

COMMISSION OF THE EUROPEAN COMMUNITIES

DIRECTORATE-GENERAL FOR TRANSPORT DG VII/D3

EU MARITIME PILOTAGE STUDY

FINAL REPORT, JULY 1995

RH&H Consult, Denmark

in cooperation with the

**Royal Danish Administration of Navigation and Hydrography
and the**

Danish Maritime Institute

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LIST OF ABBREVIATIONS AND EXPLANATIONS

Antwerp-rules	Rules and regulations for the good government of deep sea pilotage in the North Sea and the English Channel. An agreement between North Sea pilotage authorities.
ARPA	Automatic Radar Plotting Aids.
BRM	Bridge Resource Management.
CHA	Competent Harbour Authority
Dangerous Goods	Dangerous Goods that are mentioned in the IMDG-code, in chapter 17 in the IBC-code and in chapter 19 in the IGC-code.
Deep-sea pilot	A deep-sea pilot is a person, other than a member of the ship's crew, who performs pilotage duties during the ship's passage outside the seaward limits of local pilotage areas.
Draught	Vertical distance from water surface to bottom of ship.
DWT	Dead Weight Tonnes. Weight in metric tonnes of the load that can be carried by the ship, including cargo, fuel, crew, passengers etc.
EMPA	European Maritime Pilots Association.
EURET	Research and development programmes on transport.
GMDSS	Global Marine Distress Safety System.
GRT	Gross Register Tonnes. Unit for measurement of the total enclosed volume of a ship excluding volume within double hull structure, open shelter decks, bridge, galley, etc. 1 register tonne is equal to 2,83 m ³ .
GT	Gross Tonnage of a vessel is the gross tonnage ascertained in accordance with the International Convention of Tonnage Measurement of Ship, 1969.
IALA	International Association of Lighthouse Authorities, an international organisation of Governments and Industries.
IMO	International Maritime Organization, one of the specialised organisations of the United Nations.
LOA	Length-Over-All of vessel.
NM	Nautical Miles.

NRT	Net Register Tonnes. GRT reduced by volume of engine room, crew quarters and ballast tanks, i.e. NRT indicates the volume of space for cargo and passenger accommodation of a vessel.
NSPA	North Sea Pilot's Association.
PEC	Pilotage Exemption Certificate.
Polluting Goods	Oils as defined in MARPOL, Annex I. Harmful liquid substances as defined in MARPOL, Annex II. Harmful substances in packaged form as defined in MARPOL, Annex III.
SBP	Shore-based pilotage. An act of pilotage carried out in a designated area by a pilot licensed for that area from a position other than on-board the vessel concerned to conduct the safe navigation of that vessel.
SBT	Segregated Ballast Tankers; tanker with dedicated cargo tanks which are solely used for carrying ballast, no ballast in oil cargo tanks permitted.
ToR	Terms of Reference.
TSS	Traffic Separation Scheme
VLCC	Very Large Crude Carrier
VTs	Vessel Traffic Services, system to guide and instruct maritime traffic from shore, using modern observation and communication technology.

EXECUTIVE SUMMARY

1. Introduction

In December 1993 the Commission of the European Communities commissioned a group led by RH&H Consult of Denmark to carry out a study of maritime pilotage services in the EU Member States. When references are made to the opinion of the study group, it is referred to as "the Consultant".

The main purpose of the study was to obtain a full and comprehensive picture of maritime pilotage services in the EU countries. This report has been prepared to be used by the CEC in proposing harmonization measures where such activities can be expected to bring added value to safety and environment.

In this Executive Summary the main activities and findings of the study are given.

The study covered the following four main aspects of pilotage services:

- Legislation.
- Procedures.
- Deep-sea pilotage.
- Shore-based pilotage.

After completion of a comprehensive programme of data collection an analysis was carried out of the differences found between the EU Member States. Based on this analysis, recommendations for Community action within the field of maritime pilotage are proposed. These recommendations are briefly summarized in section 5.

2. Data Collection

A comprehensive programme of data collection has formed the basis of the analysis of maritime pilotage services in the EU Member States.

Data has mainly been collected by means of and in connection with structured interviews of senior officers in relevant organisations involved with maritime pilotage services in the Member States.

In order to obtain a balanced picture of maritime pilotage services in the EU nearly 200 interviews have been carried out with operators and users of the pilotage services throughout the eleven countries involved.

The following five types of organisations have been interviewed:

- I. Central Authorities.
- II. Pilots.
- III. Port Authorities.
- IV. Ships' Captains.
- V. Shipping Agents and Brokers.

3. Differences between the Member States

On the basis of the data collected an analysis has been carried out to determine the differences between the Member States with regard to all questions raised in the Terms of Reference (see Annex I).

3.1 Legislative Aspects

The organisation of maritime pilotage services in the Member States differs widely from country to country, ranging from pilots employed by a public organisation operating with sole competence, to semi-private organisations, to fully private organisations. Approximately 4,000 pilots are operating in EU waters.

At present, comprehensive changes are being made to European pilotage legislation. In most member countries pilotage legislation has been changed within the last 5-6 years or will be changed within the coming 1-2 years.

The most privatized pilotage organisations are found in the Netherlands, France and Italy, where the service provided is organised on a corporate law basis by partnership associations, in which the registered pilots are shareholders. However, in these cases the national administration still maintains overall quality control of the service.

In Ireland and particularly in the UK the national administrations have delegated the responsibility for pilotage to Competent Harbour Authorities and only minor quality control is performed at the national level.

In Table 6 is summarized the number of pilots and the structure of the pilotage organisation in the various Member States. (Note: Table numbers in this summary are equal to the number of the corresponding tables in the main chapters).

Table 6: Number of pilots and the organisation of pilotage.**Source: The Consultant, based on data analysis.**

Country	No. of Pilots	Organisation	Competent Authorities
Belgium	350	National (sea and river pilots) Private dock pilots	Ministry of Flemish Community Department of Environment and Infrastructure
Denmark	150	National or municipal (25 pilots)	Royal Danish Administration of Navigation and Hydrography
France	353*	Private (collective)	Ministry of Transport Prefect Regional Departments of Maritime Affairs
Germany	940	Private with national infrastructure	Bundesministerium für Verkehr (Federal Ministry of Transport)
Greece	63	National	Ministry of Merchant Marine Directorate of Ports/Public Works
Netherlands	650	Private	Ministry of Transport (DGSM) Dutch Maritime Pilots' Corporation
Ireland	52	Municipal Self-employed pilots	Department of the Marine Competent Harbour Authorities
Italy	226	Private (collective)	Ministry of Transport and Navigation Harbour Master
Portugal	82	National	National Institute of Port Pilots under the Ministry of the Sea/Ministry of Public Works, Transport and Communication
Spain	178	Self-employed, organized in corporations under the Spanish Pilotage Federation	Ministry of Public Works, Transport and Environment
United Kingdom	800	Municipal Employed or Self-employed	Ministry of Transport Competent Harbour Authorities

* Metropolitan France

Mandatory Character of Pilotage

The degree to which pilotage is mandatory varies from country to country. In some areas pilotage is compulsory for all ships over approx. 50 GRT and in other areas pilotage for ships carrying dangerous goods in bulk is not even compulsory.

In most of the countries pilotage districts are based on compulsory pilotage with exemptions for certain types and sizes of vessels. Normally, vessels belonging to the port or the government along with fishing boats and other small vessels are exempted from compulsory pilotage. Also, in most places, ferries on regular

routes are exempted and pilotage exemption certificates (PEC's) may be issued for frequently calling masters and vessels.

In the main report, Table 2 shows the rules for compulsory pilotage for a large number of European ports.

Pilotage Dues

The criteria for size measurement of ships vary widely; dead-weight tonnes (DWT), gross register tonnes (GRT), net register tonnes (NRT), length-overall (LOA)/beam and draught are used for size determination in the various countries. Criteria have been changed from time to time for various reasons.

Because of the differing location and layout of ports, the calculations of the pilotage dues vary significantly from port to port.

The level of dues is mostly decided by national administrations and when the dues are decided by others (for instance by Competent Harbour Authorities), the national administrations have the overall control and approval of the dues.

In Table 4 in the main report, a comparison of pilotage tariffs is made for some major European ports. Even though the tariffs are not directly comparable, there is a clear tendency of tariffs being much lower in the southern part of Europe than in the northern part.

Responsibilities and Liabilities

In all Member States the pilot is only an advisor to the master. The ships' master is the person responsible for the ship. In some countries the liability of the pilot is limited to only some hundreds of ECU. However, in case of accidents, the pilot is liable, if his act can be considered as wilful or severely negligent. However, in many countries no accidents have been tested in court and therefore the limit between negligence and non-negligence is not clear.

In Table 7 a summary of the pilots' liabilities in the various Member States is given.

Table 7: Pilot's responsibility on board the ship and civil and criminal liability.

Source: The Consultant, based on data analysis

Country	Pilot's responsibility	Civil liability		Criminal liability	
		Wilful act	Other	Wilful act	Other
Belgium	Advisor	Up to 500,000 RF fine	Ruling by Maritime Commissariat	To the discretion of Prosecutor of Ministry of Justice Can lose license	As for any other citizen

Country	Pilot's responsibility	Civil liability		Criminal liability	
Denmark	Advisor	Liable in case of misconduct	Not liable	As for any other citizen	As for any other citizen
France	Advisor	FFR 30,000	FFR 30,000	As for any other citizen Can lose license	As for any other citizen
Germany	Advisor. Collect Tanker Check Lists	Liable for compensation (up to 6 mill. DEM in Kiel-Canal)	Not liable	Can lose license. As for any other citizen	Can lose license. As for any other citizen
Greece	Advisor	Legal case, disciplinary fines in the public employment system	Legal case, disciplinary fines in the public employment system	Legal case	Legal case
Netherlands	Traffic participant	Liable in case of wilful act and gross negligence	Not liable	Can lose license. As for any other citizen	Can lose license. As for any other citizen
Ireland	Advisor (conduct of ship)	IEP 100 + amount of pilotage due	Not liable	As for any other citizen	As for any other citizen
Italy	Advisor	In case of misconduct Bond Limit 1-3,000,000 ITL	Bond limit 1-3,000,000 ITL	As for any other citizen Can lose license	As for any other citizen
Portugal	Advisor	In case of pilot error, reimbursement claim at court. INPP to pay compensation	Not liable	As for any other citizen	As for any other citizen
Spain	Advisor	2,000 ESP/GRT, max. 100 mill. Pts.	2,000 ESP/GRT, max. 100 mill. Pts.	As for any other citizen Can lose license	As for any other citizen Can lose license
United Kingdom	Advisor (conduct of ship)	GBP 1,000 + amount of pilotage due	GBP 1,000 + amount of pilotage due	Fine or up to 2 years imprisonment	As for any other citizen

3.2 Procedural Aspects

Because of the significant differences in the nature and navigational conditions as well as in maritime traditions of the various ports and pilotage districts throughout the EU, there is a considerable difference in the procedural aspects for e.g. qualification of pilots and issuing of pilotage exemption certificates (PEC's).

Selection, Training and Licensing of Pilots

In general, pilot applicants must possess a valid Master's Certificate in addition to some years' experience at sea. Applicants are normally around 35 years of

age and are either selected through interviews or tests. In most countries, all EU citizens can apply for a position as pilot, however, in Portugal and Ireland local regulations exclude foreigners as applicants.

In all the EU pilotage districts, on-the-job training constitutes the most important part of the pilot's training, and the time or number of pilotage operations used for this is normally a function of the size of the pilotage district. Normally, the training will last for 3-12 months.

In addition to on-the-job training some pilotage districts have introduced theoretical training and training courses in manoeuvre simulator, etc.

After the training period is completed, the pilot trainee will undergo an examination that will be either practical, theoretical or a combination of the two. When the new pilot has been licensed, he will begin to pilot ships on his own. In most pilotage districts throughout the EU, he will start with small ships and then work on ships of progressively larger size.

The extent and quality of supplementary training after licensing varies significantly throughout the Member States. In some pilotage districts or countries no supplementary training is required or organised, while in other places a broad variety of supplementary training courses is offered so that the pilots can keep themselves up-to-date with the developments and requirements connected with the exercise of their function.

In Table 8 are summarized the procedures for selection, training and licensing of pilots in the various EU Member States:

Table 8: Criteria for Selection, Training and Licensing of Pilots.
Source: The Consultant, based on data analysis.

Country	Criteria for Selection	Training of Pilots	Licensing of Pilots	Medical Checks	Maximum Retirement Age Years	Supplementary Training	To what Extent is IMO Resolution A.485 Implemented
Belgium	Max. age 35 years. Foreign going 1 st officer certificate. Wait list with points given for number of months at sea, rank in last job, etc. (practically ship master rank required). EU citizenship	9 months on the job training.	By national authority. Starts work with small ships. Increasing size over 3 years.	Initial and every 2 years.	65	Simulator training especially for river pilots	Local knowledge is updated by periodical circular on water depths, etc.
Denmark	Age approx. 33 years Valid ship masters certificate from any EU country Citizen in EU country	2-3 months on-the-job training	Oral exam. Running evaluation Starts with small ships	Initial only	65 (70 for pilots engaged before 1979)	Radar course Simulations offered	Local knowledge is updated through the job No medical checks

Country	Criteria for Selection	Training of Pilots	Licensing of Pilots	Medical Checks	Maximum Retirement Age Years	Supplementary Training	To what Extent is IMO Resolution A.485 Implemented
France	24 < Age < 35 Master certificate Seagoing experience > 6 years Oral/written examination No citizenship requirements	On-the-job training 2-6 months with other pilot.	Running evaluation and increasing size of vessel over 5 years.	Every year.	No official age limit	Simulations Radar course Harbour course	Medical checks every year
Germany	Foreign-going masters certificate + six years at sea Citizen in EU	6 months on-the-job and theory	Theoretical and practical exam. Small ships the first 2-3 years	Physical every 5 years	65	Radar course Simulations VHF GDMSS	Medical checks every 5 years
Greece	Masters/1 st officer certificate. Min. 10 years at sea with at least 3 years as ship master. Qualifications checked by Ministry by examination. Normally 35-40 years (max. start at 55 years).	6-9 months on-the-job training.	By the Ministry responsible.	Initial. At the age of 55 years and hereafter 2-3 years until retirement	65	Not structured	Not specifically.
Ireland	Max. age 35-40 years Cert. of competency Irish citizen	0-3 months on-the-job training	Oral examination Smaller ships in the beginning	Every year eyesight and hearing test	65	A few courses offered in some ports	Pilots' licenses are renewed every year.
Italy	28 y < age < 35 y Master license Seagoing experience > 6 years Medical fitness Oral/written examination No specific citizenship requirements	12 months	Practical examination	Initial only	60 (65 years for pilots engaged before 1977)	Radio course	Not specifically
Netherlands	Less than 37 years Masters license Citizen in EU	2 months central training 10 months practical training ~ 200 trips	Theoretical exam. 12 exam trips with older pilot as censor	Every 1-2 years	55	ARPA, safety, BRM, VHF, simulation, shore-based	Pilot must have 70 trips in 2 years. Medical checks every 1-2 years.
Portugal	2 nd officers certificate. Min. 2 years service at sea. (Normally applicants with Ship Master experience will appear and be preferred). Age 25 to 35 years. Portuguese citizen.	Theoretical and practical lessons with chief pilot and 6 months on-the-job training	By the National Institute of Ports Pilots. First year: Junior pilot. Following 6 years: Gradually increasing ship sizes.	Medical and psychotechnical check at start.	Min. age 60 years after 30 years of active service. max. 65 years.	Simulator training, radar courses, etc. as required.	Not specifically.
Spain	Ship Masters certificate. Min. 3 years service as ship master for vessels over 1,000 GRT within the last 10 years. EU citizenship. Age: 30-35 years.	Theoretical education in local conditions and 6 months on-the-job training.	Professional licensing by Ministry. Appointment by local Ports Authority.	Medical examination at start, and at 65 years, if work continues - then each year until retirement	Normally 65 years. Max. 70 years.	Simulator training, radar courses, etc. as required.	Not specifically.
United Kingdom	Between 30 and 40 years Masters Certificate with 2-10 years experience No specific requirements of citizenship	6 weeks to 6 months In the biggest ports various training courses are also included	Written or oral examination	Every 2 or 5 years. In some ports there are no checks	60-65	Very different. Some places offer no training, others offer simulations, radar courses, etc.	Medical checks every 2-5 years in some ports.

Pilotage Exemption Certificates

In most Member States legislation provides for the possibility of some form of exemption from pilotage, either in the form of issue of pilotage exemption certificates (PEC) or in the form of exemptions in the regulations for compulsory pilotage. In some countries exemption certificates can not be issued for certain types of vessels.

In France, Germany, Ireland, the Netherlands and the UK pilotage exemption certificates have been issued. In Ireland and the UK the certificates are issued by the Competent Harbour Authorities, while in the other countries PEC's are issued by the national administrations.

Generally, PEC's are issued after 6-36 calls per year to the port with the same vessel and after successful completion of an examination. The number of calls required is dependent upon the size of the vessel as well as the navigational conditions in the port concerned.

PEC's are normally valid for 12 months but are easily renewed after a number of calls to the port or a new examination. In some ports PEC's cannot be given to vessels carrying dangerous goods. Ships commanded by a PEC holder often have to pay a part of the normal pilotage dues although they do not use a pilot. However, the amount of payment varies significantly throughout the ports in the EU.

PEC holders are kept up-to-date with changes in the area through local Notices to Mariners.

3.3 Deep-Sea Pilotage

Deep-sea pilots are operating on a private basis in the English Channel and the North Sea. Normally a deep-sea pilot boards the ship at the entrance to the English Channel at Cherbourg in France or Brixham in the U.K., and he will then stay on board during the vessel's round trip in Northern Europe. Such a round trip can last approx. ten days. When the vessels enter harbour pilotage districts, the deep-sea pilot will be superseded by the local pilot.

A total of one hundred deep-sea pilots are operating in the EU. In Belgium, France, Germany and the Netherlands the deep-sea pilots have been licensed by the national administrations, whereas in the UK the national administration has authorized three branches of Trinity House to license deep-sea pilots.

Apart from the countries mentioned, one Irish deep-sea pilot has been licensed in the UK, while Denmark maintains cooperation agreements with deep-sea pilots licensed in other countries so that an adequately licensed pilot will always be available.

As regards the implementation of EEC Directive 79/115 all member states bordering the North Sea and the English Channel are complying with Article 1.1, regarding the availability of properly licensed Deep-Sea pilots as stated above.

Regarding Article 1.2 apparently only Belgium through the port of Antwerp is checking whether operating deep-sea pilots possess proper licenses. At the boarding places in Brixham and Cherbourg lists are kept with the names of properly licensed deep-sea pilots in order to avoid any unauthorized pilots.

No Member States are seriously encouraging the use of deep-sea pilots other than mentioning the services on charts, etc.

3.4 Shore-Based Pilotage

In Belgium, Germany, the Netherlands and Portugal shore-based pilotage (SBP) is used under bad weather conditions, often to bring ships into more sheltered area where a pilot then will be able to board the ship. In these countries, SBP is carried out from radar terminals at VTS-centres.

In Italy and Spain shore-based pilotage is carried out to some extent using VHF.

In general, responsibilities and liabilities are not very fixed regarding the service of Shore-Based Pilotage, therefore some ports or pilotage districts are hesitating with the use of SBP. The radar stations used are often run by the port authorities while the SBP advice is carried out by pilots operating from the radar stations.

Pilots are not very excited by the increasing use of SBP, because they consider a pilot on board a vessel to be the safest solution, whereas some port authorities and shipowners would like to see an increased use of SBP.

4. Principles of EU Policy and the Single Market

4.1 The Common Transport Policy and Protection of the Environment

The basic aims of the general transport policy are stated in the EEC Treaty, Article 74. These correspond exactly to the aims in the Article 2 of the Treaty, according to which the Community shall "encourage a harmonic and balanced development of the economic growth in the Community as a whole, a viable and non-inflationary growth respecting the environment, a high degree of convergence as to economic results, a high level of employment, raising of the living standards and the quality of life, economic and social solidarity as well as solidarity between the Member States."

As a basic assumption, the general stipulations of the Treaty are also valid for the transport sector unless it is otherwise specifically stated, ref. the verdict of the Court of Justice of the European Communities in case no. 167/73, of 4th April 1974 (comp. 1974, p. 367). The EEC Treaty, Article 75, Subsection 1, Letter c, implies that common rules have to be fixed regarding a.o. "measures

to improve the transport safety" as well as Number d "all other suitable stipulations". Rules concerning pilotage services will belong to these areas and may be prepared on the legal basis of the EEC Treaty, Article 84, Subsection 2.

The white book concerning a general procedure of the future development of the common transport policy - COM (92) 494 of 2nd December 1992 - includes measures to increase safety in the transport area. Environmental protection shall be included as an integrated part of the common transport policy on the basis of the aim "viable mobility".

The Commission adhesion to IMO so far is still decisive but the Community will concurrently be obliged to formulate and implement necessary measures itself. The rules already in force concerning deep-sea pilots in the English Channel and the North Sea (Council Directive 79/115, the Official Journal of the EC 1979 L 33/32) is an example of such a legislation, especially made for a sea area with dense ship traffic and high risk of accidents with consideration to the safety of ships and crews as well as protection of the environment. The legal basis for the Directive on deep-sea pilots is the Article 84, Subsection 2, of the EEC Treaty.

4.2 Restrictions in Compliance with Market Principles

The principles to be taken into account are:

- Right of establishment.
- Freedom to provide services.
- Free movement of goods.
- Free movement of workers.

The right of free establishment for the citizens of the Community is stipulated in Article 52 of the EEC Treaty. It follows from this, that all hindrances to citizens of a Member State living in the area of another Member State regarding establishment of business, should be removed. It is seen, however, from Article 55 that activity which is permanently or occasionally linked with the execution of public authority in a Member State is not comprised by these regulations.

The principle of free exchange of services within the international sea transport has been fixed in Council Regulation 4055/86 of 22nd December 1986. According to Article 1 there is free access to carrying out sea transport between the Community Member States as well as between Member States and third countries.

Pilotage services are organized with a certain state of monopoly in all the Member States, but in some states the legislation opens up possibilities for the establishment of private groups offering pilotage services in competition to the ports authorities needing such services for their ship traffic.

As regards the monopoly status of most pilotage organizations compared with a fully commercialized pilotage service, the following arguments apply:

- 1) Quality of services and long time experience of pilots in a port is a safety requirement, limiting the possibilities of changing pilotage companies frequently on a tendering basis.
- 2) The pilots have a kind of "police function" in deciding about safety aspects of a ship approach (ship condition, weather, etc.). This would be weakened in a fully commercial set-up.

It is found justified that a certain state of monopoly is maintained but recommended that the pilotage services are organized as economically independent entities with tariffs fixed in such a way that the full costs of the pilotage services are covered without profit or loss to the entity.

It is important that the competent national authorities maintain surveillance and quality control with the pilotage services.

As a basis for the Customs Union there shall be free movement of goods all over the Member States (Article 9 of the EEC Treaty). Articles 79-81 of the EEC Treaty prohibit discrimination and support. The task of these regulations is to protect the common market of goods against practices distorting competition which might arise in the transport area.

According to Article 79, Subsection 4, the Commission has been given special authority to investigate incidents of discrimination as to transport prices and conditions and regarding approval of prices and conditions with the purpose of supporting or protecting certain companies or industries, cf. Article 80, Subsection 2.

The free movement of goods is in principle not affected by the pilotage services. However, in some countries there is an abuse of the principle of equal treatment, in the way that national carriers in national coastal trade get a rebate in pilotage dues. This is not permitted (ref. case C18/93 (Corsica Ferries Italia, SRL vs. Corpo dei piloti del porto di Genova) and measures to counteract such procedures are proposed.

The EEC Treaty regulations on the free movement of workers are also valid for the transport area. The Court of Justice of the European Communities stated in case 167/33 (comp. 1974/359) that the common market, acc. to the Article 2 of the Treaty, in principle comprises any economical business whatsoever. There is no warrant in the Treaty to deviate from these basic rules.

Council Directive 94/58 of 22nd November 1994 contains stipulations on minimum education level for maritime trades. According to Article 1 the directive is to be "applied to seafarers ... on-board sea-going ships, under the flag of a Member State", except a.o. war ships, marine ships or other ships owned or administered by a Member State and solely used in non-commercial state service, etc. Pilots are not specifically mentioned in the Directive and are thus not found

to be comprised by this. In the preamble to the Directive it is stated that the effort should be based on the educational standards already fixed on an international level, that is in the IMO Convention on Standards of Training, Certification and Watchkeeping for Seafarers of 1978 (the STCW convention) comprising all the EU Member States.

As regards the free movement of workers and employment possibilities in all of the EU member states, the fact is at present that almost all pilots employed in any member state is a national citizen of that state.

It is recommended that the possibility of employment as pilot should be open for all EU citizens, based on objective professional criteria including capability of speaking the national language and English fluently.

It is also generally concluded that English should be promoted as common marine services language, more than it is today. This would increase safety of operations and hereby reduce risks for vessels and crews and protect the environment.

5. Proposals for Community Actions

Based on the analysis of the differences between the maritime pilotage services in the EU Member States, a long range of recommendations is given for community action to be taken in order to improve the safety of shipping and to protect the environment.

The recommendations are divided into two levels of action to be taken. The first level includes actions to be taken by the Commission of the EC in the form of Directives in order to harmonize national legislation and to improve the safety and protect the marine environment, while the second level includes proposals for development perspectives, further "studies" or evaluations to be carried out by the involved organisations in prolongation of the findings of this study.

It has been the intention to propose actions which improve the quality of the pilotage service and hereby secure safety in shipping and protection of the environment.

5.1 Directives

Recommendation No. 1

Compulsory pilotage for vessels carrying dangerous goods.

Objective: Pilotage shall be compulsory for all entering, berth shifting and leaving manoeuvres to ports and piers of vessels carrying dangerous or polluting goods.

Actions: The Member States shall be encouraged to amend their pilotage acts, where necessary to introduce compulsory pilotage as stated above, and to ensure that pilotage districts are extended (where relevant) so that all berths where vessels carrying dangerous goods are likely to call are included in the compulsory pilotage area.

Action should be taken at Community level in the form of either a separate directive or as a part of other directives concerning vessels carrying dangerous goods and reporting schemes.

Recommendation No. 2

Rights of pilot applicants from all EU Member States.

Objective: Positions as pilots in an EU Member State shall be open for applicants from all Member States. Selection shall be based on objective professional criteria.

Actions: The Member States shall be encouraged to amend their regulations regarding selection of pilot applicants, where necessary to allow experienced mariners from other Member States to apply. Selection criteria shall be: Full command of the national language and English, optimum previous knowledge of the port/area in question, general maritime education and experience (including experience as ship master).

Actions should be taken at Community level in order to ensure that these national legislations are modified.

Recommendation No. 3

Equal pilotage dues for vessels from all EU Member States for the same services.

Objective: Pilotage dues in each of the ports of the Member States shall be equal for all vessels of the Member States for the same services in the same port.

Actions: The Member States shall be encouraged to amend the Pilotage Tariff Regulations for all ports in such a way that preferential treatment of national vessels or any other nationality vessels is avoided. Actions should be taken at national level in order to remove such differential treatment.

Recommendation No. 4

Role of national administrations as competent authority for pilotage.

Objective: The national administrations in the EU countries shall maintain a status as competent authority, at least with regard to quality control of the pilotage services.

Actions: The Member States shall be encouraged to ensure that the competent pilotage authority at ministerial level maintains a proper control and surveillance of the functioning of the maritime pilotage services of the country in order to maintain these services at the required international level.

This will assure that Directives and Recommendations decided on governmental level will be implemented and enforced. Other aspects of authority can be delegated.

Action shall be taken by the various national administrations in the Member States in order to maintain a high quality in the pilotage services.

Recommendation No. 5

Organization of pilotage services as independent economical entities.

Objective: Pilotage services should be organized as independent economical entities, so that the users pay the actual costs of the services.

Actions: The Member States shall be encouraged to ensure that pilotage services are maintained or reorganized where relevant as independent entities, operating the services and maintaining expertise level of the personnel, operational quality of the equipment etc. and receiving pilotage dues covering the costs.

Action shall be taken where necessary by the national administrations (competent pilotage authorities).

5.2 Procedural Aspects

Recommendation No. 6

Training courses for pilots carrying out pilotage services in EU Member States.

Objective: To ensure compliance with IMO Resolution A.485 (XII) Annex 1, par. 5, the necessary training and upgrading courses shall be made available for the pilots.

Actions: The Member States shall be encouraged to take steps to arrange training courses, manoeuvre simulator training, etc. to keep the expertise of the pilots of the country up-to-date with the new development in vessels, equipment, procedures, etc.

Action should be taken at Community level in the form of either a separate directive or as a part of other directives concerning training requirements to seafarers.

Recommendation No. 7

General rules for issuance of Pilotage Exemption Certificates.

Objective: To make possible issuance of pilotage exemption certificates (PEC's) for ship masters from EU countries calling a certain number of times per year in a certain port in one of the Member States as well as the periodical renewal of the PEC's.

Actions: The Member States should be encourage to amend their pilotage legislation in a way to introduce rules for the issuance of PEC's according to a set of general criteria suggested by the Commission. The rules should include stipulations for periodical renewal (e.g. every 12 months) of the PEC, provided the basic criteria (number of calls per month/year) are fulfilled, and no accidents have occurred.

Action shall be taken at Community level in order to ensure that all qualified EU citizens will be able to apply for a pilotage exemption certificate in any port according to harmonized criteria.

Recommendation No. 8

Regularity of health checks of pilots operating in the EU Member States.

Objective: To introduce periodical medical checks of pilots of all the Member States, at least every 2 years, with increased frequency of the check after the age of 60 years.

Actions: Action shall be taken at Community level in the form of either a separate directive or as a part of other directives concerning health requirements for sea-farers.

5.3 Deep-Sea Pilotage

Recommendation No. 9

Establishment of Committee within EU Commission for Deep-Sea Pilotage matters in EU Member States waters.

Objective:

- . To oversee existing and proposed new resolutions and directives of the EU Commission concerning legal, procedural and operational aspects with respect to deep-sea pilotage in the EU seas.
- . To ensure the proper implementation of the directives at the national level of the Member States concerned.
- . To monitor the organization and service level of operations.
- . Arrange meetings at regular intervals for discussion between designated representatives of concerned governments.

Actions:

- . Establishment of ad hoc committee with permanent secretariat within the EU Commission (or expansion of possible existing office).
- . Appoint governmental representatives as members of the Committee.

Recommendation No. 10

Directive concerning deep-sea pilotage in the Baltic Sea.

Objective:

- . To ensure that vessels wishing to use the services of pilots in the Baltic Sea can call on adequately qualified deep-sea pilots.
- . To promote employment of such pilots by vessels flying all flags.

Action: Adopt an EU Directive concerning pilotage of vessels by deep-sea pilots in the Baltic Sea.

Recommendation No. 11

Amendment of EU Directive 79/115/EEC.

Objective: To ensure the promotion of employment of deep-sea pilots also by third-state vessels.

Action: Amend the existing Directive 79/115/EEC in the way that encouragement of use of certified deep-sea pilots should be directed not only towards national flag vessels but also third-state flag vessels.

5.4 Shore-Based Pilotage

Recommendation No. 12

Directive concerning legal aspects of shore-based pilotage.

Objective: To provide the legal framework for the establishment and functioning of adequate and safe shore-based pilotage services within the waters of the EU Member States.

Actions: Adopt an EU Directive concerning the legal framework for shore-based pilotage services.

5.5 Development Perspectives

5.5.1 Legal Aspects

Recommendation No. 13

Harmonization of vessel size measurement criteria.

Objective: To determine and work for the implementation of harmonized vessel size measurement criteria within the EU Member States as basis for determining e.g. pilotage dues.

Actions: Set down a working group under the EU direction gathering all EU Member States to work for the harmonization of vessel size measurement criteria.

5.5.2 Procedural Aspects

Recommendation No. 14

English language as operational language of pilotage services.

Objective: Dissemination of the English language as operational language in the shipping sector in a similar way as it is used in the airline traffic sector.

This will also improve safety of pilotage operations because the international ship masters also will be able to follow all conversations and information.

Actions: Action shall be taken at community level in connection with elaboration of directives regarding minimum requirements to mariners and shall be carried out in collaboration with IMO. One measure will be to extend the IMO Standard Marine Vocabulary.

Recommendation No. 15

Guidelines for the certification of pilots and performance of pilotage services.

Objective:

- . To ensure pilots certified for pilotage services within the EU are competent and adequately qualified for the services to be undertaken.
- . To ensure the safety of pilotage operations undertaken by certified pilots.

Actions: Set down a working group under the direction of EU gathering all EU Member States and interest organizations concerned with pilotage service to come up with proposals for guidelines.

5.5.3 Deep-Sea Pilotage

Recommendation No. 16

Study of deep-sea pilotage zones and criteria.

Objective:

- . To evaluate the quality and effect of present deep-sea pilotage services provided within the EU waters.
- . To prepare objective criteria for the determination of the need for adjustments to present deep-sea services.
- . To identify the need for adjustments to existing EU Directives and the inclusion of new areas with deep-sea pilotage (zones, vessel classes, compulsory, etc.)

Actions: EU shall take initiative through the Deep-Sea Pilotage Committee (Recommendation No. 9) to a study identifying the need for adjustments to deep-sea pilotage regulations and services.

5.5.4 Shore-Based Pilotage

Recommendation No. 17

Guidelines for the training of operators of and the functioning of shore-based pilotage services.

Objective:

- . To ensure that the authorized operators of the shore-based pilotage services within the EU Member States are competent and adequately trained.
- . To ensure that these services are provided using modern and adequate technology and installations.
- . To ensure the safety of the shore-based pilotage operations.

Actions:

- . By use of the working groups mentioned under Recommendation No. 15 to come up with proposals for guidelines.
- . As basis for above-mentioned guidelines to initiate and/or support relevant studies and investigations.

1. INTRODUCTION

For centuries maritime shipping has been of great economic and political importance for Europe. Today this is more true than ever. The Community is to a large extent dependent on reliable, cost effective and safe shipping services. They carry 90% of its total external trade with the rest of the world, whereas within the Community maritime transport takes care of 35% of total goods transport between the Member States. Its maritime transport policy must therefore ensure that such services are undertaken in the most economical manner and at the same time at a minimum level of risk for all directly and indirectly concerned and for the marine environment. A communication from the Commission of the European Communities entitled "A Common Policy on Safe Seas" sets out the salient features of a common policy (see Ref. 1).

With the backdrop of such a common policy, the Commission engaged the services of RH&H Consult of Denmark (in cooperation with the Royal Danish Administration of Navigation and Hydrography and the Danish Maritime Institute) in December 1993 to carry out a study of the maritime pilotage services in the Member States.

The main purpose of the study is to capture a comprehensive picture of the maritime pilotage services (with their accompanying differences) in the Member States and to recommend appropriate actions for solving the problems arising from these identified differences.

The present study covers only sea pilotage and therefore inland canals and waterways pilotage are not included. Consequently, all the Member States with the exception of Luxembourg (for obvious reasons) have been included in the study. In addition to the 11 Member States, a brief investigation has been made with regard to the maritime pilotage services in the three Nordic countries - Finland, Norway and Sweden.

The approach has been structured along four major tasks in order to meet the Terms of Reference (ToR) for the study. These are:

- Data Collection and Field Interviews
- Analysis of Existing Pilotage Systems
- Recommendations for Community Actions
- Recommendations regarding Organization of Pilotage Services

Chapter 2 presents a description of the comprehensive data collection exercise undertaken in connection with the study. 184 field interviews were carried out amongst the Central Authorities, Pilots, Port Authorities, Ship Captains, Shipping Agents and Brokers.

Chapter 3 sets out an analysis of existing pilotage systems identifying the differences with regard to legislative and procedural aspects, deep sea and shore-based pilotage.

Chapter 4 presents an assessment of the organisation of pilotage services in the Member States in relation with the common market principles such as the right of establishment, freedom to provide services, free movement of goods and free movement of workers.

Chapter 5 presents a range of proposals/recommendations for Community actions which can bring an added value to safety and protection of the environment with regard to pilotage services. These proposals/recommendations are of immediate and long term nature.

In addition to this main report and its seven Annexes, a separate compilation of relevant legislation documents (which were collected during the data collection visits) is available.