

No. 24986

MULTILATERAL

Community-COST Concertation Agreement on a concerted action project in the field of shore-based marine navigation aid systems (COST Project 301) (with annexes). Concluded at Brussels on 15 April 1983

Authentic texts: Danish, German, Greek, English, French, Italian and Dutch.

Agreement extending and amending the above-mentioned Agreement (with annex). Concluded at Brussels on 14 May 1986

Authentic texts: Spanish, Danish, German, Greek, English, French, Italian, Dutch and Portuguese

Registered by the European Economic Community on 16 July 1987.

MULTILATÉRAL

Accord de concertation Communauté-COST relatif à une action concertée dans le domaine des systèmes d'aide pour la navigation maritime depuis le littoral (Action COST 301) [avec annexes]. Conclu à Bruxelles le 15 avril 1983

Textes authentiques : danois, allemand, grec, anglais, français, italien et néerlandais.

Accord prorogeant et modifiant l'Accord susmentionné (avec annexe). Conclu à Bruxelles le 14 mai 1986

Textes authentiques : espagnol, danois, allemand, grec, anglais, français, italien, néerlandais et portugais.

Enregistrés par la Communauté économique européenne le 16 juillet 1987.

COMMUNITY-COST CONCERTATION AGREEMENT¹ ON A CONCERTED ACTION PROJECT IN THE FIELD OF SHORE-BASED MARINE NAVIGATION AID SYSTEMS (COST PROJECT 301)

The European Economic Community, hereinafter referred to as “the Community”, and

The signatory states to this Agreement, hereinafter referred to as “the participating non-Member States”,

Whereas a European concerted action project in the field of maritime navigation aid systems may contribute to the reduction of the risk of accidents in coastal areas and ports and, consequently, to the protection of human life and the safety of ships and their cargo, and the prevention of pollution on the shore and in coastal waters:

Whereas a research programme in the field of maritime navigation aid systems was proposed in 1979 by Finnish and French delegations within the framework of European Co-operation in the field of Scientific and Technical Research (COST);

Whereas by its Decision of 13 December 1982 the Council of the European Communities adopted a Community concerted action project in the field of shore-based maritime navigation aid systems;

Whereas the Member States of the Community and the participating non-Member States, hereinafter referred to as “the States”, intend, subject to the rules and procedures applicable to their national programmes, to carry out the research described in Annex A and are prepared to integrate such research into a process of concertation which they consider will be of mutual benefit;

Whereas international organizations are carrying out projects in this field; whereas account should be taken of such projects so as to preclude duplication of effort, and whereas certain equipment and procedures should, if appropriate, be the subject of agreements within the framework of the competent organizations;

Whereas the implementation of the research covered by the concerted action project will require a financial contribution of approximately 13 million ECU from the States,

¹ Came into force on 1 February 1984 in respect of the following State and organization, i.e., the first day of the month following that during which the Community and at least one of the participating non-member States had notified the Secretary-General of the Council of the European Communities of the completion of the procedures necessary under their internal provisions for the implementation of the Agreement, in accordance with article 6 (3):

<i>State or organization</i>	<i>Date of the notification</i>
European Economic Community	15 April 1983
Norway	3 January 1984

Subsequently, the Agreement entered into force for the following States on the first day of the second month following that during which they had notified the Secretary-General of the Council of the European Communities of the completion of the procedures necessary under their internal provisions for the implementation of the Agreement, in accordance with article 6 (3):

<i>State</i>	<i>Date of the notification</i>
Finland	5 April 1984
(With effect from 1 June 1984.)	
Sweden	12 April 1984
(With effect from 1 June 1984.)	

Have agreed as follows:

Article 1. The Community and the participating non-Member States, hereinafter referred to as "the Contracting Parties", shall participate for a period extending until 31 December 1985 in a concerted action project in the field of shore-based navigation aid systems.

This project shall consist in concertation between the Community concerted action programme and the corresponding programmes of the participating non-Member States. Research areas covered by this Agreement are listed in Annex A.

The States shall remain entirely responsible for the research carried out by their national institutions or bodies.

Article 2. A Community-COST Concertation Committee on action for Shore-based Marine Navigation Aid Systems, hereinafter referred to as "the Committee", is hereby set up, within which concertation between the Contracting Parties shall be effected.

The Committee shall draw up its rules of procedure. Its Secretariat will be provided by the Commission of the European Communities, hereinafter referred to as "the Commission".

The terms of reference and the composition of this Committee are defined in Annex B.

Article 3. In order to ensure optimum efficiency in the execution of this concerted action project, a project leader shall be appointed by the Commission in agreement with the delegates representing the participating non-Member States on the Committee.

Article 4. The maximum financial contribution by the Contracting Parties to the co-ordination costs for the period referred to in the first paragraph of Article 1 shall be:

- 2,100,000 ECU from the Community,
- 60,000 ECU from each participating non-Member State.

In addition, each participating non-Member State shall pay an amount calculated by applying to a basic amount of 1,500,000 ECU, representing a part of the Community contribution, the ratio between the gross domestic product of the State concerned for 1980 and the sum of the gross domestic product of the Community and of that State for 1980.

The ECU is defined by the Financial Regulation applicable to the general budget of the European Communities and by the financial arrangements adopted pursuant thereto.

The rules governing the financing of this Agreement are set out in Annex C.

Article 5. 1. Through the Committee, the States shall exchange all useful information resulting from the execution of the research covered by the concerted action project. They shall also endeavour to provide information on similar research planned or carried out by other bodies. Any information shall be treated as confidential if the State which provides it so requests.

2. In agreement with the Committee, the Commission shall prepare annual progress reports on the basis of the information supplied and shall forward them to the States.

3. At the end of the concertation period, the Commission shall, in agreement with the Committee, forward to the States a consolidated report on the execution and results of the project. This report shall be published by the Commission not later than six months after it has been forwarded, unless a State objects. In that case the report shall be treated as confidential and shall be forwarded, on request and with the agreement of the Committee, solely to the institutions and undertakings whose research or production activities justify access to knowledge resulting from the performance of the research covered by the concerted action project.

Article 6. 1. This Agreement shall be open for signature by the Community and by the non-Member States of that Community which took part in the Ministerial Conference held in Brussels on 22 and 23 November 1971.

2. As a condition precedent to its participation in the concerted action project defined in Article 1, each of the Contracting Parties shall, after signing this Agreement, have notified the Secretary-General of the Council of the European Communities not later than 31 December 1983 of the completion of the procedures necessary under its internal provisions for the implementation of this Agreement.

3. For the Contracting Parties which have transmitted the notification provided for in paragraph 2, this Agreement shall come into force on the first day of the month following that in which the Community and at least one of the participating non-Member States transmitted these notifications.

For those Contracting Parties which transmit the notification after the entry into force of this Agreement, it shall come into force on the first day of the second month following the month in which the notification was transmitted.

Contracting Parties which have not transmitted this notification when this Agreement comes into force shall be able to take part in the work of the Committee without voting rights until 31 December 1983.

4. The Secretary-General of the Council of the European Communities shall inform each of the Contracting Parties of the notifications provided for in paragraph 2 and of the date of entry into force of this Agreement.

Article 7. This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Economic Community¹ is applied, under the conditions laid down in that Treaty and, on the other hand, to the territories of the participating non-Member States.

Article 8. This Agreement, drawn up in a single original in the Danish, Dutch, English, French, German, Greek and Italian languages, each text being equally authentic, shall be deposited in the archives of the General Secretariat of the Council of the European Communities which shall transmit a certified copy to each of the Contracting Parties.

[For testimonium and signature page, see p. 126 of this volume.]

¹ United Nations, *Treaty Series*, vol. 298, p. 3.

ANNEX A

I. *Content of the concerted action project*

1. A study of requirements for precise navigation and ship manoeuvring in confined areas under various hydro-meteorological conditions.
2. A study to develop factors and criteria that can serve as a common determinant for marine traffic problem definition. As a second stage application of these factors and criteria to European waters.
3. An inventory of existing shore-based marine traffic systems in Western Europe, stating:
 - Geographical coverage;
 - Type of service provided;
 - Rules governing operation of the service;
 - Traffic intensity in the area;
 - Types of traffic in the area.
4. A study of vessel identification methods, for use both in the control of traffic by the monitoring stations and in ship-to-ship communications.
5. A study of methods to enable the monitoring stations to pinpoint and track a vessel with accuracy.
6. Methods of shore-to-ship and ship-to-ship communication and data exchange systems between monitoring stations and ships.
7. A study of the harmonization of the procedure of traffic, information and guidance services for shipping in Western Europe.

II. *Research areas covered by the Agreement*

1. Movement of ships in confined areas.
2. (a) Criteria for standard identification of problem areas for marine traffic.
(b) Identification of problem areas for marine navigation.
3. Inventory of shore-based marine traffic systems in Western Europe.
4. Identification of ships.
5. Specifications and standards for pinpointing and precise tracking of ships under way.
6. Shore-to-ship communication methods.
7. Harmonization of the procedures of traffic services.

Among the international organizations with most competence in this area which have been or are working on the above research topics are the following:

- International Maritime Organisation (IMO);
- International Association of Lighthouse Authorities (IALA);
- International Association of Ports and Harbours (IAPH).

This list is not exhaustive.

ANNEX B

TERMS OF REFERENCE AND COMPOSITION OF THE COMMUNITY-COST CONCERTATION COMMITTEE "ACTION FOR SHORE-BASED MARINE NAVIGATION AID SYSTEMS"

1. The Committee shall:
 - 1.1. Contribute to the optimum implementation of the project by giving its opinion on all aspects of its progress;
 - 1.2. Evaluate the results of the project and draw conclusions as to their application;
 - 1.3. Be responsible for the exchange of information referred to in Article 5(1);
 - 1.4. Keep track of national research work carried out in the fields covered by the project, in particular by keeping itself informed about scientific and technical developments which might have an influence on its implementation;
 - 1.5. Take care to avoid duplicating studies and research work being carried out by the competent international organizations, taking account of the international framework in which certain provisions should, where necessary, be adopted;
 - 1.6. Provide guidelines for the project leader;
 - 1.7. Assist the Commission in the selection of contractors and the allocation of the corresponding appropriations.
2. The reports and opinions of the Committee shall be transmitted to the States.
3. The Committee shall be composed of one delegate from the Commission, as coordinator of the Community concerted action project, one delegate from each participating non-Member State, one delegate from each Member State representing its national programme and the project leader. Each delegate may be accompanied by experts. Wherever it deems it is useful, the Committee may invite observers from the relevant international organisations (see Annex A).

ANNEX C

FINANCING RULES

Article 1. This Annex lays down the financial rules referred to in Article 4 of the Community-COST Concertation Agreement.

Article 2. At the beginning of each financial year, the Commission shall send to each of the participating non-Member States a call for funds corresponding to its share of the annual co-ordination costs under the Agreement, calculated in proportion to the maximum amounts laid down in Article 4 of the Agreement.

This contribution shall be expressed both in ECU and the currency of the participating non-Member State concerned, the value of the ECU being defined in the Financial Regulation applicable to the general budget of the European Communities and its value determined on the date of the call for funds.

The total contributions shall cover the travel and subsistence costs of the delegates to the Committee, in addition to the co-ordination costs proper.

Each participating non-Member State shall pay its annual contribution to the co-ordination costs under the Agreement at the beginning of each year, and by 31 March at the latest. Any delay in the payment of the annual contribution shall give rise to the payment of interest by the participating non-Member State concerned at a rate equal to the highest discount rate obtaining in the States on the due date. The rate shall be increased by 0.25 of a percentage point for each month of delay. The increased rate shall be applied to the entire period of delay. However, such interest shall be chargeable only if payment is effected more than three months after the issue of a call for funds by the Commission.

Article 3. The funds paid by participating non-Member States shall be credited to the concerted action project as budget receipts allocated to a heading in the statement of the revenue of the general Budget of the European Communities (Commission section).

Article 4. The provisional timetable for the co-ordination costs referred to in Article 4 of the Agreement is annexed.

Article 5. The Financial Regulation applicable to the general budget of the European Communities shall apply to the management of the appropriations.

Article 6. At the end of each financial year, a statement of appropriations for the concerted action project shall be prepared and transmitted to the participating non-Member States for information.

PROVISIONAL TIMETABLE FOR THE CO-ORDINATION COSTS RELATING TO THE CONCERTED ACTION PROJECT
ON SHORE-BASED MARITIME NAVIGATION AID SYSTEMS (COST PROJECT 301)
(ECU)

	1983	1984	1985	Total
I. Initial estimate of overall requirements				
— Staff	200,000	200,000	200,000	600,000
— Administrative operating expenditure				
— Contracts for studies	600,000	800,000	100,000	1,500,000
TOTAL	800,000	1,000,000	300,000	2,100,000
II. Revised estimate of expenditure taking into account additional requirements arriving from the accession of participating non-Member States				
— Staff				
— Administrative operating expenditure	$800,000 + \Sigma_i a_i$	$1,000,000 + \Sigma_i b_i$	$300,000 + \Sigma_i c_i$	$2,100,000 + \Sigma_i a_i + \Sigma_i b_i + \Sigma_i c_i$
— Contracts for studies				
III. Difference between I and II to be covered by contribution from participating non-Member States				
	$\Sigma_i a_i$	$\Sigma_i b_i$	$\Sigma_i c_i$	$\Sigma_i a_i + \Sigma_i b_i + \Sigma_i c_i$

$$a_i = 20.000 + 600.000 \frac{GDP_{pns}}{GDP_{EC} + GDP_{pns}}$$

$$b_i = 20.000 + 800.000 \frac{GDP_{pns}}{GDP_{EC} + GDP_{pns}}$$

$$c_i = 20.000 + 100.000 \frac{GDP_{pns}}{GDP_{EC} + GDP_{pns}}$$

GDP = Gross Domestic Product.

pns = Participating non-Member State.

EC = European Community.

AGREEMENT¹ EXTENDING AND AMENDING THE COMMUNITY-COST CONCERTATION AGREEMENT ON A CONCERTED ACTION PROJECT IN THE FIELD OF SHORE-BASED MARINE NAVIGATION AID SYSTEMS (COST PROJECT 301)²

The European Economic Community, hereinafter referred to as “the Community”, of the one part, and

The Republic of Finland, the Kingdom of Norway and the Kingdom of Sweden, hereinafter referred to as “the Participating Non-Member States”, of the other part,

Whereas the Community-COST Concertation Agreement on a concerted action project in the field of shore-based marine navigation aid systems (COST Project 301),² hereinafter referred to as “the Agreement”, signed by the Community, the Republic of Finland, the Kingdom of Norway, the Kingdom of Spain and the Kingdom of Sweden, will expire on 31 December 1985;

Whereas by its Decision 86/5/EEC the Council of the European Communities extended until 31 December 1986 and amended the Community concerted action project on shore-based marine navigation aid systems;

Whereas it is in the common interest of the Community and the Participating Non-Member States, hereinafter referred to as “the Contracting Parties”, to continue the research covered by the Agreement;

Whereas the extension of the Agreement necessitates supplementary contributions by the Contracting Parties,

Have agreed as follows:

Article 1. The Agreement is hereby extended for the period 1 January to 31 December 1986.

Article 2. The Table attached to Annex C to the Agreement shall be replaced by that appearing in this Agreement.

Article 3. The supplementary financial contribution from the Contracting Parties to the co-ordination costs shall be:

- 200,000 ECU from the Community,
- 16,600 ECU from each Participating Non-Member State.

The ECU is defined in the Financial Regulation applicable to the general budget of the European Communities and in the financial provisions adopted pursuant to that Regulation.

Article 4. This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Economic Community is applied and under the conditions laid down in that Treaty, and, on the other hand, to the territories of the Participating Non-Member States.

Article 5. This Agreement shall enter into force on 1 January 1986.

¹ Came into force on 14 May 1986 by signature, with retroactive effect as at 1 January 1986 for the European Economic Community, Finland, Norway and Sweden, in accordance with article 5.

² See p. 114 of this volume.

Article 6. This Agreement, drawn up in a single original in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese and Spanish languages, each text being equally authentic, shall be deposited in the archives of the General Secretariat of the Council of the European Communities, which shall transmit a certified copy to each of the Contracting Parties.

[For testimonium and signature page, see p. 177 of this volume.]