



EUROPEAN PARLIAMENT

2009 - 2014

Committee on the Environment, Public Health and Food Safety

2010/0303(COD)

19.4.2011

OPINION

of the Committee on the Environment, Public Health and Food Safety

for the Committee on Transport and Tourism

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency
(COM(2010)0611 – C7-0343/2010 – 2010/0303(COD))

Rapporteur: Bart Staes

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SHORT JUSTIFICATION

The recent Deepwater Horizon oil spill in the Gulf of Mexico has highlighted the need to focus on issues surrounding maritime safety and prevention of pollution in the EU's marine environment. The European Parliament began looking at these issues in its resolution of 7 October 2010 on EU action on oil exploration and extraction in the EU (promoted initially by the Committee on the Environment, Public Health and Food Safety).

This proposed Regulation amending Regulation (EC) No. 1406/2002 establishing a European Maritime Safety Agency (EMSA), represents a first legislative opportunity for Parliament to examine ways of strengthening the existing functions of EMSA so as to further environmental protection objectives and accident response capacity in EU waters.

The proposed Regulation should make best use of the Agency's expertise and strengthen its role in assisting and supporting the Commission and Member States in relation to the prevention of pollution from offshore oil and gas installations and in the development of requirements and guidance on the licensing of oil and gas exploration and production. The proposed Regulation should also provide for an enhanced role for systems such as CleanSeaNet and the electronic detection system, used by EMSA in its existing work and extend EMSA's inspection functions.

AMENDMENTS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Transport and Tourism, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Proposal for a regulation - amending act

Recital 6

Text proposed by the Commission

(6) The Agency should enhance its assistance to the Commission regarding research activities related to its field of competences. However, *double work* with the existing EU research framework should be avoided. In particular, the Agency should not be in charge of the management of research projects.

Amendment

(6) The Agency should enhance its assistance to the Commission regarding research activities related to its field of competences. However, *duplication* with the existing EU research framework should be avoided. In particular, the Agency should not be in charge of the management of research projects. ***In extending the Agency's tasks, attention should be paid to ensuring that the tasks are described clearly and precisely, that there is no duplication and that any confusion is***

avoided.

Amendment 2

Proposal for a regulation - amending act Recital 8

Text proposed by the Commission

(8) Recent events highlighted the risks of offshore oil and gas exploration and production activities to maritime transport **and** the marine environment. The use of the Agency's response capabilities should be explicitly extended to cover response to pollution originating from such activities. In addition, the Agency should assist the Commission in analysing the safety of mobile offshore gas and oil installations, in order to identify possible weaknesses, basing its contribution on the expertise it has developed with regard to maritime safety, maritime security, the prevention of pollution caused by ships and response to marine pollution.

Amendment

(8) Recent events highlighted the risks of offshore oil and gas exploration and production **and transport** activities to maritime transport, the marine environment **and coastal areas**. The use of the Agency's response capabilities should be explicitly extended to cover **prevention of and** response to pollution originating from such activities. In addition, the Agency should assist the Commission in analysing the safety of mobile offshore gas and oil installations (**including transport installations**), in order to identify possible weaknesses, basing its contribution on the expertise it has developed with regard to maritime safety, maritime security, the prevention of pollution caused by ships and response to marine pollution. **The Agency should in particular, through its existing satellite monitoring and surveillance service, assist the Commission and the Member States in detecting and dealing with the effects of oil spills emanating from offshore oil and gas installations.**

Amendment 3

Proposal for a regulation – amending act Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) The extension of the tasks and responsibilities of the Agency relating to offshore oil and gas installations should be appropriately reflected in the budget

adopted under Article 18 of Regulation (EC) No 1406/2002, and should result in an increase in the number of its staff and in its accident response capacity, if necessary to enable the Agency to carry out those new tasks effectively.

Amendment 4

Proposal for a regulation – amending act Recital 8 b (new)

Text proposed by the Commission

Amendment

(8b) The Agency's existing electronic detection system could usefully be deployed for additional types of vessels given its potential to improve the efficiency of marine transport and thus provide incentives for moving freight from road to sea transport.

Amendment 5

Proposal for a regulation - amending act Recital 10

Text proposed by the Commission

Amendment

(10) The Agency has established itself as the authoritative provider of maritime traffic data at EU level which are of interest and relevance in other EU activities. Through its activities, in particular regarding port state control, the monitoring of maritime traffic and shipping routes as well as assistance for tracking possible polluters, the Agency should contribute to *reinforce* synergies at EU level regarding certain coastguard operations. In addition, the Agency's data monitoring and collection should also gather basic information on potential threats to maritime transport and the marine environment from offshore oil and

(10) The Agency has established itself as the authoritative provider of maritime traffic data at EU level which are of interest and relevance in other EU activities. Through its activities, in particular regarding port state control, the monitoring of maritime traffic and shipping routes as well as assistance for tracking possible polluters, the Agency should contribute to *reinforcing* synergies at EU level regarding certain coastguard operations. *Furthermore, a study should be carried out to examine whether the Agency, acting as a European coastguard service, should take over these tasks in future, in order to enable swifter, more effective action by the authorities.* In

gas exploration and production.

addition, the Agency's data monitoring and collection should also gather basic information on potential threats to maritime transport and the marine environment from offshore oil and gas exploration and production *and transport*.

Amendment 6

Proposal for a regulation – amending act Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) The Agency's expertise in the areas of pollution and accident response in the marine environment would also be valuable in the development of guidance on the licensing of oil and gas exploration and production. The Agency should therefore assist the Commission and Member States in this task.

Amendment 7

Proposal for a regulation - amending act Recital 12

Text proposed by the Commission

Amendment

(12) The Agency carries out inspections in order to assist the Commission in the assessment of the effective implementation of EU law. The roles of the Agency, the Commission, the Member States and the Administrative Board should be clearly defined.

(12)The Agency carries out inspections in order to assist the Commission in the assessment of the effective implementation of EU law. The roles of the Agency, the Commission, the Member States and the Administrative Board should be clearly defined. ***In particular, the Agency should carry out inspections in third countries in the Mediterranean, Black Sea and Baltic Sea Regions in whose waters oil and gas exploration and production is taking place, and assist those third countries in strengthening their capacity to improve the safety of their offshore operations. Cooperation with third countries in carrying out tasks should be strengthened***

in order to enable swifter action.

Amendment 8

Proposal for a regulation - amending act

Article 1 – point 1

Regulation (EC) No 1406/2002

Article 1 - paragraph 2

Text proposed by the Commission

2. The Agency shall provide the Member States and the Commission with the technical and scientific assistance needed and with a high level of expertise, in order to help them to apply the **Union** legislation properly in the field of maritime safety, maritime security, prevention of pollution caused by ships, to monitor **its** implementation and to evaluate the effectiveness of the measures in place.

Amendment

2. The Agency shall provide the Member States and the Commission with the technical and scientific assistance needed and with a high level of expertise, in order to help them to apply the **relevant** legislation properly in the field of maritime safety, maritime security, **marine protection of the environment in particular ensuring the** prevention of pollution caused by ships, **by offshore oil and gas installations including both oil and gas drilling platforms and pipeline terminals**, to monitor **its** implementation and to evaluate the effectiveness of the measures in place.

Amendment 9

Proposal for a regulation – amending act

Article 1 – point 1

Regulation (EC) No 1406/2002

Article 1 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The Agency shall also support existing cross-border coastal coordination networks with a view to developing cooperation, focusing more explicitly on disaster prevention, thereby enabling the networks to benefit both from technical and scientific assistance from the Agency and from the detailed knowledge that regional and local authorities have of

specific features and local conditions.

Amendment 10

Proposal for a regulation - amending act

Article 1 – point 1

Regulation (EC) No 1406/2002

Article 2 - paragraph 1

Text proposed by the Commission

1. In order to ensure that the objectives set out in Article 1 are met in the appropriate manner, the Agency shall perform the tasks listed in paragraph 2 of this Article in the fields of maritime safety and maritime security, the prevention of pollution caused by ships and response to marine pollution.

Amendment

1. In order to ensure that the objectives set out in Article 1 are met in the appropriate manner, the Agency shall perform the tasks listed in paragraph 2 of this Article in the fields of maritime safety and maritime security, the prevention of pollution caused by ships ***and by offshore oil and gas installations (including mobile and transport installations and pipeline terminals)***, and response to marine pollution.

Amendment 11

Proposal for a regulation – amending act

Article 1 - point 1

Regulation (EC) No 1406/2002

Article 2 - paragraph 2 - point f a (new)

Text proposed by the Commission

Amendment

(fa) in the development of requirements or any guidance relating to the licensing of oil and gas exploration and production in the marine environment and, in particular, the environmental and civil protection aspects thereof;

Amendment 12

Proposal for a regulation - amending act

Article 1 – point 1

Regulation (EC) No 1406/2002

Article 2 - paragraph 3 – point c a (new)

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Text proposed by the Commission

Amendment

(ca) extend the use of the existing electronic detection system to additional types of vessels.

Amendment 13

Proposal for a regulation – amending act

Article 1 - point 1

Regulation (EC) No 1406/2002

Article 2 - paragraph 4 - point c a (new)

Text proposed by the Commission

Amendment

(ca) through its satellite monitoring and surveillance service, known as "Clean SeaNet" and established under Article 10 of Directive 2005/35/EC, in detecting and cleaning up pollution caused to the marine environment by minor oil spills emanating from offshore oil and gas installations.

Amendment 14

Proposal for a regulation - amending act

Article 1 – point 1

Regulation (EC) No 1406/2002

Article 3 - paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

1. In order to perform the tasks entrusted to it and to assist the Commission in fulfilling its duties under the Treaty in particular the assessment of the effective implementation of Union law, the Agency shall carry out inspections in the Member States.

1. In order to perform the tasks entrusted to it and to assist the Commission in fulfilling its duties under the Treaty in particular the assessment of the effective implementation of Union law, the Agency shall ***assist the Commission in reviewing environmental impact assessments and*** carry out inspections in the Member States.

Justification

EMSA could also play a role in the scrutiny of Environmental Impact Assessments (EIA) for offshore activities to avoid detrimental environmental impacts on highly sensitive marine ecosystems.

Amendment 15

Proposal for a regulation - amending act

Article 1 – point 1

Regulation (EC) No 1406/2002

Article 3 - paragraph 1 – subparagraph 3

Text proposed by the Commission

In addition, the Agency shall carry out inspections on behalf of the Commission in third countries as required by EU legislation, in particular regarding organisations recognised by the Union in accordance with Regulation (EC) 391/2009 of the European Parliament and of the Council and the training and certification of seafarers in accordance with Directive 2008/106/EC of the European Parliament and of the Council.

Amendment

In addition, the Agency shall carry out inspections on behalf of the Commission in third countries as required by EU legislation, in particular regarding organisations recognised by the Union in accordance with Regulation (EC) 391/2009 of the European Parliament and of the Council and the training and certification of seafarers in accordance with Directive 2008/106/EC of the European Parliament and of the Council. ***The Agency shall in particular carry out inspections in third countries in the Mediterranean, Black Sea and Baltic Sea Regions in whose waters oil and gas exploration and production is taking place, and assist those third countries in strengthening their capacity to improve the safety of their offshore operations.***

Amendment 16

Proposal for a regulation – amending act

Article 1 - point 1

Regulation (EC) No 1406/2002

Article 3 - paragraph 3

Text proposed by the Commission

3. Where appropriate, and in any case

Amendment

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when a cycle of inspections is concluded, the Agency shall analyse reports from that cycle with a view to identifying horizontal findings and general conclusions on the effectiveness of the measures in place. The Agency shall present this analysis to the Commission for further discussion with Member States.

when a cycle of inspections is concluded, the Agency shall analyse reports from that cycle with a view to identifying horizontal findings and general conclusions on the effectiveness of the measures in place. The Agency shall present this analysis to the Commission for further discussion with Member States, **and shall make it available to the public in an easily accessible format, including in electronic form.**

Amendment 17

Proposal for a regulation - amending act

Article 1 – point 2

Regulation (EC) No 1406/2002

Article 5 - paragraph 3

Text proposed by the Commission

3. At the request of the Commission, the Administrative Board may decide, with the agreement of the Member States concerned, to establish the regional centres necessary in order to carry out the Agency's tasks in the most efficient and effective way.

Amendment

3. At the request of the Commission, the Administrative Board may decide, with the agreement **and cooperation** of the Member States concerned, to establish the regional centres necessary in order to carry out the Agency's tasks in the most efficient and effective way, **enhancing cooperation with existing regional and national networks already engaged in prevention measures.**

Amendment 18

Proposal for a regulation - amending act

Article 1 – point 5

Regulation (EC) No 1406/2002

Article 16 - paragraph 1

Text proposed by the Commission

1. The Executive Director shall be appointed and dismissed by the Administrative Board. The appointment shall be made from a list of candidates proposed by the Commission for a period

Amendment

1. The Executive Director shall be appointed and dismissed by the Administrative Board. The appointment shall be made from a list of candidates proposed by the Commission for a period

of five years on grounds of merit and documented administrative and managerial skills, as well as competence and experience relevant for maritime safety, maritime security, prevention of pollution caused by ships and response to marine pollution. Before appointment, the candidate selected by the Administrative Board may be invited to make a statement before the competent committee of the European Parliament and answer questions put by its members. The Administrative Board shall take its decision by a four-fifths majority of all members with the right to vote.

of five years on grounds of merit and documented administrative and managerial skills, as well as ***gender equality***, competence and experience relevant for maritime safety, maritime security, prevention of pollution caused by ships, ***by offshore oil and gas installations including pipeline terminals*** and response to marine pollution. Before appointment, the candidate selected by the Administrative Board may be invited to make a statement before the competent committee of the European Parliament and answer questions put by its members. The Administrative Board shall take its decision by a four-fifths majority of all members with the right to vote.

Amendment 19

Proposal for a regulation - amending act

Article 1 – point 5

Regulation (EC) No 1406/2002

Article 16 - paragraph 4

Text proposed by the Commission

4. The Heads of Department shall be appointed on grounds of merit and documented administrative and managerial skills, as well as professional competence and experience relevant for maritime safety, maritime security, prevention of pollution caused by ships and response to marine pollution. The Heads of Department shall be appointed or dismissed by the Executive Director after having received a positive opinion of the Administrative Board.

Amendment

4. The Heads of Department shall be appointed on grounds of merit and documented administrative and managerial skills, as well as ***gender equality***, professional competence and experience relevant for maritime safety, maritime security, prevention of pollution caused by ships and response to marine pollution. The Heads of Department shall be appointed or dismissed by the Executive Director after having received a positive opinion of the Administrative Board.

PROCEDURE

Title	Amendment of Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency
References	COM(2010)0611 – C7-0343/2010 – 2010/0303(COD)
Committee responsible	TRAN
Opinion by Date announced in plenary	ENVI 10.11.2010
Rapporteur Date appointed	Bart Staes 30.11.2010
Discussed in committee	16.3.2011
Date adopted	19.4.2011
Result of final vote	+: 58 -: 2 0: 0
Members present for the final vote	János Áder, Kriton Arsenis, Sophie Auconie, Paolo Bartolozzi, Sergio Berlato, Martin Callanan, Nessa Childers, Chris Davies, Esther de Lange, Anne Delvaux, Bas Eickhout, Edite Estrela, Karl-Heinz Florenz, Elisabetta Gardini, Gerben-Jan Gerbrandy, Julie Girling, Nick Griffin, Françoise Grossetête, Cristina Gutiérrez-Cortines, Satu Hassi, Jolanta Emilia Hibner, Dan Jørgensen, Christa Kläß, Holger Krahmer, Jo Leinen, Peter Liese, Linda McAvan, Radvilė Morkūnaitė-Mikulėnienė, Paul Nuttall, Vladko Todorov Panayotov, Gilles Pargneaux, Antonyia Parvanova, Sirpa Pietikäinen, Mario Pirillo, Pavel Poc, Vittorio Prodi, Anna Rosbach, Oreste Rossi, Dagmar Roth-Behrendt, Carl Schlyter, Richard Seeber, Bogusław Sonik, Claudiu Ciprian Tănăsescu, Salvatore Tatarella, Glenis Willmott, Sabine Wils, Marina Yannakoudakis
Substitute(s) present for the final vote	João Ferreira, Matthias Groote, Jutta Haug, Michèle Rivasi, Birgit Schnieber-Jastram, Renate Sommer, Bart Staes, Struan Stevenson, Eleni Theocharous, Marianne Thyssen, Giommara Uggias, Anna Záborská
Substitute(s) under Rule 187(2) present for the final vote	George Sabin Cutaş