

At ANM 11, members were asked to provide examples of their user's consultation process to assist the ANM committee in developing guidance on procedure for establishing, changing or discontinuing Aids to navigation;

User consultancy in France

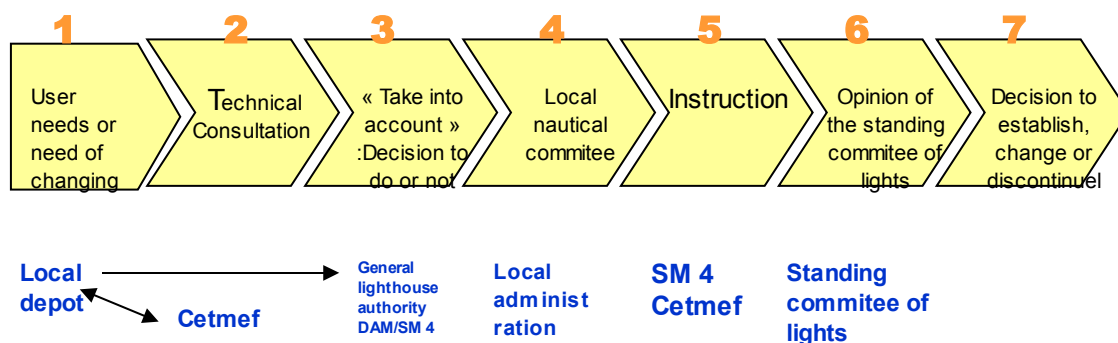
Procedure for establishing, changing or discontinuing Aids to navigation

This paper deals with the process of User Consultation undertaken by the French Lighthouse authority.

1-Description of the procedure for the preparation of establishing, changing or discontinuing aids to navigation

From the user's request or need of changing to the user's benefice

The steps and stakeholders



A good coordination for the appropriate response

The local districts or depots have to implement the policy set by the Directorate of Maritime Affairs (DAM) or National Lighthouse authority, to meet the needs of Atons , and to disseminate navigational warnings or information:

- 1-They evaluate the needs of users or needs of alteration;
- 2-They establish the project on the aspect of marine engineering, in collaboration with the technical service CETMEF and the DAM (French lighthouses authority)
- 3- The DAM takes into account the project and adjudicates on the fact that the aid will be a maritime facilities signalling (ESM or Aton) or not, and that its funding will be provided by the State or in whole or in part, by third beneficiary;
- 4- The local administration collects the opinion of the local nautical Committee on the marine project;
- 5-The depot gets the financing of third-party beneficiary and finalize the project;
- 6-The DAM collects the favourable opinion of the Standing Committee of lights (Commission des Phares) on the project and prepare the official decision of creation, modification or abolition of the Aton.
- 7-The DAM takes the decision for establishing, changing or discontinuing the Aid or groups of aids to navigation.

After that

In the case of a project funded by a third party, the local depot establishes the agreement for the study and the convention for the maintenance of the equipment;

They establish the project on engineering aspects, to implement the administrative decision, with the support of the technical network (CETMEF, CETE,...) and make preventive and curative maintenance on equipment, to meet the objectives of availability of the aids from the International Association of Lighthouse Authorities (IALA), with the support of CETMEF .

They ensure the collection of information on the malfunctioning of aids and broadcast navigational warnings.

Prior to carrying out any consultation process, it is imperative to ensure that correct User Community are being targeted. The levels of user consultation can be categorised as follows:

2- Level 1- The local user consultative nautical Committee-

In general, the nautical commissions allow to consult mariners on realization and processing equipment of civilians interests in maritime navigation. They were established by Decree No. 86-606 on the nautical commissions.

There are local nautical commissions and major (or main) local nautical commissions , according to the type of case handled.

2-1 The local nautical Committee

The local nautical Committee is consulted on maritime projects, realisation or modification of equipment interesting shipping, issues relating to the operation or the police of seaports and requires consultation of mariners and when the proposed facilities do not change works outside the port or access channels. Otherwise, or upon decision of the minister responsible for seaports, it is necessary to convene the major local nautical committee

The local nautical Committee is convened by decision of the local authority (prefect).

This users consultation is expected to give an advisory opinion to the authorities concerned by the implications of a project with regard to maritime traffic and local nautical uses. Its aim is to get the views of users and to organize the exchange of ideas between the designer and the user and to enforce the local point of view on the project.

The consultation is an integral part of the trial procedure for administrative changes, preparation of establishing, changing or discontinuing aids to navigation (after considering the preliminary draft by the Lighthouses Authority, which authorizes the consultation), authorizations of temporary occupation of Public Maritime Area (marines cultures, authorizations for specific areas of the harbour and light equipment) and other port facilities.

The Local nautical Committee is composed as follows:

- The Administrator of Maritime Affairs of the area concerned, Chairman, delegate of the Commissioner of the Republic of the department and of the Maritime Prefect;
- 5 local marine practices (or their alternates) chosen from various professional activities (Pilots, Captains, merchant, fishing and leisure specialists bodies)

The head of maritime services or the director of the port or community interested designate also representative to attend the meeting.

2-2. The major local nautical committee

A major nautical committee is established for the exam of new projects or processing of civilian equipments interesting shipping; and requiring consultation of mariners

It can be consulted on issues relating to the operation or the police of seaports.

- During the investigation on the work of construction, expansion or modernization of civilians seaports when such works include a modification outside the port or access channels (Code of seaports);
- In matter of Lighthouse Authorities, on major signalling equipment and navigational aids as well as the marking of the exploration of the continental shelf and exploiting of its natural resources.

The purpose of the Major nautical committee is to provide advices to authorities on the implications of

the project in relation to maritime traffic and uses of mariners. This opinion is only advisory but is an integral part of the investigation of the development or creation of maritime equipments.

The Major nautical committee is composed as follows:

a) Permanent members:

- A senior officer of the Navy, chairman;
- An engineer belonging to the hydrographic and oceanographic service of the navy (SHOM).

b) Members by law:

- The Administrator of Maritime Affairs, head of the district concerned;

c) Temporary Members :

- 5 local marine practices selected from the various professional categories of mariners (pilots, captains, navy commanders, fishermen, yachters, leisure interested bodies...).

The head of the local maritime services or the director of the port or the community interested designate also a representative to attend the meeting.

A new commission is established for the investigation of each case. The secretariat of the major nautical committee is provided by the hydrographic and oceanographic service of the navy (SHOM).

3- Level 2 -The Standing committee of Lights or « Commission des Phares »

The mission of the Standing committee of Lights (or Commission des Phares's) is to give the Administration or ministers concerned his views on all matters relating to Aids to Navigation (visual, optical, acoustic or radio devices), maritime signalling and systems of surveillance of Maritime Navigation.

His role is also to ensure a good balance between public investment and users needs, to ensure consistency and uniformity in the application of the rules of the Lighthouse Authorities, to ensure uniformity of marking and its conformity with the doctrine and the MBS and to examine the nautical and technical qualities of the project and its financial opportunity.

The work of the Standing Committee of Lights, coupled with the decision of the Lighthouses authority, led to interpretations that form jurisprudence. Rules must remain uniform throughout the coast, under the responsibility of the state. There are real difficulties to create sufficiently small rules to define the precise characteristics of each navigational aid. The role of the Standing committee of Lights (or Commission des Phares) is to clarify the modalities for implementing the texts and rules and to overcome this difficulty.

Purpose:

The committee represents a guarantee of stability in the policy on lights and aids to navigation, its central location and the quality of the members, which are not subjected to local pressures, create a genuine expertise in the processing of establishing; changing or cancellation of Atons

In addition to its role to issue an opinion on timely issues that are presented, it also makes elements of doctrine.

The Standing committee of lights (Commission des Phares): is composed as follows:

Depending on the nature of the importance of the case for which it is consulted, the Standing committee of lights deliberates in plenary session that brings together all members for specific purposes or most often in the permanent standing committee for the project analysis of Lighthouse Authorities.

Under the current legislation, the composition of the Standing committee of lights (Commission des Phares) is governed by Decree 70.1184.

The Standing Committee includes:

- A senior officer of the Navy, head of the section of almanacs and nautical information of the hydrographic and oceanographic service of the navy (SHOM) who is chairman of the meeting;
- the head of the division of rescue and maritime traffic (or their designated alternate);
- the head of the division responsible of lighthouses and beacons,
- the head of the technical service (CETMEF) or his deputy appointed;
- 3 permanent members of the Commission des Phares representing respectively the Merchant navy , the fishing industry and the supreme maritime council of sailing.

The case is reported by the head office of the lighthouse authority whose office provides also the secretariat of the committee

Jurisprudence:

The role of the Standing Committee of lighthouses is essentially advisory but currently no administrative decision regarding Aids to Navigation has been taken in contradiction with its proposals.

The Standing committee of lights (Commission des Phares) gives an opinion on the case presented, which may be favourable, reserved, unfavourable, deferred to a later meeting after further information or may propose a different solution of marking which requires a comprehensive review of the case. It is therefore imperative that any proposed modification or creation of an Atons takes into account the rules and recommendations already expressed

The analysis of the Standing Committee of Lights is based on a draft prepared by the Division responsible of Lighthouses and beacons and is the conclusion of an investigation whose main steps are presented at the beginning of this document