



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 8.7.2002
COM(2002) 374 final

2000/0327 (COD)

OPINION OF THE COMMISSION

**pursuant to Article 251 (2), third subparagraph, point (c) of the EC Treaty,
on the European Parliament's amendments
to the Council's common position regarding the
proposal for a**

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

establishing a European Maritime Safety Agency

**AMENDING THE PROPOSAL OF THE COMMISSION
pursuant to Article 250 (2) of the EC Treaty**

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Article 251(2)(c) of the EC Treaty lays down that the Commission shall deliver an opinion on the amendments proposed by the European Parliament at the second reading.

The Commission therefore delivers the following opinion on the amendments proposed by Parliament.

1. BACKGROUND

- a) On 8.12.2000, the Commission transmitted to the Council and the European Parliament its proposal for a Regulation (COM(2000) 802 final - 2000/0327(COD) of 6.12.2000).
- b) The Economic and Social Committee delivered a favourable opinion on 30.5.2001.
- c) The Committee of the Regions delivered a favourable opinion on 13.6.2001.
- d) On 14.6.2001, the European Parliament, at its first reading, delivered its opinion, containing a number of amendments to the Commission proposal.
- e) On 13.12.2001 (COM(2001) 676 final), the Commission adopted, in accordance with Article 250(2) of the Treaty, an amended proposal incorporating, wholly or in part, a big number of amendments adopted by Parliament.
- f) The Council adopted its common position on 7.3.2002.
- g) On 12.6.2002, the European Parliament adopted, at the second reading, a resolution containing five amendments to the common position, two of which are of linguistic nature and apply only to the Greek text.

2. OBJECTIVE OF THE PROPOSED DIRECTIVE

The proposed Regulation concerns the setting-up of a European Maritime Safety Agency. This new Agency will provide the Member States and the Commission with the necessary technical and scientific support and a high level of expertise to properly apply the Community legislation in the field of maritime safety and pollution prevention from ships, monitor its implementation and evaluate the effectiveness of the measures in place.

The main tasks of the Agency will be:

- Technical assistance to the Commission in the monitoring of existing legislation and the preparation of new Community legislation
- Inspection missions in Member States in order to verify the conditions in which they operate PSC
- Technical assistance to Member States in the application of Community legislation
- Organisation of appropriate training actions for national inspectors
- Collection of information and management of the data bases on maritime safety which will allow to establish a “black list” of substandard ships
- Missions related to the monitoring of navigation and the management of information relating to maritime traffic
- Missions of evaluation and control of classification societies
- Participation or co-ordination of activities relating to accident investigations
- Assistance to candidate for accession countries in the implementation of Community acquis

The Agency will be managed by an Executive Director, under the supervision of an Administrative Board. The Agency’s budget will be mainly financed by a subsidy from the Community.

3. OPINION OF THE COMMISSION ON THE AMENDMENTS BY THE EUROPEAN PARLIAMENT

Parliament adopted five amendments to the common position of the Council at the second reading, two of which are of linguistic nature.

The Commission accepts all the amendments proposed by the European Parliament.

3.1 Amendments 1 and 3 concern only the Greek version of the text.

Amendment 1 replaces in Article 10 paragraph 1, the word "συνιστάται" (meaning set up, established) with the word "ιδρύεται" (meaning established, founded). Amendment 3 replaces in Article 13, paragraph 2, the words "στις συνεδριάσεις" with the word "στις συσκέψεις" (meaning in both cases "in the meetings").

3.2 Amendments 2: Creation and powers of the Administrative Board (Article 10 of the common position)

With this amendment the Parliament wants to introduce a time limit within which the eventual re-examination of the work programme should take place. As provided for in Article 10, such re-examination of the work programme can take place upon request by the Commission.

The Parliament proposes that such second reading should be finalised within a period of two months (from the date of initiating the re-examination procedure).

The Commission is able to accept this amendment.

3.3. Amendments 4: Meetings (Article 13 of the common position)

This amendment relates to the procedure under which the Administrative Board may decide, in case of confidentiality or conflict of interest, to examine specific items of its agenda without the 4 professionals who participate to the Board.

The Parliament proposes that not only the Chairperson, but all members of the Administrative Board with the right to vote, may submit a request for such restricted meetings.

The Commission is able to accept this amendment.

3.4. Amendments 5: Duties and powers of The Executive Director (Article 15 of The Common Position)

With this amendment the Parliament requested to delete a repetitive reference to the independence of the Executive Director in article 15. It should be noted that the same Article provides that the independence of the Executive Director is "without prejudice to the respective competencies of the Commission and of the Administrative Board".

The Commission is able to accept this amendment.

4. CONCLUSION

In accordance with Article 250(2) of the EC Treaty, the Commission is hereby amending its proposal in accordance with the results of the second reading in Parliament as set out above.