
EUROPEAN PARLIAMENT

Working Documents

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DOCUMENT 1-183/82

R E P O R T

drawn up on behalf of the
Committee on Agriculture

on the /coordination of maritime inspection
and surveillance operations

Rapporteur: Mrs N. PERY

On 20 June 1980, during its debate on the report by Mr Buchou (Doc. 1-234/80) on the proposals from the Commission to the Council for :

- I - a regulation on the conclusion of the Agreement on Fisheries between the Government of Spain and the European Economic Community;
- II - a regulation laying down for 1980 certain measures for the conservation and management of fishery resources applicable to vessels flying the flag of Spain;
- III - a regulation laying down certain measures for the conservation and management during 1980 of common fishery resources off the West Greenland coast applicable to vessels flying the flag of Canada or under charter to companies registered in Canada,

Parliament adopted an amendment (PE 65.765) instructing its Committee on Agriculture to investigate whether control of fishing activities could not be achieved by coordinating the Member States' inspection and surveillance activities and if so, to what extent.

At the request of its Working Party on Fisheries, the committee decided on 7 July 1980 to draw up a report on the subject and requested the President of the European Parliament by letter of 11 July 1980 for authorization to do so.

On 18 September 1980 the President of the European Parliament authorized the Committee on Agriculture to draw up an own-initiative report on the coordination of maritime inspection and surveillance operations.

At its meeting of 12/13 January 1981, the Committee on Agriculture appointed Mr Josselin rapporteur. However, as the latter resigned from the European Parliament on 14 September 1981, the committee appointed Mrs Péry rapporteur in his place at its meeting of 20 and 21 October 1981.

The Committee on Agriculture's Working Party on Fisheries considered the draft report at its meeting of 19 and 20 May 1981, 3 and 4 February 1982 and 30 and 31 March 1982.

The Committee on Agriculture itself considered and unanimously adopted the draft report at its meeting of 27 and 28 April 1982.

The following took part in the vote: Mr Früh, vice-chairman and acting chairman; Mrs Péry, rapporteur and deputizing for Mr Eyraud; Mr Abens (deputizing for Mr Vernimmen), Mr Barbagli (deputizing for Mr Ligios), Mr Cottrell (députizing for Mr Battersby), Mr Diana, Mr Gautier, Mr Jakobsen (deputizing for Mr Helms), Mr Nielsen, Mr Provan, Mr d'Ormesson, Miss Quin, Mr Seligman (deputizing for Mr Curry) and Mr Woltjer.

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The Committee on Agriculture hereby submits to the European Parliament the following motion for a resolution, together with explanatory statement :

MOTION FOR A RESOLUTION

on the coordination of maritime inspection and surveillance operations

The European Parliament,

- (A) having regard to its opinion of 20 June 1980¹ on three proposals from the Commission of the European Communities to the Council for regulations concerning relations in the fisheries sector between the European Community and Spain and Canada, and in particular paragraph 12 thereof,
- (B) having regard to its opinion of 15 June 1978² on the proposal from the Commission of the European Communities to the Council for a decision on financial participation by the Community in respect of inspection and surveillance operations in the maritime waters of Denmark and Ireland, and in particular paragraph 3 thereof,
- (C) having regard to its resolution of 19 January 1979³ on certain inspection procedures governing fishing activities and surveillance procedures governing other activities affecting the common system for the conservation and management of fishing resources,
- (D) having regard to its resolution of 21 November 1980⁴ on the common fisheries policy, and in particular paragraphs 30 to 45 thereof,
- (E) having regard to its opinion of 15 October 1976⁵ on the proposal from the Commission of the European Communities for a decision on the conclusion of a Convention on the protection of the Mediterranean Sea against pollution and a Protocol on the prevention of the pollution of the Mediterranean Sea by dumping from ships and aircraft,
- (F) having regard to its resolution of 14 April 1978⁶ on the 'Amoco Cadiz' disaster,

¹ OJ No. C 175, 14.07.1980, p.71 - Doc. 1-234/80 - rapporteur: Mr BUCHOU
² OJ No. C 163, 10.07.1978, p.43 - Doc. 39/78 - rapporteur: Mr CORRIE
³ OJ No. C 39, 12.02.1979, p.62 - Doc. 441/78 - rapporteur: Mr KLINKER
⁴ OJ No. C 327, 15.12.1980, p.84 - Doc. 1-560/80 - rapporteur: Mr CLINTON
⁵ OJ No. C 259, 4.11.1976, p.42 - Doc. 334/76 - rapporteur: Mr PREMOLI
⁶ OJ No. C 108, 8.05.1978, p.59

- (G) having regard to its resolution of 14 February 1979¹ on
 I. The best means of preventing accidents to shipping and consequential marine and coastal pollution, and
 II. shipping regulations,
- (H) having regard to its resolutions of 16 January 1981² on the problems involved in combating hydrocarbon pollution of the sea,
- (I) having regard to the proposal from the Commission of the European Communities to the Council for a regulation establishing a Community system for the conservation and management of fishery resources (COM(76) 535 final - Doc. 373/76), and in particular Articles 8, 10 and 11 thereof, on which the European Parliament delivered its opinion on 9 February 1977³,
- (J) having regard to the modified proposal from the Commission of the European Communities to the Council for a regulation laying down certain measures of control for fishing activities by Community vessels (COM(78) 8 final - Doc. 543/77), on which the European Parliament delivered its opinion on 16 February 1978⁴,
- (K) having regard to the communication from the Commission of the European Communities to the Council concerning the implications of the adoption of a Council regulation establishing certain supervisory measures for fishing activities by vessels of Member States (COM(80) 882 final),
- (L) whereas the common system for the management and conservation of fishing resources will be incomplete until such time as it is supported by effective and impartial inspection measures,
- (M) whereas such inspection cannot be confined to the common fisheries policy, but must be extended to all human activities at sea likely to affect fish stocks,
- (N) whereas, therefore, maritime inspection and surveillance operations are of paramount importance for the implementation of a comprehensive policy on fisheries and the sea,
- (O) having regard to the report of the Committee on Agriculture (Doc. 1-183/82)
1. Calls on the Member States to coordinate their maritime inspection and surveillance operations with a view to improving their effectiveness at Community level; instructs the Commission to submit the requisite proposals to the Council, taking into account its previous proposals and the various resolutions or opinions adopted by the European Parliament;

1 OJ No C 67, 12.3.1979, p. 22 - Doc. 555/78 - Rapporteur: Lord Bruce of Donington
 2 OJ No C 28, 9.2.1981, p. 52 - Doc. 1-708/80-Rapporteur: Mr Carossino
 OJ No C 28, 9.2.1981, p. 55 - Doc. 1-709/80-Rapporteur: Mrs Maij-Weggen
 OJ No C 28, 9.2.1981, p. 59 - Doc. 1-467/80-Rapporteur: Mrs Spaak
 3 OJ No C 57, 17.3.1977, p. 44 - Doc. 373/76 - Rapporteur: Mr KOFOED
 4 OJ No C 63, 13.3.1978, p. 31 - Doc. 543/77 - Rapporteur: Mr CORRIE

2. Further to the abovementioned resolution of 19 January 1979, affirms that the maritime inspection and surveillance operations should include :
 - (a) inspecting the fishing and processing activities of vessels of third countries and of the Member States,
 - (b) preventing or combating pollution of the marine environment,
 - (c) search and rescue operations at sea,
 - (d) performing any other task which the Council might decide upon under a common policy on fisheries and the sea, including scientific research work;
3. Considers that such coordination, based on the national inspection systems, should aim to introduce common procedures, so that inspection becomes progressively and increasingly a Community operation;
4. Considers it necessary also for the European Community to set up an effective maritime surveillance service both to achieve greater efficiency and to assert its own identity; therefore takes the view that the coordination of maritime inspection and surveillance operations can only be regarded as a provisional solution, pending the formation of a European surveillance service;
5. Affirms, however, that the controls currently carried out by each of the Member States concerned would be far more effective if centres for the coordination of maritime inspection and surveillance operations were created for the main fishing sectors (the Atlantic, the North Sea, the Baltic and the Mediterranean), with a system of liaison between these centres being established at Community level;
6. Considers it desirable to create at Community level a centralized data bank, to which the Member States would have access and which could provide information on vessels fishing in Community waters or on catches in those waters;
7. Recommends that a body of Community inspectors should be created
 - (a) to assist the Member States with their maritime inspection and surveillance operations,
 - (b) to facilitate the coordination of Member States' maritime inspection and surveillance operations,
 - (c) to ensure that inspections are carried out impartially and, above all, to demonstrate both to Community fishermen and to the fishermen of non-member countries that they are indeed carried impartially.
8. Requests that Community inspectors should be allowed to ensure that, at the time of unloading, the catch declared and sold by auction is consistent with the information recorded in the log book or gathered by the national inspection services in accordance with a procedure agreed jointly by the Commission and the Member States.

9. Takes the view, however, that such on-shore inspections are insufficient to control all fishing activities, since not all fishing vessels unload their catch within the Community and they may also make transshipments at sea; demands, therefore, that Community inspectors be allowed to participate, at their request, in Member States' maritime inspection and surveillance operations, whether at sea or by air, and that they be accordingly taken on board the vessels or aircraft responsible for such operations;
10. Believes that it is essential for the Commission to ensure that, prior to taking up their employment, Community inspectors receive special training bringing out the Community nature of the duties they will be required to perform;
11. Calls on the Community Institutions to make provision in the 1983 budget for the staff and financial resources needed to carry out the above tasks;
12. Takes the view that the facilities available to the Community Member States for maritime surveillance should be comprehensively reviewed and aid granted to those whose facilities are found to be insufficient or inadequate, although account should be taken of the financial resources of such States and of the extent of the maritime zones they must keep under surveillance;
13. Requests that, in addition to the national flag, Member States' inspection vessels and, if possible, inspection aircraft, should display a Community emblem - the design of which has yet to be decided by common agreement between the Institutions - to highlight the Community nature of the inspections carried out in the implementation of a common policy on fisheries and the sea;
14. Affirms that the courts of the Member States must see to it that the fines and penalties they impose in cases of infringement of the common policy on fisheries and the sea are non-discriminatory, irrespective of the nationality of the vessels concerned; considers that the fines and penalties imposed by the national courts in cases of infringement of the common policy on fisheries and the sea should be comparable;
15. Takes the view that the fines imposed for infringements of the common fisheries policy should become Community own resources, on the basis of Article 201 of the EEC Treaty;
16. Requests that the fishing licences granted by the Commission to non-Community vessels should expressly provide that their captains are bound by the inspection procedures decided on by the European Community. If a captain refused to be so bound, the licence would be withheld or withdrawn, depending on whether he refused before or during the fishing year;
17. Instructs its President to forward this resolution to the Commission and Council and to the Member States.

EXPLANATORY STATEMENTI. SUMMARY OF ACTION TAKEN BY THE EUROPEAN PARLIAMENT BEFORE IT WAS DIRECTLY ELECTED

1. In adopting on 19 January 1979 the report by Mr Klinker (Doc.441/78) on certain inspection procedures governing fishing activities and surveillance procedures governing other activities affecting the common system for the conservation and management of fishing resources, the former European Parliament recognized the importance of such procedures for the successful application of the common system, as defined by the Council resolutions of 3 November 1976.
2. In the proposal for a regulation annexed to the resolution¹ contained in that report, Parliament urged the Commission to recommend that the Council establish by 31 December 1982 at the latest a Community coastguard service responsible in 'Community waters', for
- (a) inspecting the fishing activities of vessels of third countries or of the Member States,
 - (b) preventing or combating pollution of the marine environment,²
 - (c) carrying out scientific research within the framework of any measures the Community might adopt to study the marine environment and the sea-bed,
 - (d) taking part in search and rescue operations at sea,
 - (e) performing any other task which the Council might decide upon under a common policy on the sea.
3. Realizing that long-established national practices could not be replaced by a new system overnight, Parliament proposed that as a first step the Community coastguard service and the corresponding administrations of the Member States could establish various forms of cooperation: coordination of inspection and surveillance missions, exchange of information, delegation of Community inspectors to each Member State, etc.,
4. In this way, the Community coastguard service, far from replacing the competent administrations of the Member States, has been evolving as an instrument for the coordination of their respective inspection and surveillance operations.

¹ OT No C 39 of 12.2.1979, n. 62

² The European Parliament has already discussed the problem of combating pollution of the marine environment on several occasions. The Committee on the Environment, Public Health and Consumer Protection has adopted a number of reports on this subject, including:

- in the case of the Mediterranean, Mr Premoli's report on the Barcelona Convention (Doc 334/76)
- the report by Mrs Maij-Weggen on the proposal from the Commission to the Council for a decision establishing a Community information system for preventing and combating hydrocarbon pollution of the sea (Doc. 1-709/80)
- the report by Mrs Spaak on combating the effects of disasters where oil is released into the sea and reaches the shore (Doc. 1-467/80);

Other reports include those dealing with the discharge of waste and effluents into the sea, such as 'red mud', but this is not the place for an exhaustive list of these existing reports.

- the Committee on the Environment and Transport of the old Parliament considered the more general problem of the transport of oil in the report by Lord Bruce of Donington (Doc 555/78). More recently, the Committee on Transport of the directly elected Parliament, in a report by Mr Carossino, delivered its views on a proposal for a directive concerning the enforcement, in respect of shipping using Community ports, of international standards for shipping safety and pollution prevention (Doc. 1-708/80).

5. The proposal put forward by the former Parliament envisaged two approaches:

- (a) a 'federalist' approach, in which a Community coastguard service would replace the coastguard services of the Member States; and
- (b) a 'confederalist' approach, in which the Community service, while carrying out inspection and surveillance missions on behalf of the Community, would also coordinate the inspection and surveillance activities of the Member States, insofar as the latter still considered it useful to carry out such activities - and they might well wish to maintain that right.

The former Parliament refrained from making an a priori judgment in favour of either of these approaches, wishing to see both subjected to the test of argument and hoping that all inspections would eventually come within the ambit of the Community.

6. The other main aspects of Parliament's proposal concerned:

- (a) the Community nature of the inspections carried out by the Member States, which entailed:
 - the right of any aircraft or vessel of a Member State to operate throughout Community waters, provided that it displayed the Community emblem when performing these inspections,
 - the right of any inspection vessel to conduct any vessel that it had boarded to the nearest port, even if that port was situated in a third Member State.
- (b) the harmonization, on the basis of Article 100 of the EEC Treaty, of the penalties and fines imposed by Member States' jurisdictions for infringement of the common system for the conservation and management of fishing resources or of any other regulations applicable to Community waters, in order to avoid any discrimination as regards the place where these penalties and fines were imposed.
- (c) the treatment as the Community's own resources of any fines imposed by Member States' jurisdictions for infringement of the common system for the conservation and management of fishing resources or of any other regulations applicable to Community waters, on the basis of Article 201 of the EEC Treaty.

7. When drawing up its preliminary draft budget for 1980, the Commission took account of the aforementioned Parliament resolution, since it entered a new Article 874 entitled 'Coordination of surveillance operations by

Member States', with an appropriation of 0.3 m EUA. In the remarks column it was stated that 'this measure should permit the gradual development of a rapid information and communications system between the Member States and, possibly, the establishment of a coordination centre for surveillance operations, the object being to rationalize inspection procedures'. This initiative by the Commission was somewhat surprising, particularly since, during the debate on Mr Klinker's report on 18 January 1979, Mr Gundelach observed that the report 'is not for today or tomorrow but for later'¹. Mr Gundelach made it clear, however, that he accepted the need for inspections, even though he was unable to specify the forms that they should take.

This new Article was retained by the Budgetary Authority in the 1980, 1981 and 1982 budgets, though with a token entry pending the formulation of a specific proposal by the Commission

II. ACTION TAKEN BY THE COMMISSION

8. The Commission has produced four important documents on the subject of controls:
- (a) In its proposal for a regulation establishing a Community system for the conservation and management of fishery resources (COM(76) 535 final - Doc. 373/76), it recommends the establishment of a system of licences (Article 8), inspection measures (Article 10) and a system of sanctions (Article 11).
 - (b) In its modified proposal for a regulation laying down certain measures of control for fishing activities by Community vessels (COM(78) 8 final - Doc. 543/77), it advocates the coordination of Member States' control activities and a two-way exchange of information between States and the Commission (Article 1(3)), a common procedure for landing catches and checking their tonnage (Articles 6 to 9) and rules to control fishing activity in certain zones based on the submission of fishing plans (Article 12).
 - (c) In its proposal for a decision on financial participation by the Community in respect of the inspection and surveillance operations in the maritime waters of Denmark and Ireland (COM(77) 644 final - Doc. 460/77), the Commission argues, on the basis of resolutions adopted at The Hague on 3 November 1976, that these two Member States should be helped to acquire adequate surveillance equipment, having regard to the extent of the maritime zones which they are obliged to keep under surveillance on the

¹ Debates of the European Parliament, Report of Proceedings of 15 to 19 January 1979, p. 231

Community's behalf. By adopting Decision 78/640/EEC of 25 July 1978¹, the Council placed 10 m ECU and 46 m ECU at the disposal of Denmark and Ireland respectively for the acquisition of maritime surveillance equipment (aircraft, helicopters, ships, the modernization of existing installations).

(d) In its communication to the Council concerning the implications of the adoption of a regulation establishing certain supervisory measures for fishing activities by vessels of Member States (COM(80) 882 final), the Commission recommends that a Community inspection unit be created to ensure that the Member States

1. abide by a common interpretation of the inspection and conservation measures;
2. carry out a satisfactory number of inspections at sea and do not discriminate in their treatment of vessels of different nationality;
3. adopt common criteria and methods for the inspection of vessels at sea;
4. introduce satisfactory arrangements for the surveillance of landing and transshipment operations;
5. take appropriate action against those who violate the fishing regulations.

The Commission hopes, then, that this inspection unit will coordinate the activities of the national inspection services. It also draws attention to the need for the penal or administrative measures applied in cases of infringement of the Community's conservation and inspection regulations to be comparable.

III. ACTION TAKEN BY THE DIRECTLY ELECTED PARLIAMENT

9. In its opinion² on three proposals for regulations concerning relations in the fisheries sector between the European Community and Spain and Canada, the new Parliament 'instructs its Committee on Agriculture to investigate whether this control could not perhaps be achieved by coordinating the Member States' inspection and surveillance operations' (paragraph 12).

In this opinion, then, it takes the same line as the old Parliament, thus ensuring continuity in the Institution's approach to the problems of controlling fishing activities.

¹OJ No. L 211, 1.8.1978, p.34

²CJ No. C 175, 14.7.1980, p. 71 - Doc. 1-234/80 - rapporteur: Mr Buchou

10. In its resolution on the common fisheries policy¹, adopted on the basis of a report by Mr Clinton (Doc. 1-560/80), the European Parliament not only calls attention to the essential need for a common fisheries policy to be implemented as rapidly as possible, but also introduces a whole range of inspection measures (paragraphs 30 to 45) concerning licences, log books, Community inspectors and land-based maritime control centres.

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11. It will be appreciated, then, that effective control measures have been proposed as much by the European Parliament, both before and after its direct election, as by the Commission itself. However, the Council has not always given effect to these proposals. This situation must change, for the following reasons:

- (a) if it is to be credible, a common fisheries policy must be accompanied by control measures established at Community level,
- (b) its direct election has conferred upon the European Parliament a legitimacy which the Council can no longer treat with indifference. It must therefore adopt without further delay the control measures which have been laid before it by the Commission and which have been endorsed by Europe's elected representatives, as well as the measures which these representatives have proposed and which complement those envisaged by the Commission.

12. Having said that, it is essential to consider how far coordination by the Member States and the European Community of maritime inspection and surveillance operations will be possible.

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IV. THE PROBLEMS OF COORDINATION

Is coordination necessary?

13. The first question that arises is: why is the coordination of maritime inspection and surveillance operations necessary?

The answer is a simple one: vessels are able to exploit the national maritime zones and the lack of surveillance facilities of certain Member States to escape inspections. The coordination of surveillance operations would therefore enable one Member State to notify another as soon as a vessel left its maritime zone and entered the adjacent zone. In this way, inspectors would in a sense act as a relay team.

¹ CJ No. C 327, 15.12.1980, p.84

The means of achieving such coordination

14. The next problem is how such coordination should be achieved. This raises the following questions:

- (a) Is an inspection and surveillance operations centre needed to centralize and initiate action? Is bilateral cooperation between the Member States at present responsible for policing adjacent maritime zones on behalf of the Commission in itself sufficient?
- (b) Should Community waters be divided up, not according to national maritime boundaries as at present, but according to the ability of each Member State to police a specific maritime area? The answer to this question is crucial for a satisfactory solution of the problem of coordinating inspections.
- (c) Should the surveillance aircraft and vessels making the inspections display, in addition to the national flag, some Community emblem, as yet to be defined, to show that the inspections are being carried out on behalf of the Community?
- (d) Should Community inspectors be delegated to the Member States to take part in their inspection and surveillance operations? This would have the dual advantage of guaranteeing the impartiality of inspections and facilitating their coordination.

15. In answering these questions account must be taken of the following considerations:

- (a) The coordination of inspection and surveillance operations on a bilateral basis would certainly be beneficial in the short term, since, as will be seen from Annex II, it is hardly ever attempted at the present time. In the long term, however, such coordination would be a negation of the existence of the Community. Hence, it is preferable to envisage from the outset either the establishment of a rapid information system at Community level or the creation of a maritime inspection and surveillance operations coordination centre, the structure of which would have to be decided at a later date and which would seek to avoid too much bureaucratic 'red tape'.
- (b) Even if a maritime surveillance operations coordination centre were to confine itself to the civilian tasks enumerated in paragraph 2, it would still involve the military sector, since in a number of Member States the inspection and surveillance operations are carried out by the armed forces. The EEC Treaty does not prohibit such an extension of the Community's powers. It would be permissible, under Article 235 of the Treaty, in the implementation of a

common policy on fisheries and the sea. Moreover, it should not be forgotten that the Preamble to the EEC Treaty states that the Member States are 'determined to lay the foundations of an ever closer union among the peoples of Europe'.

However, the problem of involving the military sector, which might provoke public opposition in some Member States, is more apparent than real. After all, the armed forces are called upon to perform civilian tasks (rescue operations, for instance) in all the Member States. Moreover, the inspection of trawlers cannot be considered to be a military activity. The purpose of a maritime surveillance operations coordination centre would be to coordinate civilian tasks. Finally, it should be remembered that in some Member States maritime inspection and surveillance operations are carried out by the civilian authorities.

The situation would, of course, be far simpler if all the Member States possessed a coastguard service which was independent of the navy or the fleet air arm. In the United States, for example, the US Coast Guard is attached to the US Navy only in wartime. Each of the maritime Member States should therefore be urged to create coastguard services which are independent of the armed forces, so as to avoid any confusion or misunderstanding. Such an arrangement would also be more economical, since it is less expensive to monitor the movements and activities of trawlers with maritime reconnaissance aircraft specially designed for the purpose than with anti-submarine aircraft (of the Bréguet 'Atlantic' or the British Aerospace 'Nimrod' type).

- (c) Dividing up Community waters according to the ability of each Member State to police a specific area of those waters, rather than on the present basis of national maritime boundaries, ought not to pose insurmountable legal problems.
- In the case of the Member States, the Community is free to adopt whatever internal legal system it chooses,
 - In the case of non-member countries, and especially where fishing is concerned, the Community can use licences as a means of exerting pressure. The granting of licences could be made conditional on the acceptance by third countries of the Community's inspection procedures.
 - As far as sea transport is concerned, inspections carried out on a 'transnational' basis are no more an impediment to the freedom of navigation than inspections carried out on a 'intranational' basis.

Furthermore, Article 23 of the United Nations Convention on the High Seas of 29 April 1958¹ authorizes 'hot pursuit', provided that it 'ceases as soon as the ship pursued enters the territorial sea of its own country or of a third State'. Since the Member States have by common accord extended their respective maritime zones to 200 miles and in so doing created 'Community waters', it is reasonable to suppose that the right of hot pursuit does not cease when the inspections are carried out on behalf of the Community, as is already the case under the common fisheries policy. Indeed, where fisheries are concerned, the Community should be regarded as a single coastal State. Consequently, it should be possible for an inspection vessel of a Member State to police at least partially the Community maritime zone administered by another Member State. This highly complex problem can be solved more easily when the Community becomes in its own right a member of the future Convention on the Law of the Sea. Parliament has already pronounced in favour of such membership.

However, if the Member States rejected such an arrangement, the alternative should be to provide Community aid to those Member States possessing inadequate inspection facilities. This would mean extending to other Member States the benefits that have already been accorded to Denmark and Ireland, although account would have to be taken of the financial resources of the States concerned and the extent of the maritime zones they must keep under surveillance. Hence, the Commission should produce a very accurate survey of the maritime surveillance equipment possessed by each Member State and, if need be, draw up aid proposals commensurate with their requirements.

- (d) No specific problem is raised by the question of a Community emblem.² Any aircraft or vessel can display a Community emblem if non-member states are able to identify them with a Community Member State. The national flag must therefore be retained. (This procedure is already followed by NATO, whose aircraft, for example, display both their national colours and the NATO emblem).

On the other hand, a vessel or aircraft displaying only the Community emblem would be considered by states not recognizing the Community as a pirate vessel or aircraft.

¹ See Doc. 466/77, p.23

² For more information about flag legislation, see 'Annuaire Français de Droit International' (1962), pp. 685 to 717 (Centre National de la Recherche Scientifique).