the second Regional Ministerial Conference on Shipping Safety, 1981, and which was supposed to enforce the most important international conventions.
- 4.13 This memorandum was criticised for being simply a "gentleman's agreement", requiring countries to apply only those regulations to foreign vessels which they had ratified themselves, and because many countries did not have the resources to inspect 25% of foreign vessels visiting their ports. These criticisms are still valid as the lack of common standards persists with some countries still not having ratified all the conventions, and there is an overall lack of control over vessels.
- 4.14 One of the most serious developments is that differing standards and different degrees of enforcement have led to some countries and ports being favoured because of their lack of control. Competition for trade between ports also leads to pressures against strict enforcement. And efforts to ensure that national flag vessels meet the required standards have not been widely made - the UK has cut back on its inspection services, the Greek Merchant Marine Ministry has advised shipowners on how to circumvent ILO Convention 147, and in general inspections are of

certificates rather than actual vessels. In short we now have 'Ports' or 'Convenience' as well as Flags of Convenience. The EEC Commission remains of the Paris Memorandum and has submitted to the Council a new proposal for a Directive on accidental oil spill contingency plans.

- 4.15 However, in all these criticisms the concept of dealing with sub-standard vessels only when they visit a port has remained paramount, and the emphasis is on pollution rather than loss of seafarers lives and injuries. Yet, the problem goes beyond this as sub-standard vessels passing through coastal waters also pose a danger. Many of the vessels which have caused pollution to coasts and loss of life have not been sailing to or from the country affected. Tragic examples include the loss of the 'Union Star' and the Penlee Lifeboat in the UK, in December 1981.
- 4.16 Powers to intervene where oil or chemical pollution to coasts is threatened, are provided by an IMO Convention of 1969 and 1973 Protocol but they do not apply where loss of human life is threatened. Even though this power exists, having been agreed following the Torrey Canyon disaster in 1967, governments are very reluctant to use it, as compensation can be demanded where the intervention measures exceed those which are "reasonably necessary".
- 4.17 This pressure not to intervene, traditional attitudes towards "the freedom of the seas", and the limitations of Port state control add up to the continuing unregulated passage of sub-standard FOC vessels in European waters. By contrast, the US Coastguard has widespread powers to conduct annual boarding inspections of foreign flag tankers and requires them to comply with MARPOL and SOLAS if they are within 200 miles of the US coast. Although there are difficulties in enforcing these requirements, the basic concept of coastal state control has been adopted and has driven away the worst vessels. However, the danger is that they will have been driven to trade through European waters where there are less stringent controls.

4.18 The convenience of open registries then means that safety will continue to be sacrificed for financial gain. And, the system which has developed in Europe and Scandinavia to regulate where the FOC administrations have failed, is itself grossly inadequate and means a continuing and deadly threat to seafarers both on FOC vessels and on European vessels. The competitive advantage which FOC vessels gain from not having well maintained vessels and properly trained crews, serves to further undermine the viability of European fleets.

2.2 Most fundamentally, a co-ordinated EEC shipping policy would inevitably run contrary to the spirit of free trade underlying the Treaty of Rome. However, this free trade principle has already been broken in other major areas, notably agriculture. Moreover, the Paris Memorandum on Port State Control and the accession of member states to the UNCITAD liner code have already infringed on the competitive basis for shipping in the EEC. Albeit that the proposed package seems to be a deliberate attempt by the community to 'judge' their support for the UNCITAD code.

2.3 While some aspects of shipping continue to be controversial within the EEC, there are others where an effective shipping policy could be developed:

- a) Through the evolution of orderly cargo sharing arrangements. Although EEC Regulation 2547/74 (75-2-73) effectively exempts intra-EEC trade and probably, through bilateral negotiations with non-EEC OECD members, intra-OECD trade from the UNCITAD liner code, it does not preclude the development of cargo sharing patterns among members. Indeed, the EEC could take a cue from the ITC Conference, recently held in Madrid, which unanimously passed the following resolution:

Section 5: Towards an EEC Shipping Policy

- 5.1 The problems. There are undoubtedly serious problems in moving towards a common EEC shipping policy. There is, for instance, little co-ordination or co-operation between member states in implementing their various national policies for their shipping and ship-building industries. The shipping employers, while stressing the need for government assistance to maintain national flag merchant marines to be available in times of military crisis, (a fact which individual governments were reminded of by the Falklands), are unwilling to be subjected to regulation and control.
- 5.2 Most fundamentally, a co-ordinated EEC shipping policy would inevitably run contrary to the spirit of free trade underlying the Treaty of Rome. However, this free trade principle has already been broken in other major areas, notably agriculture. Moreover, the Paris Memorandum on Port State Control and the accession of member states to the UNCTAD liner code have already infringed on the competitive basis for shipping in the EEC. Albeit that the Brussels package seems to be a deliberate attempt by the community to 'fudge' their support for the UNCTAD code.
- 5.3 While some aspects of shipping continue to be controversial within the EEC, there are others where an effective shipping policy could be developed:
- a) Through the evolution of orderly cargo sharing arrangements. Although EEC Regulation 954/74 (15-5-79) effectively exempts intra-EEC trade and probably, through bilateral negotiations with non-EEC OECD members, intra-OECD trade from the UNCTAD liner code, it does not preclude the development of cargo sharing patterns among members. Indeed, the EEC could take a cue from the ITF Conference, recently held in Madrid, which unanimously passed the following resolution:

"All affiliates to press their respective governments to examine ways in which international trade can be better planned and managed to avoid harmful fluctuations in demand for shipping which creates job insecurity and downward pressure on terms and conditions of employment".

- b) Through improving and extending port state control. There is clearly an existing need to co-ordinate and supervise the implementation of port state control, in order to, for instance, ensure that similar regulations and standards are imposed in all ports within the EEC, and to avoid the development of competition between ports over the standards applied. Ships themselves, rather than certificates, should be inspected; and crew conditions, as well as safety and pollution factors, should be covered. The creation of an EEC- co-ordinated on-line database on vessel positions and records would greatly facilitate the desired improvements to port state control.

But port state control could also be extended to cover all vessels passing through European community waters, and with the co-operation of the Scandinavian marine authorities to all northern European waters where the risks of accident and pollution are very great. If any vessel moving within the area could be inspected by officials from any member state, (in effect giving marine inspectors similar powers and rights of access as factory inspectors enjoy elsewhere in the EEC), this type of control could be much more effective than at present.

- c) Through giving consideration to the problems involved in regulating seafarers' hours of work. The imposition of maximum daily hours of work on seafarers would do nothing to alleviate the problems of lack of entertainment and boredom especially on small vessels. So any moves towards regulation of daily hours of work would probably have to be accompanied by rest-time facilities on board ships.

In moving towards regulation of weekly hours of work, a distinction should probably be made between short voyage vessels, especially

those within the EEC, and longer voyages when seafarers may spend many weeks at sea.

The third factor to be considered is the number of hours worked over the much longer period of say, a year where regulations over a paid rest leave would be appropriate.

An EEC policy on working hours for seafarers should recognise the need for a balance between daily, weekly and yearly hours which may vary depending on the type of vessel and voyage.

It would also have to give attention to the problems of safe manning levels. With the trend towards smaller and smaller crews, there must be a minimum level at which emergencies can be effectively overcome.

Discussions on safe manning levels could complement those on working hours, with a view to producing parallel sets of regulations.

d) Through the implementation of a European scrap and build policy aimed at:

- getting rid of sub-standard ships; and
- building ships to replace them to the highest standards and with the most advanced technical features, in European shipyards.

It is not difficult to envisage such a policy co-ordinated by the Commission, which would further maintain the total European fleet by offering tax inducements and subsidies to owners who participated and undertook (subject to heavy penalties if in breach) to maintain their vessels so acquired under the appropriate member state flag.

The cost of any such subsidies would probably be more than offset by the boost which such a policy would give to the shipbuilding, marine engineering and steel industries of Europe. As such the policy would have the singular virtue of demonstrating the importance of the shipping sector in demand terms to these badly hit industrial sectors and would reinforce the need to maintain control and ownership in European hands.

Overall Objectives: A Final Comment

5.4 Moving towards a Sea Transport policy for the EEC requires a consensus to be achieved on the overall objectives of such a policy. As a guide the ITF would suggest the following as minimum objectives:

- That the Sea Transport Sector should at all times be maintained in such a way as to be able to meet Europe's seaborne transport needs without undue reliance being placed on the use of non-EEC flag vessels.
- That the terms and conditions of employment offered to seafarers by member state fleets be, so far as is possible, and consistent with the differential aggregate pay levels which exist between member states, harmonised and at the least underpinned by a European minimum set of acceptable standards.
- That the control over shipping should remain the prerogative of the individual member state, but that safety standards and restrictions on the level of foreign beneficial ownership should be underpinned by an EEC statute.

5.5 In framing these objectives regard has been taken of the position which has hitherto apparently been taken by the EEC with regard to FOC fleets. In effect, the Commission have traded off the benefits of supposed cheaper transport costs arising from allowing an increasing penetration of FOC vessels against the effects on the fleets and associated industrial sectors of member states. However, this liberal approach to the free movement of shipping capital (exemplified by the way in which European owners have removed their vessels from member state flags without any governmental constraint) has allowed open registry fleets to build to a level whereby they pose a significant threat to the individual fleets of member states. Hence, the short run gains which have accrued by increasing the competitive pressure on European flag seaborne transport, now threatens to be swamped by the

strategic and economic costs of the major decline in the fleets of Europe.

- 5.6 It is vitally important to impress upon the policy formers of the EEC that it is not enough simply to improve the standards and terms and conditions of vessels using open registries. The competitive advantages of such vessels will still be significant for some time yet derived as they are from low labour costs and liberal corporate tax regimes. The EEC can no longer be allowed to externalise the threat to the individual fleets of their member states. The challenge has to be confronted - and confronted along the lines indicated in this document.

PARLEMENT EUROPÉEN

COMMISSION DES TRANSPORTS

Communication aux membres

Objet : Statistiques des accidents maritimes

Vous trouverez ci-joint des tableaux reproduisant les statistiques des accidents maritimes fournies par la Commission des Communautés européennes à la demande de M. SEEFELD, président de la commission.

DIRECTION GENERALE DES COMMISSIONS
ET DELEGATIONS INTERPARLEMENTAIRES

19 avril 1983

PE 84.318

1941

TONNAGE TOTAL en TJB DES PRINCIPALES FLOTTES MONDIALES 1975- 1980

	1975	1976	1977	1978	1979	1980
Libéria	65 820 414	73 477 328	79 982 968	80 191 329	81 528 175	80 285 176
Japon	39 739 598	41 663 188	40 035 853	39 182 079	39 992 925	40 959 683
Panama	13 667 123	15 631 180	19 458 419	20 748 679	22 323 931	24 190 680
U.R.S.S.	19 235 973	20 667 892	21 438 291	22 261 927	22 900 201	23 443 534
Norvège	26 153 682	27 943 834	27 801 471	26 128 429	22 349 337	22 007 490
Etats-Unis	14 586 616	14 908 445	15 299 681	16 187 636	17 542 220	18 464 271
Chypre	3 221 070	3 114 263	2 787 908	2 599 029	2 355 543	2 091 000
Belgique	1 358 425	1 499 431	1 595 489	1 684 692	1 788 538	1 809 829
France	10 745 999	11 278 016	11 613 859	12 197 354	11 945 837	11 921 557
Grèce	22 527 156	25 034 585	29 517 059	33 956 093	37 382 597	39 471 744
Pays-Bas	5 679 433	5 919 892	5 290 360	5 180 392	5 403 350	5 723 845
Danemark	4 478 112	5 143 022	5 331 165	5 530 403	5 524 416	5 390 365
Republique fédérale d'Allemagne	8 516 567	9 264 671	9 592 314	9 736 667	8 562 780	8 355 638
Royaume-Uni	33 157 422	32 923 308	31 646 351	30 896 606	27 951 342	27 135 155

Source : Institute of shipping economics, Brème

NAVIRES-CITERNES : STATISTIQUES DES ACCIDENTS GRAVES - ANNEES 1968 A 1980 (navires transportant des produits pétroliers/chimiques de 10 000 tps et plus)

Année	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980
Navires-citernes exposés	2,943	2,991	3,049	3,134	3,217	3,281	3,443	3,553	3,572	3,632	3,665	3,205	3,205
Nombre total d'accidents graves	79	76	60	64	74	65	65	88	53	84	77	104	71
Pétroliers entièrement perdus dans ces accidents	15	13	13	17	15	10	15	19	15	11	22	19	24
Accidents graves par taille de bateaux :													
10 000 - 24 999 tps	47	40	33	20	32	24	23	27	23	14	17	15	20
25 000 - 44 999 tps	17	15	8	21	18	15	19	23	25	28	21	27	15
45 000 - 149 999 tps	15	17	16	15	17	20	22	28	30	32	26	43	24
150 000 tps et plus	0	4	3	8	7	2	5	10	11	10	13	15	12
Accidents graves et catégories d'accident													
Incendies ou explosions													
- cargaison	13	12	9	8	21	11	10	5	2	8	6	12	8
- machines	5	7	7	6	3	5	5	8	12	8	10	14	8
- autres	4	3	1	3	2	1	3	2	5	0	0	3	6
- échouages	14	17	16	21	11	16	16	21	25	25	23	24	16
- collisions	10	15	9	15	13	15	15	23	8	11	4	17	10
- pannes	15	13	10	4	12	7	5	20	30	25	30	17	16
- chambre des machines	3	3	3	3	4	1	2	2	1	1	0	2	1
- autres	7	6	5	4	8	5	5	7	10	12	4	15	6

Tous bateaux : statistiques des pertes totales (navires de 500 tpl ou plus), 1968 à 1980 : nature de l'accident

Année	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979
	157 675,054	147 819,740	151 708,855	175 943,969	188 1,056,904	179 1,078,523	195 1,025,492	193 1,155,105	208 1,206,271	204 1,203,314	262 1,404,416	380 1,431,387
Nombre de pertes totales communiquées												
Pertes totales de tjb												1,7
Nature de l'accident												
- mauvais temps	15	12	21	36	24	35	26	31	36	37	41	38
- submersions	9	19	23	18	20	15	23	23	18	25	29	37
- échouages	61	49	45	40	48	36	48	53	44	41	52	50
- collisions	10	21	12	20	19	20	19	13	25	18	28	33
- chocs	5	3	7	11	4	5	8	3	8	2	8	5
- incendies et explosions	33	33	30	42	53	50	54	49	57	65	71	63
- disparitions	5	-	1	1	2	3	4	3	4	2	2	3
- machines, transmission et hélices	2	2	2	-	2	3	3	2	1	2	7	7
- autres	17	8	10	7	16	12	10	16	15	11	22	22

Source : Institute of shipping economics, Brème 1973, 1975, 1977, 1981

Tous bateaux : statistiques des pertes totales (vaisseaux de 500 T.B ou plus), 1963 à 1980 : par pavillon IV (a)

Année/pavillon	1968		1969		1970		1971		1972		1973		1974	
	No	GRT												
Libéria	3	27,796	4	32,970	16	120,312	20	282,524	27	253,303	17	299,959	14	220,952
Japon	1	5,617	-	-	6	52,508	11	32,713	15	28,214	13	17,853	8	62,364
Panama	3	17,002	2	5,598	22	111,331	20	80,702	18	90,039	19	104,978	20	71,811
U.R.S.S.	1	9,437	-	-	2	4,553	1	1,865	-	-	1	3,170	4	19,253
Norvège	2	5,676	-	-	4	61,892	5	64,855	3	50,006	6	32,459	7	81,366
Etats-Unis	1	1,462	-	-	4	13,308	2	27,836	5	20,636	3	26,535	3	24,680
Chypre	X	X	X	X	5	16,295	8	26,638	14	43,222	19	87,310	20	54,022
Belgique	X	X	X	X	-	-	-	-	-	-	1	3,710	-	-
France	X	X	X	X	-	-	2	27,302	-	-	2	11,481	3	4,083
Grèce	3	10,364	2	3,680	24	117,901	30	142,207	20	160,745	19	89,593	25	132,277
Pays-Bas	-	-	-	-	4	8,296	-	-	2	1,716	1	1,128	-	-
Danemark	X	X	X	X	1	500	3	16,024	2	1,021	-	-	3	4,199
R.F.A.	-	-	1	962	4	4,944	2	8,312	3	2,968	1	1,000	6	27,513
Royaume-Uni	2	5,816	-	-	7	32,998	4	9,565	6	18,212	9	26,741	9	27,464

Source : Institute of shipping economics, Brème 1973, 75,77,81

- : aucune perte enregistrée
 X : aucune donnée disponible

Tous bateaux : statistiques des pertes totales (navires de 500 TJB ou plus), 1968 à 1980 : par pavillon

Année/pavillon	1975		1976		1977		1978		1979		1980		1968-80	
	No	GRT	No	GRT	No	GRT	No	GRT	No	GRT	No	GRT	No	GRT
Libéria	20	273,882	20	362,014	16	346,026	8	108,017	15	782,037	12	519,051	192	3,628,
Japon	11	58,448	12	25,717	6	103,922	13	26,445	10	17,738	7	59,072	113	490,
Panama	37	164,825	52	208,151	45	222,095	48	206,538	52	204,954	47	134,139	385	1,622,
U.R.S.S.	3	11,688	3	17,614	3	10,955	-	-	2	1,826	-	-	20	80,
Norvège	5	11,241	4	11,353	-	-	3	14,485	-	-	1	3,260	40	336,
Etats-Unis	3	15,184	3	19,415	5	4,442	5	21,286	3	37,456	5	34,821	40	247,
Chypre	10	59,428	20	104,736	16	48,269	25	74,250	24	67,841	18	51,583	169	633,5
Belgique	-	-	-	-	-	-	-	-	1	1,250	-	-	2	4,
France	1	3,614	-	-	-	-	2	19,515	4	87,722	1	586	15	154,
Grèce	25	225,118	25	225,268	32	187,147	74	565,681	72	619,698	37	298,460	388	2,786,
Pays-Bas	X	X	1	598	2	2,591	1	784	2	2,320	-	-	13	17,
Danemark	2	49,483	1	500	1	500	3	11,699	3	21,469	2	5,843	21	111,
R.F.A.	5	4,808	4	4,761	-	-	2	37,634	2	1,879	-	-	30	94,
Royaume-Uni	11	60,214	1	1,599	3	6,716	2	8,833	4	7,950	4	93,831	62	303,

Source : Institute of shipping economics Brême 1973,75,77, 81

- : aucune perte enregistrée
 x : donnée non disponible

RÉSOLUTION

relative à la création d'une Fondation européenne pour la sécurité en mer

Le Parlement européen,

- vu la proposition de résolution de M. LAGAKOS et consorts relative à la création d'une Fondation européenne pour la sécurité en mer (doc. 1-78/82),
- vu le rapport de la commission des transports et l'avis de la commission de l'environnement, de la santé publique et de la protection des consommateurs (doc. 1-773/83),
- considérant que :
 - A. La flotte marchande de la Communauté est plus importante que n'importe quelle flotte marchande nationale, ce qui signifie que des mesures adoptées au plan communautaire peuvent apporter une contribution essentielle à la solution des problèmes des transports maritimes dans le monde entier,
 - B. La prochaine adhésion de l'Espagne et du Portugal à la Communauté confèrera d'une manière générale à la flotte marchande de celle-ci un rôle plus important et plus déterminant, notamment en Méditerranée,
 - C. L'observance des règles de sécurité en vigueur dans la navigation internationale laisse à désirer, ce qui entraîne de nombreux accidents, lesquels provoquent beaucoup de pertes en vies humaines ainsi que des dégâts dont l'ampleur est parfois catastrophique,
 - D. Le degré élevé de risques dans les transports maritimes internationaux est dû à la vétusté d'un grand nombre de navires ainsi qu'à la sécurité fort réduite qu'ils offrent du point de vue de la construction, à la formation incomplète des équipages et à l'insuffisance de l'entraînement qu'ils reçoivent en matière de sécurité et de survie ainsi qu'au fait que de nombreux pays n'observent pas les accords internationaux passés dans le domaine de la navigation maritime,
 - E. La Communauté européenne pourrait, en faisant appel à des organisations gouvernementales et non gouvernementales, contribuer plus efficacement à l'accroissement de la sécurité des transports maritimes internationaux si, dans sa propre sphère d'influence, elle observait strictement les conventions et règlements internationaux en matière de sécurité, ce qui inciterait les autres nations maritimes à faire de même,

- F. toutefois, la Commission n'est pas en mesure, à l'heure actuelle, d'élaborer des propositions idoines visant à améliorer la sécurité des transports maritimes sur la base des résultats de la recherche scientifique,
- G. il faut déplorer que la Communauté ne dispose pas d'une institution qui soit chargée, d'une part, de rassembler les résultats obtenus dans le cadre d'autres travaux de recherche effectués par les différents organismes qui se consacrent déjà à la sécurité de la navigation maritime et, d'autre part, d'élaborer, sur cette base, des propositions concrètes et applicables concernant la politique communautaire dans ledit domaine,
- H. la fondation à créer devrait également être en mesure de mener elle-même des recherches ou, si le besoin s'en fait sentir, d'en charger d'autres organismes,
- I. cette fondation devrait avoir pour tâche principale d'organiser des cours de perfectionnement en vue de sensibiliser davantage les équipages aux problèmes de sécurité et d'élaborer des stratégies propices à celle-ci et s'appuyant sur les recherches les plus récentes,
- J. les transports maritimes jouent traditionnellement un rôle important en Grèce et la création d'une Fondation communautaire consacrée aux transports maritimes pourrait avoir une grande valeur symbolique pour la Grèce, après son adhésion à la Communauté,
- K. aucune institution communautaire n'est établie sur le sol grec :
1. demande que la Communauté européenne crée, sur le sol grec, une Fondation européenne pour la sécurité en mer ;
 2. estime que les compétences et objectifs suivants devraient être assignés à cette Fondation :
 - a) inventaire des résultats et de l'état d'avancement des recherches effectuées, en matière de sécurité maritime, par d'autres organismes ;
 - b) examen desdits résultats et, dans la mesure où la chose s'impose, réalisation de recherches complémentaires, d'autres institutions ou organismes se voyant, le cas échéant, confier la tâche d'effectuer lesdites recherches ;

F. toutefois, la Commission n'est pas en mesure, à l'heure actuelle, d'élabo-
rer des propositions détaillées visant à améliorer la sécurité des transports
maritimes sur la base des résultats de la recherche scientifique.

G. Il faut déplorer que la Communauté ne dispose pas d'une institution qui
soit chargée, d'une part, de rassembler les résultats obtenus dans le cadre
d'autres travaux de recherche effectués par les différents organismes qui
se consacrent déjà à la sécurité de la navigation maritime et, d'autre part,
d'élaborer, sur cette base, des propositions concrètes et applicables con-
cernant la politique communautaire dans ledit domaine.

H. La fondation à créer devrait également être en mesure de mener elle-même
des recherches ou, si le besoin s'en fait sentir, d'en charger d'autres
organismes.

I. Cette fondation devrait avoir pour tâche principale d'organiser des cours
de perfectionnement en vue de sensibiliser davantage les équipages aux
problèmes de sécurité et d'élaborer des stratégies propres à celle-ci et
s'appuyant sur les recherches les plus récentes.

J. Les transports maritimes jouent traditionnellement un rôle important en
Grèce et la création d'une fondation communautaire consacrée aux transports
maritimes pourrait avoir une grande valeur symbolique pour la Grèce, après
son adhésion à la Communauté.

K. aucune institution communautaire n'est établie sur le sol grec :

1. demande que la Communauté européenne crée, sur le sol grec, une fondation
européenne pour la sécurité en mer ;

2. estime que les compétences et objectifs suivants devraient être assignés
à cette fondation :

a) inventaire des résultats et de l'état d'avancement des recherches ef-
fectuées, en matière de sécurité maritime, par d'autres organismes ;

b) examen desdits résultats et, dans la mesure où la chose s'impose,
réalisation de recherches complémentaires, d'autres institutions ou
organismes se voyant, le cas échéant, confier la tâche d'effectuer
lesdites recherches ;

- c) élaboration de stratégies en matière de sécurité applicables à la navigation maritime internationale ;
 - d) élaboration de propositions concrètes et réalisables concernant la politique de la Communauté dans ce domaine, et
 - e) organisation de cours de perfectionnement destinés aux équipages, dans le but, notamment, de les sensibiliser davantage aux problèmes de sécurité et de les entraîner aux opérations de survie ;
3. estime que cette Fondation devrait être créée sur la base du traité instituant la CEE, en qualité d'organisme de la Communauté ;
 4. propose que la dotation financière de cette Fondation provienne du budget des Communautés ; il conviendrait, par ailleurs, que la Fondation puisse bénéficier de l'aide financière d'organismes publics ou privés et d'autres institutions désireux de contribuer à la réalisation des objectifs de la Fondation ;
 5. invite la Commission à élaborer, dans le délai d'un an, une proposition d'acte juridique communautaire permettant de créer cette Fondation ;
 6. invite la Commission à prendre dès maintenant contact avec le gouvernement hellénique afin de déterminer si la Grèce est disposée à accueillir la Fondation et quel siège peut être envisagé pour celle-ci ;
 7. charge son Président de transmettre la présente résolution au Conseil, à la Commission et au gouvernement grec.

PARLEMENT EUROPÉEN

COMMISSION DES TRANSPORTS

Communication aux membres

Objet : Statistiques des accidents maritimes

Vous trouverez ci-joint en complément à la communication aux membres PE 84.318 les statistiques complètes des pertes totales des navires de 500 TJB ou plus au cours de la période 1963-1980, par pavillon.

DIRECTION GENERALE DES COMMISSIONS
ET DELEGATIONS INTERPARLEMENTAIRES

ANNEXE

2 juin 1983

PE 85.201

Tous bateaux : statistiques des pertes totales (navires de 500 tjb ou plus) 1968 - 1980 : par pavillon

Année/Pavillon	1968		1969		1970		1971		1972		1973		1974	
	No	TJB	No	TJB	No	TJB	No	TJB	No	TJB	No	TJB	No	TJB
Libéria	3	27,796	4	32,970	16	120,312	20	282,524	27	253,303	17	299,959	14	220,952
Japon	1	5,617	-	-	6	52,508	11	32,713	15	28,214	13	17,853	8	62,364
Panama	3	17,002	2	5,598	22	111,331	20	80,702	18	90,039	19	104,978	20	71,811
URSS	1	9,437	-	-	2	4,553	1	1,865	-	-	1	3,170	4	19,253
Norvège	2	5,676	-	-	4	61,892	5	64,855	3	50,006	6	32,459	7	81,366
Etats-Unis	1	1,462	-	-	4	13,308	2	27,836	5	20,636	3	26,535	3	24,680
Chypre	X	X	X	X	5	16,295	8	26,638	14	43,222	19	87,310	20	54,022
Belgique	X	X	X	X	-	-	-	-	-	-	1	3,710	-	-
France	X	X	X	X	-	-	2	27,302	-	-	2	11,481	3	4,083
Grèce	3	18,364	2	3,680	24	117,901	30	142,207	20	160,745	19	89,593	25	132,277
Pays-Bas	-	-	-	-	4	8,296	-	-	2	1,716	1	1,128	-	-
Danemark	X	X	X	X	1	500	3	16,024	2	1,021	-	-	3	4,199
R.F.A.	-	-	1	962	4	4,944	2	8,312	3	2,968	1	1,000	6	27,313
Royaume-Uni	2	9,816	-	-	7	32,998	4	9,565	6	18,212	9	26,741	9	27,464
Italie	-	-	-	-	4	21,619	2	4,317	5	21,892	12	136,535	10	95,711
Irlande	X	X	X	X	-	-	-	-	1	7,785	1	533	-	-

Source : Institute of shipping economics, Brème 1973, 75, 77, 81

- = aucune perte enregistrée

X = donnée non disponible

Tous bateaux : statistiques des pertes totales (navires de 500 tjb ou plus) 1968 - 1980 : par pavillon

Année/Pavillon	1975		1976		1977		1978		1979		1980		1968-80	
	No	TJB	No	TJB	No	TJB	No	TJB	No	TJB	No	TJB		
Libéria	20	273,882	20	362,014	16	346,026	8	108,017	15	782,037	12	519,051	192	3,629,843
Japon	11	58,448	12	25,717	6	103,922	13	26,445	10	17,738	7	59,072	113	490,611
Panama	37	164,825	52	208,151	45	222,095	48	206,538	52	204,934	47	134,139	385	1,622,154
URSS	3	11,688	3	17,614	3	10,955	-	-	2	1,826	-	-	20	80,341
Norvège	5	11,241	4	11,353	-	-	3	14,485	-	-	1	3,260	40	336,591
Etats-Unis	3	15,184	3	19,415	5	4,442	5	21,286	3	37,456	5	34,821	40	247,061
Chypre	10	59,428	20	104,736	16	48,269	25	74,250	24	67,841	18	51,583	169	633,591
Belgique	-	-	-	-	-	-	-	-	1	1,250	-	-	2	4,951
France	1	3,614	-	-	-	-	2	19,515	4	87,722	1	586	15	154,301
Grèce	25	225,118	25	225,268	32	187,147	74	565,681	72	619,698	37	298,460	388	2,786,131
Pays-Bas	X	X	1	598	2	2,591	1	784	2	2,320	-	-	13	17,440
Danemark	2	49,483	1	500	1	500	3	11,699	3	21,469	2	5,843	21	111,231
R.F.A.	5	4,808	4	4,761	-	-	2	37,634	2	1,879	-	-	30	94,581
Royaume-Uni	11	60,214	1	1,599	3	6,716	2	8,833	4	7,950	4	93,831	62	303,931
Italie	4	9,858	3	3,273	3	4,499	6	15,300	8	37,933	7	49,164	64	400,101
Irlande	-	-	-	-	X	X	X	X	X	X	X	X	2	8,440

Source : Institute of shipping economics, Brême 1973, 75, 77, 81

- = aucune perte enregistrée

X = donnée non disponible

EMBARGO : 10.45 am Tuesday 22 November

SPEAKING AT THE CONFERENCE ON EUROPEAN SHIPPING
IN LONDON ON TUESDAY 22 NOVEMBER, NEIL KINNOCK,
LEADER OF THE LABOUR PARTY, SAID :

The subject of today's conference is doubly appropriate and timely.

Firstly, because of what has been happening to the shipping industry. For a traditional, maritime nation like Britain shipping has been the main artery through which our commercial lifeblood has flowed for centuries. To cut that artery would be nothing less than economic suicide.

And secondly, because today's conference deals with shipping within the context of Europe - a context which is becoming increasingly important for all of us.

For those involved in shipping - and by that I mean those involved in the production or manning of ships rather than those whose experience of floating is limited mainly to the Stock Exchange - the last few years in Europe have not been happy ones.

The glorification of the free market which has been such a prominent feature of European politics has meant the subordination of individual workers, industries and sometimes nations, to an economic regime which is - in theory - obsessive about low costs and high profits but which, in practise, means wasted resources, diminished trade, depressed investment, retarded wages and reduced employment.

I don't have to tell anyone here today what that has meant for the shipping industry. The increased use of Flags of Convenience and the exploitation of cheap labour, far from strengthening European shipping unavoidably weakens it, perhaps fatally.

The effects are being felt by those who work in the industry. First, there is downward pressure on the number of European seamen retained within the industry. Secondly, the exploitation of cheap labour from developing countries leads to downward pressure on wages, conditions and manning levels and, thirdly, a combination of these factors brings increases in the length of the working week within the industry.

This is not merely a matter of discomfort or inconvenience. It is a matter of great personal hazard - the seaman's occupation is approximately 35 times more dangerous than normal manufacturing work, and casualty figures are four times higher than in coal mining.

But, of course, quite apart from deteriorating standards within the industry, shipping as a whole is threatened with the short term expediency of the current economic regime. Since the present Prime Minister came to power in Britain, for instance, the merchant fleet has slumped from 1200 to under 800 vessels. And month after month, further rundowns or closures have been inflicted on our shipbuilding capacity on the Tyne, the Clyde and elsewhere throughout Britain.

Tragically, that has been the story of not only shipping, but of industry after industry in the Britain of the 1980s. A story of suppressed demand, strangled investment and stagnating skills.

In the late '80s and in the 1990s, Labour will have to rebuild what has been destroyed in the Thatcher years.

That is precisely why the forthcoming European elections are so important. As I made clear when I visited the Socialist Group in the European Parliament in September, the Labour Party intends to fight and to win in those elections.

Britain is part of the Common Market and is going to remain part of it for the immediate future. For us, the most pressing item now on the agenda, the questions which we have to face up to most urgently, are those which relate to the changes which are necessary in order to make the EEC serve the interests of the working people of Britain and of Europe. We know that we are best equipped to do that.

The EEC was built in the atmosphere of the immediate post-War years to serve the needs of fewer countries in a different economic, technological and trading era. There is daily evidence to show that it cannot be satisfactorily adapted to meet the diverse requirements of new Member States and that it has not been adjusted to accommodate the needs, either of countries which depend upon substantial food imports or of countries that are restructuring their economies.

We are not, therefore, impressed by the institution for it does not fulfil the changing practical, functional requirements of people throughout Europe. And it is that criteria, and not sentimental or nationalist criteria, on which we judge the Common Market and on which the Common Market must be judged.

In Britain, our primary duty is, of course, to the people of Britain for we are clearly charged with the duty of protecting and advancing their interests and we shall discharge that duty.

But that does not imply a narrow, introspective approach. The scourge of monetarist thinking, the scandal of mass unemployment, the scale of the nuclear threat confronts all of us and spills over the boundaries between the United Kingdom and the rest of Europe. These afflictions of our continent and our time demand joint, co-ordinated answers and joint, co-ordinated action on a European scale if we are to create the context within which the policies which we wish to see pursued in Britain and elsewhere are to have an enduring effect.

At next year's European Elections we have to convince the people of Britain and of Europe that just as Government policies produced the recession, so too Government action can get us out of it. And we must put to that electorate, throughout Europe, a joint programme of action which will provide for policies of co-ordinated expansion across Europe.

I believe that this issue more than any other will dominate the elections.

The second major issue which will press upon us and does so now ever more heavily is the threat posed to the whole of civilisation by the escalation of the nuclear arms race in Europe. On that too a common front must be the order of the day and the decade.

We meet here today eight days after the first Cruise missiles landed in Britain. And with their introduction we now face a challenge not just to safety but to survival. Cruise - and Pershing - are weapons devised not to deter nuclear war but to wage nuclear war. They and the SS20s bring nearer the horrific possibility of the super powers making a nuclear battlefield of Europe.

The fundamental nature of this threat to Europe demands that the dangerous acceleration of the arms race must be an essential issue in the European elections. It is sanity and not selfishness which requires us to urgently develop a common programme for throwing the nuclear escalator in reverse and to secure widespread public understanding and support for the reduction, removal and abolition of nuclear weapons. -

In the short and medium term we will inevitably have to move at different paces towards diverse objectives in our own countries for the conditions in each country vary. But our common, overall aim is best expressed - in the words of the American Labour and Civil Rights song -

"Keep your eyes on the prize, hold on, hold on"

And the prize which we seek, in the name of humanity, of proper use of resources, of resilient peace between nations, is nuclear disarmament.

There are other matters which must receive urgent attention if the interests of workers in Europe and beyond are to be safeguarded. I select two which are, in my view, of central importance:

The first, of course, must be significant change in the Common Agricultural Policy. Any system that makes rich farmers richer, and poor consumers poorer is intolerable. We cannot and will not acquiesce in the creation of mountains of surplus produce which impose unnecessary costs on the consumers of Europe and disadvantages upon economies elsewhere which depend upon agricultural exports.

There need be no serious differences between socialists on the fundamental objectives of reform. We must shift the burden of funding the CAP from less-well-off consumers to better-off taxpayers. And we need to bring to an end the open-ended guarantees that stimulate open-ended production from farmers. Of course, within that overall reform, it will be important to protect the interests of small subsistence farmers. But I do not believe that this presents insurmountable difficulties.

I do not for one moment suggest that there are no areas of difference between ourselves and other socialists in Europe. Unfortunately, one such issue is the matter of Britain's budgetary contributions to the EEC. Even with the utmost goodwill, it is self-evident that our country cannot accept the position of permanent, structural deficit in relation to the Community Budget.

This is not just a matter of Britain's self-interest, although this plays its part in it. But, in addition, as socialists who seek to place the greatest tax burden on the broadest shoulders, we in the Labour Party are particularly concerned at the inequity by which Britain, which is the 7th poorest Member State, must make the second largest net contribution. We will, therefore, press for a just and permanent solution to this problem.

But we have to go further than mere reform of the CAP. We need to shift the priorities of the Community away from a narrow pre-occupation with agriculture; to seek an equal priority for Social Programmes; to challenge deprivation and inequality, and install a new emphasis for regional policies which address the increasing imbalance between the nations of Europe and the regions within the nations of Europe whose economies have been diverging into extremes of prosperity and penury rather than converging at a higher level of development.

Secondly, and equally essential, our objective must be to make a reality of the rhetoric which we all use concerning control of the multinationals. It is clearly in the enlightened, self-interest of European nations to do so and it also means curtailing the power of multinational and transnational corporations in order to produce a cohesive, co-operative and mutually beneficial relationship between Europe and developing countries.

It is within this context that I welcome the Vredeling proposals for information and consultation.

They represent a recognition that the large business enterprises - by which the British economy is dominated - demand new forms of information disclosure backed up by some teeth. In this sense the proposals are a logical development from the voluntary UN and OECD codes on international companies. The disclosure of appropriate information must be one of the essential features in achieving effective communication within industry, and advantage for working people.

However, while the proposals represent a step in the right direction, they are a modest step. The teeth are not yet sharp enough in endowing worker-representatives with the right to comprehensive information.

But, notwithstanding their modesty, the proposals have been sufficient to arouse the antagonism of the present British Government. The same Government which is at present determined to impose bureaucratic, legalistic and financial straightjackets on the Trade Union Movement, has been moved to outright hostility by the cautious, some would say over-cautious, attempt to introduce some semblance of real democracy into the workings of large, unaccountable, business corporations.

The British Government's Consultative Document on the Vredeling proposals exhibits little more than their own partisan prejudice. Nothing would expose and isolate that prejudice more than initiatives in other European countries in support of the proposals. That is an immediate, practical and tangible task which can be undertaken in Europe to assist us politically and industrially within Britain.

We look forward to your success in that direction.

We will use it, we will learn from it, and we will build upon it.

I congratulate you on taking the initiative in arranging today's conference. I am sure it will be successful both in terms of your discussions on shipping, and as one more step towards ensuring that it is socialism's voice which represents the real interests of the British people in Europe.

ANNUAL REPORT on the implementation of the
MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL
(1 July 1982 - 30 June 1983).

1. Historical background

At the second European Regional Conference of Ministers on Maritime Safety (Paris, 26 January 1982) the Memorandum of Understanding (MOU) on Port State Control was agreed to by the maritime authorities of Belgium, Denmark, Finland, France, the Federal Republic of Germany, Greece, Ireland, Italy, the Netherlands, Norway, Portugal, Spain, Sweden and the United Kingdom.

This MOU has taken the place of the so-called Hague Memorandum, which had been in operation since 1978 between nine Western European maritime authorities and which constituted the first step towards coordinated and harmonized port state control.

Under the influence of events such as the disaster caused by the foundering of the Amoco Cadiz in March 1978, the need for more stringent commitments in the field of port state control was felt. The participating authorities felt that more effective action to prevent the operation of substandard ships was required, while recognizing the need to avoid distortion of competition between ports.

Furthermore, they wanted to contribute towards an increased level of safety at sea, the protection of the environment and improved living and working conditions on board ships.

2. Scope of the MOU

The fourteen maritime authorities intend to realize these aims through an effective and harmonized system of port state control. They have each committed themselves to inspect by 1 July 1985, 25% of the estimated number of individual foreign flag merchant ships which enter their respective ports per year.

Such inspections are carried out on the basis of provisions in internationally agreed conventions of the IMO (International Maritime Organization) and the ILO (International Labour Organisation).

The following conventions are "relevant instruments" for the purposes of the MOU:

- the International Convention on Load Lines, 1966;
- the International Convention for the Safety of Life at Sea, 1974;
- the Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974;
- the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto;
- the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978;
- the Convention on the International Regulations for Preventing Collisions at Sea, 1972;
- the Merchant Shipping (Minimum Standards) Convention, 1976, (ILO Convention no. 147).

Each maritime authority participating in the MOU will apply those relevant instruments which are in force and to which its state is a party.

Inspections carried out under the MOU are made without discrimination as to flag. Such inspections are carried out by qualified persons, authorized by and under the responsibility of the port state concerned.

3. Port State Control Committee

When the MOU came into operation a Port State Control (PSC) Committee was established, composed of a representative of each participating authority and of the Commission of the European Communities. An observer of the IMO and of the ILO participate in the work of the Committee as well.

This PSC Committee has the primary administrative responsibility for the MOU

- by promoting the harmonization of procedures and practices relating to inspection, rectification, detention and the application of the so-called "no more favourable treatment clause" (see p 4 for more)
- by developing and reviewing guidelines for carrying out inspections under the MOU
- by developing and reviewing procedures for the exchange of information
- by keeping under review other matters relating to the operation and the effectiveness of the MOU

The first meeting of the PSC Committee was held in The Hague in October 1982 and the second meeting in Copenhagen in May 1983. The third meeting will be held in London in November 1983.

Furthermore, under the guidance of the Committee, a working group for the information system met on several occasions in The Hague in the course of 1982/1983.

Another working group, on guidelines for carrying out inspections under the MOU, met in Hamburg in April 1983.

Also in April 1983, a seminar for surveyors was held in Norrköping as a step towards the harmonization of inspections which are carried out by the member states. A second seminar is scheduled to be held in France in the spring of 1984.

4. Results and decisions in 1982/1983

a. Port State Inspection Report

The PSC Committee adopted a standard Port State Inspection Report which will be presented to the master of a ship after it has been inspected. These Port State Inspection Reports will be in use as from half November 1983.

b. Information system

The PSC Committee has decided to establish a computerized regional information system for exchanging information and for statistical purposes. This system will become operational in January 1984.

It will, just like the present provisional information system, be based in the computer centre of the French Maritime Administration at Saint Malo.

All MOU participants provide information to the computer centre daily. From January 1984 on they will, through direct access to the computer, be kept informed of all inspections made by the participants. This will, inter alia, help authorities to implement the provision in the MOU which states, that "the authorities will seek to avoid inspecting ships which have been inspected by any of the other authorities within the previous six months, unless they have clear grounds for inspection".

c. Some figures

In the first year of its operation 8838 ships of 109 countries have been inspected in accordance with the MOU in the ports of the participating authorities' states. (see Annex 1)

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The total number of ships with deficiencies serious enough as to delay (110) or detain (161) the ship amounts to 271.

Most deficiencies (almost 30%) were found in the life saving appliances, followed by fire fighting equipment (almost 17%). (see Annex 2).

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d. Periodical statistics and reports

In future, the Secretariat will publish such statistical data every six months. Furthermore, it will publish annual reports on the activities undertaken under the MOU.

e. No more favourable treatment

The MOU contains the following provision:
"In applying a relevant instrument for the purposes of port state control, the Authorities will ensure that no more favourable treatment is given to ships entitled to fly the flag of a state which is not a party to that instrument".

The Committee reaffirmed that this provision applies to cases in which the relevant instrument itself contains a no more favourable treatment clause. Of course, the port state must also be a party to the convention concerned.

With respect to this provision the PSC Committee agreed that, in principle, ships flying the flag of a "non-convention state" should comply with the same relevant instrument standards as the ships of the port state visited. If a ship from a non-convention state does not comply with the standards of the relevant instruments in force in the port state, it may be allowed, if there is no practical way of overcoming the deficiencies, to proceed to sea whenever this can be done without unreasonable danger to safety, health, or the environment, having regard to the particular circumstances of the intended voyage.

f. International Convention for the Prevention of Pollution from Ships and its Protocol (MARPOL 73/78).

On 2 October 1983 MARPOL 73/78, one of the relevant instruments for the MOU, will enter into force. The PSC Committee decided to adopt the IMO guidelines for the control of MARPOL 73/78 standards after and subject to their adoption by the IMO Assembly in November 1983. The third PSC Committee meeting will be held after the IMO Assembly in November 1983, to enable the Committee to discuss the inclusion of guidelines for the control on MARPOL 73/78 into the MOU on the basis of the results of the IMO Assembly.

5. Present status of the relevant instruments

The Governments of the MOU-partners are making every effort to complete the ratification procedures of the relevant instruments for the purposes of the MOU (as listed on p.2) as soon as possible. Although the rapidity with which such procedures can be completed is sometimes subject to unforeseeable factors, the MOU partners expect to have ratified all these relevant instruments in 1984. (See Annex 3 for a table showing the present status of these relevant instruments).

For further information please contact:

Secretariat of the Memorandum of Understanding on Port State Control

P.O. Box 5817

2280 HV RIJSWIJK

The Netherlands

tel.: (070) - 94 94 20

- Annexes: 1. Inspections of foreign flag ships according to the MOU on Port State Control
- 2. Major categories of deficiencies found from 1 July 1982 to 30 June 1983
Deficiencies found during the period 1 July 1982 to 30 June 1983
- 3. Present status of the relevant instruments for the purposes of the MOU.

INSPECTIONS OF FOREIGN FLAG SHIPS ACCORDING TO THE MOU
ON PORT STATE CONTROL
FROM 1 July 1982 TO 30 JUNE 1983

<u>FLAG STATES</u>	<u>NUMBER OF INSPECTIONS CARRIED OUT</u>	<u>FLAG STATES</u>	<u>NUMBER OF INSPECTIONS CARRIED OUT</u>
Algeria	43	Ethiopia	5
Angola	6	Finland	113
Antilles, British	30	France	78
Antilles, Netherlands	1	Gabon	1
Argentina	30	Gambia	3
Australia	3	Germany	2
Austria	31	German Democratic Republic	64
Bahamas	21	Germany, Federal Republic of	918
Bangladesh	11	Ghana	19
Barbados	1	Gibraltar	5
Belgium	27	Greece	711
Benin	1	Grenada	1
Bolivia	2	Honduras	34
Brasil	50	Hong Kong	31
Bulgaria	35	Hungary	17
Burma	9	Iceland	30
Cameroon	8	India	96
Cape Verde	7	Indonesia	19
Chile	7	Iraq	18
China Nationalist (Taiwan)	5	Iran	10
China, People's Republic of	112	Ireland	75
Cyprus	358	Israel	24
Colombia	8	Italy	148
Cuba	9	Ivory Coast	18
Czechoslovakia	6	Japan	130
Denmark	336	Jordania	4
Egypt	50	Korea	11
Ecuador	14	Korea, North	3
		Korea, South	16
		Kuwait	21

ANNEX 1 (continued)

- 2 -

<u>FLAG STATES</u>	<u>NUMBER OF INSPECTIONS CARRIED OUT</u>	<u>FLAG STATES</u>	<u>NUMBER OF INSPECTIONS CARRIED OUT</u>
Lebanon	53	Singapore	171
Liberia	448	Somalia	1
Lybian Arab Yamahirya	23	South Africa	1
Madagascar	8	Spain	264
Malaysia	17	Sudan	14
Maldives	6	Sri Lanka	9
Malta	58	Sweden	197
Marocco	35	Switzerland	35
Mauritius	1	Syria	4
Mauritania	2	Tanzania	1
Mexico	16	Thailand	12
Netherlands, The	530	Togo	2
New Zealand	1	Tunesia	25
Nicaragua	1	Turkey	97
Niger	3	United Kingdom	311
Nigeria	17	Uruguay	9
Norway	341	U.S.S.R.	521
Oman	3	U.S.A.	39
Pakistan	27	Venezuela	6
Panama	1112	Vietnam	1
Paraguay	1	Yemen, Democratic	
Peru	11	People's Republic of	2
Philippines	64	Yugoslavia	160
Poland	179	Zaire	14
Portugal	15		
Qatar	2	TOTAL: 109 countries	8839
Romania	47		
Samoa	1		
Saudi Arabia	73		
Senegal	2		

MAJOR CATEGORIES OF DEFICIENCIES FOUND
FROM 1 JULY 1982 TO 30 JUNE 1983

	NUMBER	%
SHIP'S CERTIFICATES	579	6.93
CREW	376	4.50
ACCOMMODATION	256	3.06
FOOD AND CATERING	57	0.68
WORKING SPACE	32	0.38
LIFE SAVING APPLIANCES	2480	29.69
FIRE FIGHTING APPLIANCES	1411	16.89
ACCIDENT PREVENTION	62	0.74
SAFETY IN GENERAL	1010	12.09
ALARM SIGNALS	39	0.46
CARGO	119	1.42
LOAD LINES	524	6.27
MOORING ARRANGEMENTS	75	0.89
PROPULSION AND AUXILIARY MACHINERY	148	1.77
NAVIGATION	952	11.39
RADIO	86	1.02
ALL OTHER DEFICIENCIES	63	0.75
OTHER DEFICIENCIES (not clearly hazardous - to safety)	83	0.99
TOTAL	8352	

DEFICIENCIES FOUND DURING THE PERIOD 01 JULY 1982 TO 30 JUNE 1983

SHIP'S CERTIFICATES

Category	Quantity	Description	Quantity	Description	Quantity	Description
Ship's Certificates(General)	9	LIFE SAVING APPLIANCES	18	Explosion, Fuel and Other Tanks	18	PROPULSION & AUXILIARY MACHINERY
Solas Safety Equipment	126	Life Saving Appliances(General)	2	Emergency Lighting, Batteries & Switches	69	Propulsion & Auxiliary Machinery
Solas Safety Construction	54	Lifeboats	346	Electric Equipment in General	51	Propulsion, Main Engines
Solas Passenger Safety	117	Lifeboat Inventory	251	Pilot Ladders	162	Cleanliness of Engine Room
Solas Safety Radio	68	Liferafts	552	Gangway, Accommodation Ladder	337	Auxiliary Engines
Lead Lines	1	Launching Devices	158	Mens of Escape	23	Bilge Pumping Arrangements
Liquified Gases(Cert. Of Fitness)	1	Distress Signals	320	Other	67	Dunkering Equipment
Chemicals In Bulk(Cert. Of Fitness)	1	Lifebuoys	565	ALARM SIGNALS	1	NAVIGATION
Other	202	Lifejackets	41	Alarm Signals(General)	22	Navigation
CREW		Other	245	General Alarm	7	Equipment
Crew(General)	1	FIRE FIGHTING APPLIANCES	245	Fire Alarm	9	Shipborne Navigational Equipment
Minimum Age	-	Fire Fighting Appliances(General)	-	Other	-	Radar
Certificates Of Competency	131	Prevention	3	CARBO	17	Gyro Compass
Number/Composition (according to safe manning documents if available)	115	Inert Gas System	7	Cargo	30	Magnetic Compass
Medical Certificates	116	Detection	12	Stowage	4	Lights, Shapes and Souns Signals
Other	13	Fire Fighting Equipment	320	Grain	4	Signalling Lamp
ACCOMMODATION		Fixed Fire Extinguishing Installation	151	Dangerous Goods	-	Charts
Accommodation(General)	3	Appliances(General Equipment)	149	Other Cargoes	31	Nautical Publications
Dirty, Parasites	52	Personal Equipment	99	Loading and Unloading Equipment	13	Other
Ventilation, Heating	70	Pumps	101	Holds and Tanks	18	RADIO
Sanitary Facilities	15	Fire Dampers, Valves, Quick Closing - Devices, Remote Control	456	Other	1	Radio(General)
Drainage	25	International Shore Connection	25	LOAD LINES	18	Auto Alarm
Lighting	25	Other	88	Load Lines(General)	18	Main Installation
Pipes, Wires(Insulation)	10	ACCIDENT PREVENTION	2	Overloading	94	Reserve Installation
Sick Bay	17	Accident Prevention(General)	15	Freeboard Marks	64	Direction Finder
Medical Equipment	16	Personal Equipment	6	Railing, Catwalks	29	Other
Other	31	Protection Machines/Parts	17	Cargo and Other Hatchways	49	ALL OTHER DEFICIENCIES
FOOD AND CATERING		Pipes, Wires(Insulation)	22	Covers(hatchway-, portabl-., tarpaulins)	56	All Other Deficiencies
Food and Catering(General)	1	Other	22	Windows, Side Scuttles	57	OTHER DEFICIENCIES(NOT CLEARLY HAZARDOUS TO SAFETY)
Galley, Handling Rooms	28	SAFETY IN GENERAL	4	Doors	119	
Provisions	12	Safety in General	27	Ventilators, Air Pipes, Castings	37	
Water, Pipes and Tanks	6	Closing Devices, Watertight Doors	11	Other	-	
Other	6	Signs Indications	48	MOORING ARRANGEMENTS	3	
WORKING SPACE		Safety Plan	90	Mooring Arrangements(General)	24	
Working Space	7	Masters and Drills	26	Ropes, Wires	14	
Ventilation, Heating	17	Stability and Strength	53	Anchoring Devices	34	
Lighting	8	Construction Decks, Beams, Hull, Bulkheads	24	Winches, Capstans		
Other		Steering Gear		Other		

STATUS OF THE "RELEVANT INSTRUMENTS" FOR THE PURPOSES OF THE MOU

Information as at 1 JULY 1983	SOLAS 1974	PROTOCOL 1978 SOLAS 1974	MARPOL 73/78	ILO No. 147	STCW 1978	BOIREG 1972	LOAD LINES			
							1966	amendments		
								1971	1975	1979
BELGIUM	X	X		X	X	X	X	X	X	X
DENMARK	X	X	X	X	X	X	X	X	X	X
FINLAND	X	X		X		X			X	
FRANCE	X	X	X	X	X	X	X	X	X	X
GERMANY F.R. OF	X	X	X	X	X	X	X	X	X	X
GREECE	X	X	X	X	X	X	X	X	X	X
IRELAND						X	X	X		
ITALY	X	X	X	X		X				
NETHERLANDS, THE	X	X	X	X		X	X	X	X	X
NORWAY	X	X	X	X	X	X	X	X	X	X
PORTUGAL						X				
SPAIN	X	X		X	X	X				
SWEDEN	X	X	X	X	X	X	X	X	X	X
UNITED KINGDOM	X	X	X	X	X	X	X	X	X	X
DATE OF ENTRY INTO FORCE	25.5.80	1.5.81	2.10.83	28.11.81	27.4.84	15.7.77				21.7.68

X = HAS BEEN RATIFIED

RAPPORT ANNUEL sur la mise en oeuvre du
MEMORANDUM D'ENTENTE SUR LE CONTROLE DES NAVIRES PAR L'ETAT DU PORT
(1er juillet 1982 - 30 juin 1983)

1. Historique

A l'occasion de la deuxième Conférence ministérielle européenne sur la sécurité maritime (organisée à Paris le 26 janvier 1982), le Mémorandum d'entente sur le contrôle des navires par l'Etat du port a reçu la signature des autorités maritimes des pays suivants : République fédérale d'Allemagne, Belgique, Danemark, Espagne, Finlande, France, Grèce, Irlande, Italie, Norvège, Pays-Bas, Portugal, Royaume-Uni et Suède.

Ce document remplace les Règles dites "de la Haye", qui étaient en vigueur depuis 1978 entre neuf administrations maritimes d'Europe occidentale et constituaient un premier pas dans la voie d'un contrôle coordonné et harmonisé des navires par l'Etat du port.

Le cours des événements, notamment la catastrophe provoquée par le naufrage de l'Amoco Cadiz survenu en mars 1978, a fait apparaître la nécessité de règles plus strictes en matière de contrôle des navires par l'Etat du port. Les autorités signataires du mémorandum se sont prononcées en faveur d'une action plus efficace en vue d'empêcher la circulation de navires ne répondant pas aux normes, reconnaissant par ailleurs qu'il importait d'éviter les distorsions de concurrence entre ports.

En outre, elles entendaient contribuer à la recherche d'une plus grande sécurité en mer, à la protection de l'environnement et à l'amélioration des conditions de vie et de travail à bord des navires.

2. Champ d'application du Mémorandum

Les quatorze administrations maritimes se proposent d'atteindre ces objectifs grâce à la mise en oeuvre d'un système efficace et harmonisé de contrôle des navires par l'Etat du port. Chacune d'entre elles s'est engagée à inspecter, avant le 1er juillet 1985, 25 % de l'ensemble, chiffré approximativement, des navires marchands battant pavillon d'un Etat étranger entrant dans les ports de leur territoire au cours d'une année.

Ces inspections sont effectuées sur la base des dispositions contenues dans les conventions internationales auxquelles se réfèrent l'OMI (Organisation Maritime Internationale) et l'OIT (Organisation Internationale du Travail).

Sont considérées comme "instruments applicables" aux fins du Mémorandum, les conventions suivantes :

- La Convention internationale de 1966 sur les lignes de charge ;
- La Convention internationale de 1974 pour la sauvegarde de la vie humaine en mer ;
- Le Protocole de 1978 relatif à la Convention internationale de 1974 pour la sauvegarde de la vie humaine en mer ;
- La Convention internationale de 1973 pour la prévention de la pollution par les navires, telle qu'elle a été amendée par le protocole de 1978 relatif à cette convention ;
- La Convention internationale de 1978 sur les normes de formation des gens de mer, de délivrance des brevets et de veille ;
- La Convention de 1972 sur les règles internationales destinées à prévenir les abordages en mer ;
- La Convention no 147 concernant les normes minimales à observer sur les navires marchands, adoptée par la Conférence internationale du travail en 1976.

Chaque administration maritime signataire du Mémorandum applique les instruments de référence qui sont en vigueur et auxquels l'Etat dont elle relève est partie.

Les inspections effectuées en application du Mémorandum le sont sans considération de pavillon. Elles sont menées à bien par des personnes qualifiées, avec l'autorisation et sous la responsabilité de l'Etat du port concerné.

3. Commission de contrôle des navires par l'Etat du port

Lors de l'entrée en vigueur du Mémorandum, il a été institué une commission de contrôle des navires par l'Etat du port, composée d'un représentant de chaque administration maritime participante et d'un représentant de la Commission des Communautés européennes. En outre, l'OMI et l'OIT participent aux travaux de la commission en qualité d'observateurs.

La commission de contrôle est le principal responsable administratif du Mémorandum

- en encourageant l'harmonisation des procédures et des pratiques se rapportant à l'inspection, la correction des déficiences, l'immobilisation des navires, ainsi que l'application de la "clause de l'égalité de traitement" (pour plus de détails, se reporter à la page 4),
- en mettant au point et en aménageant des directives sur les modalités des inspections prévues par le Mémorandum,
- en mettant au point et en aménageant des procédures concernant les échanges d'informations,
- en examinant d'autres questions se rapportant au fonctionnement et à l'efficacité du Mémorandum.

La commission de contrôle a tenu sa première réunion à La Haye en octobre 1982 et sa deuxième réunion à Copenhague en mai 1983. Elle se réunira pour la troisième fois à Londres en novembre 1983.

En outre, un groupe de travail chargé du système d'information s'est réuni à plusieurs reprises, sous l'égide de la commission, à La Haye depuis 1982.

Un autre groupe de travail, chargé des directives concernant les modalités des inspections prévues par le Mémorandum, s'est réuni à Hambourg en avril 1983.

A la même date, un séminaire d'experts tenu à Norrköping en vue d'harmoniser les inspections effectuées par les Etats membres. Un deuxième séminaire doit avoir lieu en France au printemps de 1984.

4. Résultats obtenus et décisions arrêtées en 1982/1983

a) Délivrance par l'Etat du port d'un rapport d'inspection

La commission de contrôle a retenu un rapport d'inspection type que l'Etat du port délivrera au capitaine du navire après inspection de ce dernier. Ces rapports seront dressés à compter de la mi-novembre 1983.

b) Système d'information

La commission de contrôle est convenue de mettre en place un système d'information régional informatisé destiné à assurer l'échange des informations et l'établissement de statistiques. Le système sera opérationnel en janvier 1984.

Comme le système d'information provisoire qui fonctionne actuellement, le nouveau système sera installé au centre informatique de l'Administration maritime française, à Saint-Malo. Les signataires du Mémoire, qui tous fournissent des informations quotidiennes au centre informatique, seront tenus informés, à compter de janvier 1984, de toutes les inspections opérées par chacun d'entre eux, et ce par accès direct à l'unité centrale. C'est là un des moyens d'aider les autorités à appliquer la règle prévue dans le Mémoire, aux termes de laquelle "Les autorités veilleront à éviter d'inspecter les navires qui ont été inspectés par l'une quelconque des autres autorités dans les six mois précédents, à moins qu'elles aient des raisons claires de procéder à une inspection".

c) Quelques informations chiffrées

Au cours de la première année d'application du Mémoire, 8.838 navires provenant de 109 pays ont été inspectés en application des règles dudit mémoire dans les ports des Etats dont dépendent les autorités participantes (cf. Annexe 1).

Le nombre total de navires présentant des déficiences suffisamment graves pour que leur départ soit retardé (110) ou pour qu'ils soient immobilisés (161) s'élève à 271.

Le plus grand nombre de déficiences (30 % environ) ont été relevées sur les engins de sauvetage, ainsi que sur le matériel de lutte contre l'incendie (17 % environ). (Cf. Annexe 2).

d) Publication périodique de statistiques et de rapports

A l'avenir, le Secrétariat publiera des données statistiques de cette nature tous les six mois et diffusera des rapports annuels sur les activités engagées au titre du Mémoire.

e) Egalité de traitement

Le Mémoire dispose que :

"En appliquant un instrument de référence aux fins du contrôle des navires par l'Etat du port, les autorités veillent à ne pas faire bénéficier d'un traitement plus favorable les navires autorisés à battre pavillon d'un Etat qui n'est pas partie à cet instrument".

La Commission de contrôle a réaffirmé que cette disposition valait dans le cas où l'instrument applicable contient lui-même une clause d'égalité de traitement, l'Etat du port devant, bien entendu, être lui aussi partie à la convention en cause.

A ce propos, la Commission de contrôle est convenue que, en principe, les navires battant pavillon d'un "Etat non signataire de la convention" devaient se conformer aux mêmes normes, contenues dans les instruments applicables, que les navires de l'Etat du port dans lequel ils font escale.

Un navire originaire d'un Etat non signataire de la convention qui ne respecterait pas les normes, prévues par les instruments applicables, en vigueur dans l'Etat du port pourrait être autorisé, en l'absence de la possibilité pratique de surmonter les déficiences, à continuer sa route, à condition qu'il puisse le faire sans mettre exagérément en danger la sécurité et la santé des passagers ou de l'équipage, ou constituer une menace pour l'environnement, compte tenu des circonstances particulières du voyage prévu.

f) Convention internationale pour la prévention de la pollution par les navires et protocole y afférent (MARPOL 73/78)

Le 2 octobre 1983, entrera en vigueur la Convention MARPOL 73/78, l'un des "instruments applicables" au titre du Mémorandum d'entente.

La Commission de contrôle instituée par le Mémorandum a décidé d'adopter les directives de l'OMI relatives au contrôle des normes arrêtées dans la Convention MARPOL 73/78 après que ces directives auront été adoptées par l'Assemblée de l'OMI qui doit se tenir en novembre 1983. La Commission tiendra sa troisième réunion après que ladite Assemblée aura délibéré, afin d'examiner la possibilité d'inclure dans le Mémorandum les directives relatives au contrôle de l'application de la Convention MARPOL 73/78, compte tenu des travaux de l'Assemblée de l'OMI.

5. Etat d'avancement des procédures de ratification des instruments applicables

Les gouvernements des Etats parties au Mémorandum déploient tous les efforts possibles en vue de mener à leur terme dans les plus brefs délais les procédures de ratification des instruments applicables aux fins du Mémorandum (tels qu'ils sont exposés à la page 2).

Bien que des facteurs imprévisibles ralentissent parfois le déroulement de ces procédures, les signataires du Mémorandum comptent avoir ratifié en 1984 tous les instruments applicables. (Voir à l'annexe 3 le tableau présentant l'état d'avancement des procédures de ratification des instruments applicables).

Si vous souhaitez obtenir de plus amples informations, veuillez vous adresser au :

Secrétariat du Mémorandum d'entente sur le contrôle des navires par l'Etat du port

B.P. 5817

2280 HV RIJSWIJK

Pays-Bas

TÉL. (070) 94 94 20

- Annexes :
1. Inspections de navires battant pavillon étranger effectuées en application du Mémorandum d'entente sur le contrôle des navires par l'Etat du port
 2. Principales catégories de déficiences relevées entre le 1er juillet 1982 et le 30 juin 1983
 3. Déficiences relevées au cours de la période du 1er juillet 1982 au 30 juin 1983
 4. Etat d'avancement des procédures de ratification des instruments applicables aux fins du Mémorandum d'entente.

INSPECTIONS DE NAVIRES BATTANT PAVILLON ETRANGER
EFFECTUEES EN APPLICATION DU MEMORANDUM D'ENTENTE
SUR LE CONTROLE DES NAVIRES PAR L'ETAT DU PORT
ENTRE LE 1ER JUILLET 1982 ET LE 30 JUIN 1983

<u>ETAT DU PAVILLON</u>	<u>NOMBRE D'INSPECTIONS EFFECTUEES</u>	<u>ETAT DU PAVILLON</u>	<u>NOMBRE D'INSPECTIONS EFFECTUEES</u>
Algérie	43	Ethiopie	5
Angola	6	Finlande	113
Antilles britanniques	30	France	78
Antilles néerlandaises	1	Gabon	1
Argentine	30	Gambie	3
Australie	3	Allemagne	2
Autriche	31	République démocratique allemande	64
Bahamas	21	République fédérale d'Allemagne	918
Bangladesh	11	Ghana	19
Barbade	1	Gibraltar	5
Belgique	27	Grèce	711
Bénin	1	Grenade	1
Bolivie	2	Honduras	34
Brésil	50	Hong Kong	31
Bulgarie	35	Hongrie	17
Birmanie	9	Islande	30
Cameroun	8	Inde	96
Cap-Vert	7	Indonésie	19
Chili	7	Irak	18
Chine nationaliste (Taïwan)	5	Iran	10
Chine, République populaire de	112	Irlande	75
Chypre	358	Israël	24
Colombie	8	Italie	148
Cuba	9	Côte-d'Ivoire	18
Tchécoslovaquie	6	Japon	130
Danemark	336	Jordanie	4
Egypte	50	Corée	11
Equateur	14	Corée du Nord	3
		Corée du Sud	16
		Koweït	21

PRINCIPALES CATEGORIES DE DEFECTUOSITES RELEVÉES
ENTRE LE 1ER JUILLET 1982 ET LE 30 JUIN 1983

	NOMBRE	%
CERTIFICATS DE NAVIRE	579	6,93
EQUIPAGE	376	4,50
LOGEMENT	256	3,06
RESTAURATION	57	0,68
ESPACE DE TRAVAIL	32	0,38
ENGINS DE SAUVETAGE	2.480	29,69
MATERIEL DE LUTTE CONTRE L'INCENDIE	1.411	16,89
PREVENTION DES ACCIDENTS	62	0,74
SECURITE GENERALE	1.010	12,09
SIGNAUX D'ALARME	39	0,46
CARGAISON	119	1,42
LIGNES DE CHARGE	524	6,27
DISPOSITIFS D'AMARRAGE	75	0,89
PROPULSION ET MOTEURS AUXILIAIRES	148	1,77
NAVIGATION	952	11,39
RADIO	86	1,02
AUTRES DEFECTUOSITES	63	0,75
DEFECTUOSITES NE MENACANT PAS CLAIREMENT LA SECURITE	83	0,99
TOTAL	8.352	

CERTIFICATS DU NAVIRE

Certificats du navire (généraux)	9	Matériel médical	16	Prévention	3
Matériel de sécurité Solas	126	Divers	31	Gaz inertes	7
Conformité de la construction Solas	54	<u>RESTAURATION</u>		Détection	12
Sécurité passagers Solas	1	Restauration (générale)	1	Equipement	320
Radio de sécurité Solas	117	Cuisine et cambuses	28	Installations fixes	151
Lignes de charge	68	Vivres	12	Matériel	149
Gaz liquéfiés (cert. de conformité)	1	Eau, canalisations et réservoirs	10	(équipement général)	
Produits chimiques en vrac (cert. de conformité)	1	Divers	6	Equipement du personnel	99
Divers	202			Pompes	101

EQUIPAGE

Equipage (général)	1	Espace de travail	-	Etouffoirs, vannes, dispositifs de fermeture rapide, manoeuvres à distance	456
Age minimal	-	Ventilation, chauffage	7	Raccordement international à terre	25
Certificats d'aptitude	131	Eclairage	17	Divers	88

Effectif/composition (selon documents effectif

sécurité, si disponibles)	115	<u>ENGINES DE SAUVETAGE</u>		<u>PREVENTION DES ACCIDENTS</u>	
Certificats médicaux	116	Engins de sauvetage (général)	2	Prévention des accidents (général)	2
Divers	13	Canots de sauvetage	346	Equipement du personnel	15

LOGEMENT

Logement (général)	3	Matériel canots de sauvetage	251	Tuyauteries, fils électriques (isolation)	17
Hygiène, parasites	52	Radeaux de sauvetage	552	Divers	22
Ventilation, chauffage	17	Dispositifs de lancement	158	<u>SECURITE GENERALE</u>	

Sanitaires	70	Signaux de détresse	320	Sécurité générale	4
Evacuation eaux usées	15	Bouées de sauvetage	565	Dispositifs de fermeture/portes étanches	27
Eclairage	25	Gilets de sauvetage	41	Pictogrammes	11

Tuyauteries, fils électriques (isolation)	10	Divers	245	Plan d'évacuation	48
Infirmierie	17	<u>MATERIEL DE LUTTE CONTRE L'INCENDIE</u>		Exercices	90
		Matériel de lutte contre l'incendie (général)	-	Stabilité et résistance	26

Ponts, largeurs, coque, cloisons	53	Ecoutilles	29	Asdis	45
Appareils de conduite	24	Panneaux (d'écoutilles, amovibles, bâches)	49	Cartes nautiques	229
Réservoirs à ballast, à combustibles liquides ou autres	18	Hublots	56	Instructions nautiques	217
Eclairage, batteries et commutateurs de secours	69	Portes	57	Divers	37
Équipement électrique général	51	Conduits d'air à ventilation, caissons à air	119	RADIO	
Échelles de pilote	162	Divers	37	Radio (général)	1
Passerelles	337			Signal automatique de détresse	8
Issues de secours	23	<u>DISPOSITIFS D'AMARRAGE</u>	-	Installation principale	15
Divers	67	Dispositifs d'amarrage (général)	3	Installation de secours	7
		Cordages et filins	24	Goniomètre	20
<u>SIGNAUX D'ALARME</u>		Dispositifs d'ancre	14	Divers	35
Signaux d'alarme (général)	1	Treuil et cabestans	34	AUTRES DEFECTUOSITES	
Alarme générale	22	Divers		Autres déféctuosités	63
Alarme incendie	7				
Divers	9	<u>PROPULSION ET MACHINES AUXILIAIRES</u>			
		Propulsion et machines auxiliaires			
<u>CARGAISON</u>		Propulsion, moteurs principaux	16	<u>DEFECTUOSITES NE MENACANT PAS CLAIREMENT LA SECURITE</u>	83
Cargaison	-	Propreté de la salle des machines	38		
Arrimage	17	Moteurs auxiliaires	23		
Céréales	30	Pompes de cale	13		
Substances dangereuses	4	Matériel de mise en soute	4		
Autres marchandises	-	Divers	54		
Matériel de chargement et de déchargement	37	<u>NAVIGATION</u>			
Cales et citernes	13	Navigation			
Divers	18	Équipement	16		
		Appareils de navigation du bord	20		
<u>LIGNES DE CHARGE</u>		Radar	43		
Lignes de charge (général)	1	Gyrocompas	15		
Surcharge	18	Compas magnétique	46		
Marques de franc-bord	94	Feux, signaux visuels et sonores	284		
Mains courantes	64				

ETAT D'AVANCEMENT DES PROCEDURES DE RATIFICATION DES "INSTRUMENTS APPLICABLES" AUX FINS DU MEMORANDUM D'ENTENTE

Situation au 1er juillet 1983	SOLAS 1974	Protocole 1978 rela- tif à SOLAS 1974	MARPOL 73/78	OIT no 147	STCW 1978 (forma- tion gère de mer)	COLREG 1972 (aborda- ges)	LIGNES DE CHARGE 1966					
							1966	AMENDMENTS				
								1971	1975	1979		
BELGIQUE	X	X		X	X	X	X	X	X	X	X	X
DANEMARK	X	X	X	X	X	X	X	X	X	X	X	X
FINLANDE	X	X		X		X				X		
FRANCE	X	X	X	X	X	X	X	X	X	X	X	X
REPUBLIQUE FEDERALE D'ALLEMAGNE	X	X	X	X	X	X	X	X	X	X	X	X
GRECE	X	X	X	X	X	X	X	X	X	X	X	X
IRLANDE						X	X	X	X			
ITALIE	X	X	X	X		X	X	X	X			
PAYS-BAS	X	X	X	X		X	X	X	X	X	X	X
NORVEGE	X	X	X	X	X	X	X	X	X	X	X	X
PORTUGAL						X	X	X	X	X	X	X
ESPAGNE	X	X		X		X	X	X	X	X	X	X
SUEDE	X	X	X	X	X	X	X	X	X	X	X	X
ROYAUME-UNI	X	X	X	X	X	X	X	X	X	X	X	X
DATE D'ENTREE EN VIGUEUR	25.5.80	1.5.81	2.10.83	28.11.81	27.4.84	15.7.77						21.7.68

X = DEJA RATIFIE