



Ministry of Infrastructure and the
Environment

> Return address Postbus 20904 2500 EX Den Haag

International Association on Marine Aids to Navigation and
Lighthouse Authorities
T.a.v. Mr. F. Zachariae
10 Rue des Gaudines
78100 Saint Germain en Laye
France



Bestuurskern
Dir. Maritime Affairs

Rijnstraat 8
2515 XP Den Haag
Postbus 20904
2500 EX Den Haag

Contact
M.D. Berrevoets
Senior Policy Advisor

T070-4561552
M+31(0)6-21812766
F070-4561478
Maarten.Berrevoets@minienm
.nl

Date 27 September 2017
Subject Comments on Draft Convention and Draft General
Regulations

Our reference
IENM/BSK-2017/237314

Dear Mr. Zachariae

With reference to your letter of 11 May last, I have the honor to give you some comments of the Netherlands' delegation to the Draft Convention and the Draft General Regulations.

First of all, I would like to acknowledge that in the 60 years of its existence IALA has played an important role in developing, improving and harmonizing worldwide marine aids to navigation.

The IALA Maritime Buoyage is universally recognized and implemented. IALA has a leading role in the development of recommendations and guidelines relating to Vessel traffic Services. Many IALA members are principal stakeholders in Vessel Traffic Services in ports a waterways around the world.

As NGO with consultative status at IMO, IALA's input into IMO's work on safety and efficiency of navigation systems had been significant. Likewise, the role of IALA in the development of the Automatic Identification System (AIS) and the Worldwide Radio Navigation Systems – including the various Global Navigation Satellite Systems, terrestrial differential services and augmentation systems -, and the development of the e-navigation concept has been outstanding and is highly appreciated by the Netherlands

This high quality output of IALA systems stem from its technical expertise in marine devices, systems and services that are external to a ship as provided by the competent authorities of its National Member, its Associate Members and its technical service providers.

In view of the quality of the work of IALA the international community and maritime stakeholders have the confidence that they can rely on IALA's expertise and guidance and consider its publications as authoritative reference material. IALA's role and impact has been undisputed and is worldwide highly appreciated. The international influence of this organization is determined by the quality of its work, but not necessarily by its status.



Bestuurskern
Dir Maritime Affairs

Date
27 September 2017

Our reference
IENM/BSK-2017/237314

Secondly, as you may be well aware, the Netherlands is, in general, reticent establishing new international organizations. Taking into account the current impact of IALA on the improvement and harmonization of marine aids to navigation, it is the view of the Netherlands that the absolute necessity and added value of a new international organization still needs to be more clearly demonstrated. In our view an improvement of IALA's capabilities to act as an International Organization compared to its actual status as a private body under French commercial law, in itself may not necessarily be a justification for a change of status.

Furthermore, as a European Member State the Netherlands is bound by article 218, paragraph 9 of the Treaty on the Functioning of the European Union. If IALA becomes an International Governmental Organization, European Members may be required by the European commission to coordinate and formulate their common position within the European Union before taking a position in IALA as in international organization set up by agreement. This will certainly be the case as the adoption of standards by IALA may well be deemed by the European Commission as acts of having legal effects.

The European Commission may point out that EU regulation in the field of marine aids is in place and that therefore EU competence in this field exists. The Netherlands wonders whether the transformation of IALA into an International Governmental Organization might have the effect that the creative and constructive contributions of EU Member States in IALA may be jeopardized.

Turning IALA in an International Organization may also have other detrimental effects. There is a distinct possibility that in IALA, as an international organization, an unperceived shift might take place towards more political and bureaucratic aspects. Discussions on language regimes and contribution scales may drift IALA away from a its global and unique technical expertise network, which now so determines the quality of the work of IALA. In a formal International Organization national representatives of central authorities may predominate the technical discussions in IALA. It is for this very reason that the Netherlands has underscored from the very beginning, that Associate Members and Industrial Members should be able to continue their pivotal role and maintain their rights and privileges in a future IALA. If changing the status of IALA results in diminishing the influence, input and participation of these members, it would be appropriate to reconsider our next steps.

It is the view of the Netherlands that the above-mentioned questions should be addressed prior to the final formulation of the Draft Convention. At this stage the Netherlands will reserve its position on the Draft Convention, with the exception of article 18 (Transitional Arrangements) of the Draft. This article should be deleted from the Convention. The Netherlands is of the opinion that the transitional arrangements should be formulated in a transition protocol to be adopted by IALA in its current status.



The Netherlands delegation is looking forward to the Second Preparatory Diplomatic Conference in February 2018 where it expects that the issues raised above will be discussed. Pending the outcome of that meeting the Netherlands reserves its final position on the change of status of IALA.

Yours sincerely,

Ministry of Infrastructure and the Environment
Director Maritime Affairs

Mrs. Brigit Gijsbers
Member of the IALA Council for the Netherlands

Bestuurskern
Dir Maritime Affairs

Date
27 September 2017

Our reference
IENM/BSK-2017/237314