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A7-0372/ 001-083

## **AMENDMENTS 001-083**

by the Committee on Transport and Tourism

### **Report**

**Knut Fleckenstein**

European Maritime Safety Agency

**A7-0372/2011**

Proposal for a regulation (COM(2010)0611 – C7-0343/2010 – 2010/0303(COD))

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### **Amendment 1**

#### **Proposal for a regulation – amending act**

##### **Recital 1**

###### *Text proposed by the Commission*

(1) Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 established a European Maritime Safety Agency (hereinafter the Agency) for the purpose of ensuring a high, uniform and effective level of maritime safety and prevention of pollution by ships.

###### *Amendment*

(1) Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002, ***which was adopted after the ‘Erika’ oil tanker disaster and the devastating oil pollution it caused,*** established a European Maritime Safety Agency (hereinafter the Agency) for the purpose of ensuring a high, uniform and effective level of maritime safety and prevention of pollution by ships.

###### *Justification*

*It should be clearly stated, for the benefit of people who at any time may come to analyse this scientific documentation, what it was that caused the Union institutions to take this action.*

### **Amendment 2**

#### **Proposal for a regulation – amending act**

##### **Recital 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***(1a) After the ‘Prestige’ oil tanker disaster in 2002, Regulation 1406/2002 was modified to give the Agency more power with regard to combating pollution.***

*Justification*

*It should be clearly stated, for the benefit of people who at any time may come to analyse this scientific documentation, what it was that caused the Union institutions to take this action.*

### **Amendment 3**

#### **Proposal for a regulation – amending act Recital 2**

*Text proposed by the Commission*

*Amendment*

(2) In accordance with Article 22 of Regulation (EC) No 1406/2002, the Administrative Board of the Agency commissioned an independent external evaluation on the implementation of that Regulation in 2007. Based on this evaluation, it issued recommendations regarding changes to Regulation (EC) No 1406/2002, to the Agency and its working practices in June 2008.

(2) In accordance with Article 22 of Regulation (EC) No 1406/2002, the Administrative Board of the Agency *(hereinafter the Administrative Board)* commissioned an independent external evaluation on the implementation of that Regulation in 2007. Based on this evaluation, it issued recommendations regarding changes to Regulation (EC) No 1406/2002, to the Agency, ***its areas of competence*** and its working practices in June 2008.

*Justification*

*The amendment to this regulation provides for new areas of competence to be assigned to the Agency and will therefore entail a redefinition of the sectors in which it may act.*

### **Amendment 4**

#### **Proposal for a regulation – amending act Recital 3**

*Text proposed by the Commission*

*Amendment*

(3) Based on the findings of the external evaluation, the recommendations by the Administrative Board and the multi-annual strategy, some provisions of Regulation (EC) No 1406/2002 should be clarified and

(3) Based on the findings of the external evaluation, the recommendations by the Administrative Board and the multi-annual strategy ***it adopted in March 2010***, some provisions of Regulation (EC) No

updated. **Furthermore**, the Agency should receive a number of additional tasks reflecting the development of the maritime safety policy at EU and international level. Considerable screening and redeployment efforts are necessary to guarantee cost and budget efficiency. **This should allow one third of additional** staffing needs for new tasks **to** be covered through internal redeployment by the Agency.

1406/2002 should be clarified and updated. **While focusing on its priority tasks in the area of maritime safety**, the Agency should **also** receive a number of additional tasks reflecting the development of the maritime safety policy at EU and international level. **Given the budget constraints facing the Union**, considerable screening and redeployment efforts are necessary to guarantee cost and budget efficiency **and to avoid any overlapping**. Staffing needs for **the** new tasks **should** be covered **as far as possible** through internal redeployment by the Agency.

#### *Justification*

*The funds available to the Agency for acting effectively in the area of maritime safety should not be allocated to new tasks. Stringent budgetary management is therefore necessary if the Agency's areas of competence are to be extended. The new tasks should be covered where possible through redeployment.*

#### **Amendment 5**

##### **Proposal for a regulation – amending act Recital 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**(3a) This redeployment needs to be coordinated with agencies in the Member States.**

#### *Justification*

*Greater efficiency and value will be achieved if the redeployment of tasks involves greater coordination.*

#### **Amendment 6**

##### **Proposal for a regulation – amending act Recital 3 b (new)**

*Text proposed by the Commission*

*Amendment*

**(3b) The Agency has already demonstrated that certain tasks, such as satellite monitoring systems, can be more efficiently undertaken at the European level. Where these systems can be applied**

***to support other policy objectives, this offers Member States savings on their national budgets and represents genuine European added value.***

*Justification*

*In the light of the economic crisis, it is clear that public budgets are under pressure at the European, national and state level. However, arguing that each and every public organisation should face a budgetary freeze makes little sense if investment at one level can allow larger savings in other tiers of government. In particular, if the Agency can use its existing systems to contribute to additional policy objectives, with a modest increase in resources, the net effect will be to reduce European public expenditure as national administrations will be freed from these tasks.*

**Amendment 7**

**Proposal for a regulation – amending act  
Recital 3 c (new)**

*Text proposed by the Commission*

*Amendment*

***(3c) In order to fulfil properly the new tasks entrusted to the Agency under this Regulation, an increase – albeit a limited one - in its resources is needed. This will require special attention is during the budgetary procedure.***

*Justification*

*At a time of serious economic crisis, a limited investment in the Agency's resources may be needed, bearing in mind that the new tasks entrusted to it will enable savings to be made at national level*

**Amendment 8**

**Proposal for a regulation – amending act  
Recital 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***(4a) Appointments to the Administrative Board should take full account of the importance of ensuring balanced gender representation. The election of the Chair and Vice Chair should also pursue this objective as should the choice of representatives from third countries.***

## Amendment 9

### Proposal for a regulation – amending act Recital 5

#### *Text proposed by the Commission*

(5) The Agency should act in the interest of the Union. This should include that the Agency may act outside the territory of the EU in its fields of competence.

#### *Amendment*

(5) The Agency should act in the interest of the Union ***and follow Commission guidelines.*** This should include that the Agency may act outside the territory of the EU in its fields of competence, ***promoting the Union's maritime safety policy by means of scientific and technical cooperation with third countries.***

#### *Justification*

*The Agency carries out its task on behalf of the Commission, which authorises the application of Community laws and principles. In this way, the Agency assists the Commission and the Member States in their technical and operational tasks whenever they require its assistance, The Agency has not been given powers to create competencies.*

## Amendment 10

### Proposal for a regulation – amending act Recital 5 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

***(5a) The Agency should bring additional, cost-effective measures to support the response to marine pollution, including any pollution from offshore oil and gas installations, at the request of a Member State. In the event of marine pollution in a non-member State, the request should be made by the Commission.***

## Amendment 11

### 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

#### *Amendment*

(6) The Agency should enhance its assistance to the Commission ***and the Member States*** regarding research activities related to its field of

the existing EU research framework should be avoided. In particular, the Agency should not be in charge of the management of research projects.

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. ***In extending the Agency's tasks, attention should be paid to ensuring that the tasks are described clearly and precisely, and that there is no duplication and that any confusion is avoided.***

## **Amendment 12**

### **Proposal for a regulation – amending act Recital 6 a (new)**

*Text proposed by the Commission*

*Amendment*

***(6a) In the light of the development of new innovative applications and services and the improvement of the existing applications and services and with a view to implementing a barrier-free European maritime area, the Agency should make full use of the potential offered by the EGNOS, Galileo and GMES programmes.***

## **Amendment 13**

### **Proposal for a regulation – amending act Recital 7 a (new)**

*Text proposed by the Commission*

*Amendment*

***(7a) The Agency provides Member States with detailed information about cases of pollution by ships to enable them to fulfil their responsibilities under Directive 2005/35 of the European Parliament and the Council<sup>1</sup>. However the effectiveness of enforcement and the penalties vary greatly despite such pollution having the potential to end up in other national waters.***

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<sup>1</sup>. OJ L 255, 30.9.2005, p. 11

### *Justification*

*Directive 2005/35, as amended by Directive 2009/123, gives Member States the responsibility of providing for criminal penalties in respect of discharges of polluting substances to which the Directive applies. It also gives the Agency a key role in developing technical solutions and providing technical assistance. However, to date, Member States have shown widely varying degrees of enthusiasm in fulfilling their responsibilities.*

#### **Amendment 14**

##### **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 activities to maritime transport and the marine environment. The use of the Agency's capabilities should be explicitly extended to cover pollution originating from such activities. In addition, the Agency should assist the Commission in analysing the safety of 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. ***This additional role, which offers European added value by making use of the Agency's existing knowledge and expertise, should be accompanied by appropriate financial and staff resources.***

### *Justification*

*While the Agency offers a cost-effective solution in view of its existing expertise and technical systems, it is unrealistic to imagine that new tasks can be absorbed without some additional resources. Applying a strict budgetary freeze would threaten the Agency's ability to fulfil its existing responsibilities in terms of preventing and responding to pollution from ships.*

#### **Amendment 15**

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

*Text proposed by the Commission*

*Amendment*

***(8a) In particular, the Agency's CleanSeaNet system, which is currently used to provide photographic evidence of oil spills from ships, should also be used to detect and report oil spills from coastal and offshore installations.***

*Justification*

*This will make it possible to ensure full monitoring of all waters, irrespective of the source of the pollution.*

#### **Amendment 16**

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

*Text proposed by the Commission*

*Amendment*

***(8b) With a view to achieving the single market, short-distance maritime transport should be used as much as possible and the administrative burden on shipping should be reduced. The 'Blue Belt' project will help to reduce the reporting formalities required from commercial shipping on entering or leaving ports in Member States.***

*Justification*

*The movement of ships between EU ports is regarded as an international journey, which causes bureaucratic burdens impeding intermodality. Directive 2010/65/EU on reporting formalities for ships arriving in and/or departing from ports of the Member States (to be transposed by 19 May 2012) simplifies and harmonises administrative procedures in maritime transport through electronic data transmission.*

#### **Amendment 17**

##### **Proposal for a regulation – amending act Recital 9**

*Text proposed by the Commission*

*Amendment*

(9) The Union has established a comprehensive maritime transport strategy up to 2018, which includes the e-maritime

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concept. Furthermore, it is developing an EU maritime surveillance network. The Agency has maritime systems and applications available which are of interest for the realisation of these policies. Therefore the Agency should make the systems and the data available to interested partners.

concept. Furthermore, it is developing an EU maritime surveillance network. The Agency has maritime systems and applications available which are of interest for the realisation of these policies ***and, in particular, for the 'Blue Belt' project.*** Therefore the Agency should make the systems and the data available to interested partners.

#### *Justification*

*The Blue Belt project offers customs authorities the assurance that a ship declaring intra-EU goods has only visited EU ports. It offers a way of reducing the administrative burden on short-sea shipping while maintaining existing levels of control. This, in turn, promotes the use of a transport mode which causes less environmental damage than road transport.*

#### **Amendment 18**

##### **Proposal for a regulation – amending act Recital 9 a (new)**

*Text proposed by the Commission*

*Amendment*

***(9a) In order to contribute to the establishment of a 'Single European Sea' and to help prevent and combat marine pollution, synergies should be created between national enforcement authorities, including national coastguard services.***

#### **Amendment 19**

##### **Proposal for a regulation – amending act Recital 9 b (new)**

*Text proposed by the Commission*

*Amendment*

***(9b) The Agency should assist the Commission and Member States in developing and implementing the Union's 'e-maritime' initiative, which is designed to improve the efficiency of the maritime sector through better use of information technologies, without prejudice to the areas of responsibility of competent authorities.***

## *Justification*

*Information and satellite technologies can make a major contribution to improving maritime safety levels and the efficiency of the sector. With this in view, emphasis should be placed on the importance of the Commission's e-maritime initiative, whilst seeking to avoid overlapping and duplication of national and regional bodies' areas of competence.*

### **Amendment 20**

#### **Proposal for a regulation – amending act**

#### **Recital 9 c (new)**

*Text proposed by the Commission*

*Amendment*

***(9c) In view of the importance of Europe continuing to attract new seafarers of high quality to replace the generation that is retiring, the Agency should support Member States and the Commission in promoting maritime training. In particular it should work to share best practice and facilitate exchanges between maritime training institutions based on the Erasmus model.***

### **Amendment 21**

#### **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 gas exploration ***and*** production.

(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 operations ***designed to prevent and combat marine pollution, encouraging the exchange of information and best practice among the various coastguard services.*** In addition, the Agency's data monitoring and collection should also gather basic information ***for example on piracy and*** on potential threats

to maritime transport and the marine environment from offshore oil and gas exploration, production **and transport**.

#### *Justification*

*The main task of coastguard services is to ensure national maritime safety. The strategy governing their actions is therefore the responsibility of Member States. If so requested, the Agency can provide expertise, but it should not be involved in coordination between the various coastguard services in the field of maritime safety. However, it is quite legitimate for it to be involved in the pooling of resources to combat marine pollution and this should be enhanced.*

#### **Amendment 22**

##### **Proposal for a regulation – amending act Recital 10 a (new)**

*Text proposed by the Commission*

*Amendment*

***(10a) In order to counter the growing risk of piracy in the Gulf of Aden and the Western Indian Ocean, the Agency must forward to the EU Naval Force operation Atalanta detailed information about the position of EU-flag vessels transiting through these areas, which is classified as very dangerous. Hitherto, not all Member States have given permission for such activity. This Regulation should compel them to do so, in order to enhance the role of the Agency in combating piracy.***

#### **Amendment 23**

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

*Text proposed by the Commission*

*Amendment*

***(11a) In the area of port state control, the Union is working closely with the Paris Memorandum of Understanding on Port State Control. In order to maximise efficiency, the Agency and the Secretariat of the Paris Memorandum of Understanding on Port State Control should cooperate as closely as possible, while the Commission and Member States should examine all options for further efficiency gains.***

## *Justification*

*At a time of budgetary rigour, it is essential to avoid duplicating structures and to assign work to the body that is most capable of doing it in an efficient and cost-effective manner.*

### **Amendment 24**

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

*Text proposed by the Commission*

*Amendment*

***(11b) 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 25**

#### **Proposal for a regulation – amending act Recital 13**

*Text proposed by the Commission*

*Amendment*

(13) The Commission and the Agency should cooperate closely ***in the preparation of the*** operational working methods of the Agency regarding inspections. As long as the measures concerning those working methods have not entered into force, the Agency should follow the existing *practise* for the conduct of the inspections.

(13) The Commission and the Agency should cooperate closely ***to prepare as urgently as possible*** the operational working methods of the Agency regarding inspections. As long as the measures concerning those working methods have not entered into force, the Agency should follow the existing *practice* for the conduct of the inspections.

### **Amendment 26**

#### **Proposal for a regulation – amending act Recital 14**

*Text proposed by the Commission*

*Amendment*

14. The requirements for the operational working methods of the Agency for conducting inspections ***should be adopted by in accordance with Council Decision 1999/468/EC of 28 June 1999 laying***

(14) ***In order to adopt*** the requirements for the operational working methods of the Agency for conducting inspections, ***the power to adopt acts in accordance with Article 290 of the Treaty on the***

***down the procedures for the exercise of implementing powers conferred on the Commission.***

***Functioning of the European Union should be delegated to the Commission.***

*Justification*

*The Commission's proposal reflects the so-called 'comitology procedure' provide for by the Treaties before the entry into force of the Treaty of Lisbon. It is therefore appropriate to update the arrangements and recognise the equal roles of the two legislative branches.*

**Amendment 27**

**Proposal for a regulation – amending act  
Recital 14 a (new)**

*Text proposed by the Commission*

*Amendment*

***(14a) All these measures, and the Agency's contribution to coordination between the Member States and the Commission, should be directed towards the development of a genuine European Maritime Area.***

**Amendment 28**

**Proposal for a regulation – amending act  
Recital 14 b (new)**

*Text proposed by the Commission*

*Amendment*

***(14b) Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities<sup>1</sup> (Financial Regulation), and in particular Article 185 thereof, and the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management<sup>2</sup> (IIA of 17 May 2006), and in particular point 47 thereof, should be taken into account.***

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<sup>1</sup> OJ L 248, 16.9.2002, p. 1.

<sup>2</sup> OJ C 139, 14.6.2006, p. 1.

### *Justification*

*The Financial Regulation and the Interinstitutional Agreement on budgetary management and budgetary discipline should be referred to as a legal base.*

### **Amendment 29**

#### **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 Union legislation properly ***with a view to ensuring a high, uniform and efficient level of maritime safety and security, using their existing capabilities for assistance, preventing and tackling marine pollution, including from offshore oil and gas installations, developing a European maritime space without barriers***, to monitor its implementation and to evaluate the effectiveness of the measures in place.

### *Justification*

*Speaking of "marine pollution" corresponds to the Commission's proposal for Article 1 paragraph 3 (concerning response to pollution).*

### **Amendment 30**

#### **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

#### *Amendment*

1. ***The*** objectives set out in Article 1 ***represent the primary responsibilities of the Agency and must be met as a priority. The attribution to the Agency of the*** tasks listed in paragraph 2 ***of this Article shall avoid duplication of efforts and be subject to the proper performance of the tasks***

marine pollution.

***relating to*** maritime safety and maritime security, the prevention of and response to marine pollution ***at the request of the Member States or the Commission.***

*Justification*

*The diversification of the Agency's activities should come into play only once it has succeeded in performing its priority tasks properly. The amendment concerning prevention of pollution aligns with Commission proposal for Article 1 paragraph 3 and would enable the Agency to contribute to the prevention of pollution from maritime sources other than vessels (notably oil and gas rigs).*

**Amendment 31**

**Proposal for a regulation – amending act**

**Article 1 – point 1**

Regulation (EC) No 1406/2002

Article 2 – paragraph 2 – point b a (new)

*Text proposed by the Commission*

*Amendment*

***(ba) in the provision of technical assistance to the Commission in the performance of the monitoring tasks assigned to it pursuant to Article 13(2) of Directive (EC) 2005/65/EC of the European Parliament and the Council of 26 October 2005 on enhancing port security<sup>1</sup>;***

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<sup>1</sup> ***OJ L 310, 25.11.2005, p 28.***

*Justification*

*This amendment would allow the Agency to provide technical assistance to the Commission in monitoring Member States' implementation of the Directive on enhancing port security. Clearly the Agency's role would be limited to aspects where it had relevant technical expertise; the Commission would be under no obligation to seek assistance and would be unlikely to do so unless it believed the Agency would provide valuable advice.*

**Amendment 32**

**Proposal for a regulation – amending act**

**Article 1 – point 1**

Regulation (EC) No 1406/2002

Article 2 – paragraph 2 – point c

*Text proposed by the Commission*

(c) in the **provision** of **technical assistance** necessary to take part in the work of the technical bodies of IMO, ILO, the Paris Memorandum of Understanding on Port State Control and other relevant international or regional organisations;

*Amendment*

(c) in the **updating and development** of **provisions** necessary to take part in the work of the technical bodies of IMO, ILO, the Paris Memorandum of Understanding on Port State Control and other relevant international or regional organisations;

**Amendment 33**

**Proposal for a regulation – amending act**

**Article 1 – point 1**

Regulation (EC) No 1406/2002

Article 2 – paragraph 2 – point d

*Text proposed by the Commission*

(d) in the development and implementation of EU policies related to the Agency's tasks **such** as Motorways of the Sea, the European maritime space without barriers, e-maritime, **inland waterways**, the Marine Strategy Framework Directive, climate change and in the analysis of the safety of **mobile** offshore **gas and oil** installations;

*Amendment*

(d) in the development and implementation of EU policies related to the Agency's tasks, **particularly those in the field of maritime safety as well** as Motorways of the Sea, the European maritime space without barriers, **the 'Blue Belt' project**, e-maritime, the Marine Strategy Framework Directive, climate change, in the analysis of the safety of offshore **oil and gas** installations **and combating pollution**;

*Justification*

*The Blue Belt project offers customs authorities the assurance that a ship declaring intra-EU goods has only visited EU ports. It offers a way of reducing the administrative burden on short-sea shipping while maintaining existing levels of control. This, in turn, promotes the use of a transport mode which causes less environmental damage than road transport. Similarly, allowing data about ships that are sea-going as well as operating on rivers/canals to pass smoothly between the two systems will reduce administrative burdens.*

**Amendment 34**

**Proposal for a regulation – amending act**

**Article 1 – point 1**

Regulation (EC) No 1406/2002

Article 2 – paragraph 2 – point d a (new)

*Text proposed by the Commission*

*Amendment*

**(da) in the exchange of information concerning any other policy which may be**



*appropriate given its areas of competence and its expertise;*

*Justification*

*The same considerations apply as for the amendment to Article 2, paragraph 3 a.*

**Amendment 35**

**Proposal for a regulation – amending act**

**Article 1 – point 1**

Regulation (EC) No 1406/2002

Article 2 – paragraph 2 – point e a (new)

*Text proposed by the Commission*

*Amendment*

*(ea) in the development and implementation of a policy to enhance the quality of the training of European seafarers, and in promoting maritime careers, taking account of the demand for highly qualified labour in the EU maritime cluster;*

**Amendment 36**

**Proposal for a regulation – amending act**

**Article 1 – point 1**

Regulation (EC) No 1406/2002

Article 2 – paragraph 2 – point f

*Text proposed by the Commission*

*Amendment*

(f) in the analysis of ongoing and completed research projects relevant to the fields of activity of the Agency; this shall include the identification of possible regulatory follow-up measures resulting from specific research projects ***and the identification of key themes and priorities for further research at EU level;***

(f) in the analysis of ongoing and completed research projects relevant to the fields of activity of the Agency; this shall include the identification of possible regulatory follow-up measures resulting from specific research projects;

*Justification*

*The identification of key themes should not represent a task for the Agency; other EU institutions are in charge for this. Duplication should be avoided.*

## **Amendment 37**

### **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 38**

### **Proposal for a regulation – amending act**

#### **Article 1 – point 1**

Regulation (EC) No 1406/2002

Article 2 – paragraph 3 – point b a (new)

*Text proposed by the Commission*

*Amendment*

***(ba) support the monitoring of the recognised organisations that carry out certification tasks on behalf of the Member States in accordance with Article 9 of Directive 2009/15/EC of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations<sup>1</sup> without prejudice to the rights and obligations of the Flag State;***

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<sup>1</sup> OJ L 131, 28.05.2009, p. 47

#### *Justification*

*As the Agency is already assisting the Commission in its monitoring of recognised organisations, allowing it to also support Member States would generate efficiency gains and reduce pressures on Member State budgets.*

## **Amendment 39**

**Proposal for a regulation – amending act**

**Article 1 – point 1**

Regulation (EC) No 1406/2002

Article 2 – paragraph 3 – point b b (new)

*Text proposed by the Commission*

*Amendment*

***(bb) assist the Commission in completing the tasks described in Articles 3, 5, 6, 7 and 8 of Regulation (EC) No 391/2009 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations<sup>1</sup>, and advise on the application and implementation of Article 10 of that Regulation;***

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<sup>1</sup> ***OJ L 131, 28.05.2009, p. 11***

*Justification*

*The assistance the Agency gives to the European Commission should be more clearly specified and the provisions in Regulation (EC) No 391/2009 expressly included, since ensuring this Regulation is complied with is particularly important.*

**Amendment 40**

**Proposal for a regulation – amending act**

**Article 1 – point 1**

Regulation (EC) No 1406/2002

Article 2 – paragraph 3 – point c

*Text proposed by the Commission*

*Amendment*

(c) support with additional means in a cost efficient way, through the EU Civil Protection Mechanism established by Decision 2007/779/EC, Euratom, their pollution response actions in case of accidental or deliberate marine pollution, when such a request has been presented; in this respect, the Agency shall assist the affected Member State under which the cleaning operations are conducted.

(c) support with additional means in a cost efficient way, through the EU Civil Protection Mechanism established by Decision 2007/779/EC, Euratom, their pollution response actions in case of accidental or deliberate marine pollution, when such a request has been presented; in this respect, the Agency shall assist the affected Member State under which the cleaning operations are conducted, ***by providing the appropriate technical resources;***

**Amendment 41**

**Proposal for a regulation – amending act**

**Article 1 – point 1**

Regulation (EC) No 1406/2002

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

*Text proposed by the Commission*

*Amendment*

***(ca) gather and analyse national data on the qualifications and employment of seafarers so as to share best practice in the training of seafarers across Europe;***

**Amendment 42**

**Proposal for a regulation – amending act**

**Article 1 – point 1**

Regulation (EC) No 1406/2002

Article 2 – paragraph 3 – point c b (new)

*Text proposed by the Commission*

*Amendment*

***(cb) coordinate the training schools' programmes to ensure consistency;***

**Amendment 43**

**Proposal for a regulation – amending act**

**Article 1 – point 1**

Regulation (EC) No 1406/2002

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

*Text proposed by the Commission*

*Amendment*

***(cc) facilitate the establishment of Erasmus type exchanges between maritime training institutions;***

**Amendment 44**

**Proposal for a regulation – amending act**

**Article 1 – point 1**

Regulation (EC) No 1406/2002

Article 2 – paragraph 3 – point c d (new)

*Text proposed by the Commission*

*Amendment*

***(cd) provide technical expertise in the field of shipbuilding or any other relevant activity related to maritime traffic, so as to develop the use of environment-friendly***

*technologies and ensure a high level of security;*

*Justification*

*When it comes to construction standards for the ‘ships of tomorrow’, special attention must be paid to measures to combat marine pollution, and the requirements of maritime safety and environmental protection. The Agency should therefore make its expertise in these areas available to the shipbuilding sector.*

**Amendment 45**

**Proposal for a regulation – amending act**

**Article 1 – point 1**

Regulation (EC) No 1406/2002

Article 2 – paragraph 4 – point a a (new)

*Text proposed by the Commission*

*Amendment*

*(aa) in supporting the actions they take to combat illegal traffic and acts of piracy, by providing data and information which may facilitate these operations and, in particular, by using its Automatic Identification Systems and satellite images;*

*Justification*

*The Agency has at its disposal instruments and data, including from satellite sources, which can be used by the Member States for the surveillance of illegal maritime activities. At present, information exchanges with the EU Naval Force operation Atlanta to protect EU-flag vessels against piracy when transiting through the area off the Horn of Africa are particularly important.*

**Amendment 46**

**Proposal for a regulation – amending act**

**Article 1 – point 1**

Regulation (EC) No 1406/2002

Article 2 – paragraph 4 – point a b (new)

*Text proposed by the Commission*

*Amendment*

*(ab) in developing and implementing a macro-regional Union policy relating to the fields of activity of the Agency;*

**Amendment 47**

**Proposal for a regulation – amending act**

**Article 1 – point 1**

Regulation (EC) No 1406/2002

Article 2 – paragraph 4 – point b

*Text proposed by the Commission*

(b) regarding the investigation of maritime accidents in accordance with Directive 2009/18/EC of the European Parliament and of the Council; the Agency shall provide support to the Member States in the conduct of investigations related to serious maritime accidents, and it shall carry out analysis of accident investigation reports with a view to identify added value at EU level in terms of lessons to be learnt;

*Amendment*

(b) regarding the investigation of maritime accidents in accordance with Directive 2009/18/EC of the European Parliament and of the Council; the Agency shall, ***if requested by the competent Member States***, provide support to the Member States in the conduct of investigations related to serious maritime accidents, and it shall carry out analysis of accident investigation reports with a view to identify added value at EU level in terms of lessons to be learnt. ***In this connection, the Agency shall be invited to assist the Member States during accident investigations involving (costal and offshore) maritime installations including accidents affecting oil and gas installations while the Member States shall be invited to cooperate in a full and timely manner with the Agency;***

*Justification*

*This amendment calls for a greater willingness to cooperate on the part of the Member States, which on occasion might refuse or delay their assistance.*

**Amendment 48**

**Proposal for a regulation – amending act**

**Article 1 – point 1**

Regulation (EC) No 1406/2002

Article 2 – paragraph 4 – point b a (new)

*Text proposed by the Commission*

*Amendment*

***(ba) regarding oil spills from offshore installations, the Agency shall assist the Member States and the Commission by using its CleanSeaNet service to monitor the extent and environmental impact of such spills;***

### *Justification*

*As CleanSeaNet is an existing system that has proved its effectiveness, it offers a highly cost-effective response to increasing concerns about the risks of offshore exploration, following the Deepwater Horizon catastrophe in the Gulf of Mexico.*

#### **Amendment 49**

##### **Proposal for a regulation – amending act**

##### **Article 1 - point 1**

Regulation (EC) No 1406/2002

Article 2 – paragraph 4 – point b b (new)

*Text proposed by the Commission*

*Amendment*

***(bb) with respect to offshore oil and gas installations, in assessing Member States' arrangements concerning emergency response plans and emergency preparedness, and in coordinating the oil pollution response in the event of an accident;***

#### **Amendment 50**

##### **Proposal for a regulation – amending act**

##### **Article 1 - point 1**

Regulation (EC) No 1406/2002

Article 2 – paragraph 4 – point b c (new)

*Text proposed by the Commission*

*Amendment*

***(bc) with respect to offshore installations, in ensuring independent third party oversight of the maritime aspects related to safety, prevention, protection of the environment, and contingency planning;***

#### **Amendment 51**

##### **Proposal for a regulation – amending act**

##### **Article 1 – point 1**

Regulation (EC) No 1406/2002

Article 2 – paragraph 4 – point c

*Text proposed by the Commission*

*Amendment*

(c) in providing objective, reliable and comparable statistics, information and data, the Agency shall enable the Commission

(c) in providing objective, reliable and comparable statistics, information and data, the Agency shall enable the Commission

and the Member States to take the necessary steps to improve their actions and to evaluate the effectiveness of existing measures. Such tasks shall include the collection, recording and evaluation of technical data, the systematic exploitation of existing databases, including their cross-fertilisation, and, where appropriate, the development of additional databases. On the basis of the data collected, the Agency shall assist the Commission in the publication of information relating to ships pursuant to Directive 2009/16/EC of the European Parliament and of the Council. The Agency shall also assist the Commission and the Member States in their activities to improve the identification and pursuit of ships making unlawful discharges in the context of Directive 2005/35/EC of the European Parliament and of the Council.

and the Member States to take the necessary steps to improve their actions and to evaluate the effectiveness **and cost-efficiency** of existing measures. Such tasks shall include the collection, recording and evaluation of technical data, the systematic exploitation of existing databases, including their cross-fertilisation, and, where appropriate, the development of additional databases. On the basis of the data collected, the Agency shall assist the Commission in the publication of information relating to ships pursuant to Directive 2009/16/EC of the European Parliament and of the Council. The Agency shall also assist the Commission and the Member States in their activities to improve the identification and pursuit of ships making unlawful discharges in the context of Directive 2005/35/EC of the European Parliament and of the Council.

## **Amendment 52**

### **Proposal for a regulation – amending act**

#### **Article 1 – point 1**

Regulation (EC) No 1406/2002

Article 2 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

***4a. The Agency shall compile a yearly overview of incidents and near-accidents from the relevant bodies of Member States.***

*Justification*

*The overview will be aided by the data base that the Agency is currently instigating (see Article 17 and Annex II of Directive 2009/18 the fundamental principles governing the investigation of accidents in the maritime transport sector). It will provide an appropriate overview at EU level and provide valuable input for further EU actions.*

## **Amendment 53**

### **Proposal for a regulation – amending act**

#### **Article 1 – point 1**

Regulation (EC) No 1406/2002

Article 2 – paragraph 5 – subparagraph 1



*Text proposed by the Commission*

5. The Agency shall at the request of the Commission provide technical assistance as regards the implementation of relevant EU legislation to States applying for accession to the Union, to all European Neighbourhood partner countries and to countries taking part in the Paris Memorandum of Understanding on Port State Control.

*Amendment*

5. The Agency shall at the request of the Commission provide technical assistance as regards the implementation of relevant EU legislation to States applying for accession to the Union, to all European Neighbourhood partner countries, **as** and **when applicable, and** to countries taking part in the Paris Memorandum of Understanding on Port State Control.

**Amendment 54**

**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*

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.

*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 **assist the Commission in reviewing environmental impact assessments and** carry out inspections in the Member States, **at the request of the Commission**.

*Justification*

*The Agency 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 55**

**Proposal for a regulation – amending act**

**Article 1 – point 1**

Regulation (EC) No 1406/2002

Article 3 – paragraph 2

*Text proposed by the Commission*

2. The operational working methods of the Agency for conducting the inspections referred to in paragraph 1 shall be subject

*Amendment*

2. The operational working methods of the Agency for conducting the inspections referred to in paragraph 1 shall be subject

to requirements to be adopted in accordance with the procedure referred to in **Article 23(2)**.

to requirements to be adopted in accordance with the procedure referred to in **Article 23(1)**.

#### *Justification*

*Amendment needed to take account of the entry into force of the Treaty of Lisbon and the replacement of the former comitology procedures by delegated acts and implementing measures.*

#### **Amendment 56**

##### **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 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.

##### *Amendment*

3. Where appropriate, and in any case 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 **and cost-efficiency** 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 57**

##### **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.**

*and by defining the precise scope of activities of the regional centre while avoiding unnecessary financial costs.*

## **Amendment 58**

### **Proposal for a regulation – amending act**

#### **Article 1 – point 3 - point - a (new)**

Regulation (EC) No 1406/2002

Article 10 – paragraph 2 – point b

*Text proposed by the Commission*

*Amendment*

***(-a) point b shall be replaced by the following:***

**"(b) adopt the annual report on the Agency's activities and forward it by 15 June at the latest to the European Parliament, the Council, the Commission, the Court of Auditors and the Member States.**

**The Agency shall annually forward to the budgetary authority all information regarding the outcome of the evaluation procedures;"**

*Justification*

*This modification aims at making clear that the Agency cannot itself consider what is relevant for the Parliament.*

## **Amendment 59**

### **Proposal for a regulation – amending act**

#### **Article 1 – point 3 – point a**

Regulation (EC) No 1406/2002

Article 10 – paragraph 2 – point c a

*Text proposed by the Commission*

*Amendment*

(ca) adopt a multi-annual strategy for the Agency covering a period of five years ahead taking the *opinion* of the Commission into account;

(ca) adopt a multi-annual strategy for the Agency covering a period of five years ahead taking the *opinions* of the **European Parliament and the** Commission into account;

*Justification*

*This amendment aims at enshrining in the regulation that the Parliament should be consulted for the adoption of the agencies' multi-annual strategy (IWG).*

## Amendment 60

### Proposal for a regulation – amending act

#### Article 1 – point 3 - point b a new

Regulation (EC) No 1406/2002

Article 10 – paragraph 2 – point h

*Text proposed by the Commission*

*Amendment*

***(ba) point h shall be replaced by the following:***

***"(h) perform its duties in relation to the Agency's budget pursuant to Articles 18, 19 and 21 and monitor and ensure adequate follow-up to the findings and recommendations stemming from various audit reports and evaluations, whether internal or external;"***

*Justification*

*For a better ownership and follow-up of audit and evaluations findings, the Administrative Board, to whom the Director is accountable, should explicitly be entrusted with their monitoring in line with the recommendation of the Interinstitutional Working Group on Agencies.*

## Amendment 61

### Proposal for a regulation – amending act

#### Article 1 – point 3 a - point a (new)

Regulation (EC) No 1406/2002

Article 11 – paragraph 1 – subparagraph 2

*Text proposed by the Commission*

*Amendment*

***(3a) Article 11, shall be amended as follows:***

***(a) paragraph 1, subparagraph 2 shall be replaced by the following:***

***"Board members shall be appointed on the basis of their degree of relevant experience and expertise in the field of maritime safety, security and response to marine pollution. They shall also have experience and expertise in general financial management, administration and personnel management."***

## Amendment 62

### Proposal for a regulation – amending act

#### Article 1 – point 3 a - point b (new)

Regulation (EC) No 1406/2002

#### Article 11 – paragraph 1 – subparagraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***(b) new subparagraph 2 a shall be inserted as follows :***

***" Members of the Administrative Board shall make a written declaration of commitments and a written declaration indicating any direct or indirect interest which might be considered prejudicial to their independence. They shall declare at each meeting any interest which might be considered prejudicial to their independence in relation to the items on the agenda and abstain from participating in the discussions and voting on these items."***

*Justification*

*There should be a provision aimed at preventing any conflict of interest.*

## Amendment 63

### Proposal for a regulation – amending act

#### Article 1 – point 3 a - point c (new)

Regulation (EC) No 1406/2002

#### Article 11 – paragraph 3

*Text proposed by the Commission*

*Amendment*

***(c) paragraph 3 shall be replaced by the following:***

***"3. The duration of the term of office shall be *four* years. The term of office may be renewed once."***

*Justification*

*The duration of the mandate of the Administrative Board members should be aligned with that of other agencies in accordance with the recommendation of the Interinstitutional Working Group on Agencies.*

## Amendment 64

### Proposal for a regulation – amending act

#### Article 1 – point 3 a - point d (new)

Regulation (EC) No 1406/2002

Article 11 – paragraph 4

*Text proposed by the Commission*

*Amendment*

***(d) paragraph 4 shall be replaced by the following:***

***"4. When appropriate, the participation of representatives of third countries and the conditions thereof shall be established in the arrangements referred to in Article 17(2). Such participation shall not affect the Commission representatives' share of votes on the Administrative Board."***

*Justification*

*Where the legislator has given the Commission representatives a blocking minority on key decisions (such as the adoption of the work programme), this should not be altered without coming back to Parliament and Council for approval. If third countries were to be given voting rights, increasing the number of Commission representatives would not be necessary; adjusting a system of weighted votes would be preferable. (See amendment to Article 14).*

## Amendment 65

### Proposal for a regulation – amending act

#### Article 1 – point 3 b (new)

Regulation (EC) No 1406/2002

Article 14 – paragraph 2 – subparagraph 1

*Text proposed by the Commission*

*Amendment*

***(3b) Article 14, paragraph 2, subparagraph 1 shall be replaced by the following:***

***"2. Each Member State representative shall have an equal share of 75 per cent of the total votes. Each Commission representative shall have an equal share of 25 per cent of the total votes. The Executive Director of the Agency shall not vote."***

### *Justification*

*When the Administrative Board had 15 Member State representatives, a four-fifths majority for the appointment of the Executive Director required Commission support. With 27 Member States this is no longer the case. The Institutional balance should not be altered by past or future enlargements. For this reason, a structural solution involving weighted votes seems desirable.*

### **Amendment 66**

#### **Proposal for a regulation – amending act**

##### **Article 1 – point 4 - point (a)**

Regulation (EC) No 1406/2002

Article 15 – paragraph 2 – point a

#### *Text proposed by the Commission*

(a) **he** shall prepare the multi-annual strategy of the Agency and submit it to the Administrative Board after consultation of the Commission at least 8 weeks before the relevant Board meeting;

#### *Amendment*

(a) **he/she** shall prepare the multi-annual strategy of the Agency and submit it to the Administrative Board, after consultation of the Commission **and the responsible Committee of the European Parliament**, at least 8 weeks before the relevant Board meeting;

*(The first part of this amendment (he/she) applies throughout the text. Adopting it will necessitate corresponding changes throughout.)*

### *Justification*

*In accordance with the principle of gender-neutral language, it is preferable to retain the pronoun usage of the existing Regulation. In addition, this is consistent with the Commission's proposal for Article 16(2). Given the significance of the multi-annual strategy, for reasons of Institutional balance, Parliament should have some involvement, together with the Member State representatives (on the Administrative Board) and the Commission.*

### **Amendment 67**

#### **Proposal for a regulation – amending act**

##### **Article 1 – point 4 - point (a)**

Regulation (EC) No 1406/2002

Article 15 – paragraph 2 – point a

#### *Text proposed by the Commission*

(aa) **he** shall prepare the multi-annual staff policy plan of the Agency and submit it to the Administrative Board after consultation of the Commission;

#### *Amendment*

(aa) **he/she** shall prepare the multi-annual staff policy plan of the Agency and submit it to the Administrative Board after consultation of the Commission **and the**

**competent Committee of the European Parliament;**

*Justification*

*In accordance with the principle of gender-neutral language, it is preferable to retain the pronoun usage of the existing Regulation. In addition, this is consistent with the Commission's proposal for Article 16(2). Given the significance of the multi-annual staff policy plan, for reasons of Institutional balance, Parliament should have some involvement, together with the Member State representatives (on the Administrative Board) and the Commission.*

**Amendment 68**

**Proposal for a regulation – amending act**

**Article 1 – point 4 – point (a)**

Regulation (EC) No 1406/2002

Article 15 – paragraph 2 – point a b

*Text proposed by the Commission*

(ab) **he** shall prepare the annual work programme and the detailed plan for the Agency's pollution preparedness and response activities, and submit them to the Administrative Board after consultation of the Commission at least 8 weeks before the relevant Board meeting. **He** shall take the necessary steps for their implementation. **He** shall respond to any requests for assistance from a Member State in accordance with Article 10(2)(c);

*Amendment*

(ab) **he/she** shall prepare the annual work programme, **with an indication of the expected human and financial resources allocated to each activity**, and the detailed plan for the Agency's pollution preparedness and response activities, and submit them to the Administrative Board after consultation of the Commission at least 8 weeks before the relevant Board meeting. **He/she shall reply positively to any invitation by the competent committee of the European Parliament to present and hold an exchange of views on the annual work programme. He/she** shall take the necessary steps for their implementation **and** shall respond to any requests for assistance from a Member State in accordance with Article 10(2)(c);

*Justification*

*Same point regarding gender-neutral language as for amendments to paragraph 2 points (a) and (aa). The first modification is in line with the principles of ABM-ABB: the Agency's work programme and annual activity report should provide information on the resources allocated to the activities which are necessary to reach the Agency's objectives. The second aims at formalising the practice of having exchange of views between the Director and the competent committee on the annual work programme.*



## Amendment 69

### Proposal for a regulation – amending act

#### Article 1 – point 4 - point (a)

Regulation (EC) No 1406/2002

Article 15 – paragraph 2 – point b

#### *Text proposed by the Commission*

(b) **he** shall decide to carry out the inspections provided for in Article 3, after consultation of the Commission and in line with the requirements referred to in the same Article 3. **He** shall cooperate closely with the Commission in the preparation of the measures referred to in Article 3(2);

#### *Amendment*

(b) **he/she** shall decide to carry out the inspections provided for in Article 3, after consultation of the Commission and in line with the requirements referred to in the same Article 3. **He/she** shall cooperate closely with the Commission in the preparation of the measures referred to in Article 3(2);

#### *Justification*

*Same point regarding gender-neutral language as for amendments to paragraph 2 sub paragraphs (a) and (aa).*

## Amendment 70

### Proposal for a regulation – amending act

#### Article 1 – point 4 – point (b)

Regulation (EC) No 1406/2002

Article 15 – paragraph 2 – point d

#### *Text proposed by the Commission*

(d) **he** shall organise an effective monitoring system in order to be able to compare the Agency's achievements with its objectives and tasks as laid down in this Regulation. **He** shall ensure that the Agency's organisational structure will be regularly adapted to the evolving needs within the available financial and human resources. On this basis the Executive Director shall prepare a draft general report each year and submit it to the Administrative Board. The report shall include a dedicated section concerning the financial execution of the detailed plan for the Agency's pollution preparedness and response activities and give an update of the status of all actions funded under that plan. **He** shall establish regular evaluation

#### *Amendment*

(d) **he/she** shall organise an effective monitoring system in order to be able to compare the Agency's achievements with its objectives and tasks as laid down in this Regulation. **To this end, he/she shall establish, in agreement with the Commission, tailored performance indicators allowing for an effective assessment of the results achieved. He/she** shall ensure that the Agency's organisational structure will be regularly adapted to the evolving needs within the available financial and human resources. On this basis the Executive Director shall prepare a draft general report each year and submit it to the Administrative Board. The report shall include a dedicated section concerning the financial execution of the

procedures that meet recognised professional standards;

detailed plan for the Agency's pollution preparedness and response activities and give an update of the status of all actions funded under that plan. **He/she** shall establish regular evaluation procedures that meet recognised professional standards;

#### *Justification*

*In line with the principles of Activity based management and Activity based budgeting (ABM-ABB), the Agency's work programme and annual activity report should provide information on the resources allocated to the activities which are necessary to reach the Agency's objectives and on the overall performance in achieving these objectives.*

#### **Amendment 71**

##### **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 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.

#### *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 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. ***Its opinion, if any, shall be considered before formal appointment.*** The Administrative Board shall take its decision by a four-fifths majority of all members with the right to vote.

#### *Justification*

*It should be made explicit that any Parliament's opinion on the selected candidate shall be taken into consideration before its appointment.*

## Amendment 72

### Proposal for a regulation – amending act

#### Article 1 – point 5

Regulation (EC) No 1406/2002

Article 16 – paragraph 2

#### *Text proposed by the Commission*

2. The Administrative Board, acting on a proposal from the Commission, taking into account the evaluation report may extend the term of office of the Executive Director for not more than **three years**. The Administrative Board shall take its decision by a four-fifths majority of all members with the right to vote. The Administrative Board shall inform the European Parliament about its intention to extend the Executive Director's term of office. Within a month before the extension of his/her term of office, the Executive Director may be invited to make a statement before the competent committee of the European Parliament and answer questions put by its members. If the term of office is not extended, the Executive Director shall remain in office until the appointment of his/her successor.

#### *Amendment*

2. The Administrative Board, acting on a proposal from the Commission, taking into account the evaluation report may extend the term of office of the Executive Director for not more than **five years**. The Administrative Board shall take its decision by a four-fifths majority of all members with the right to vote. The Administrative Board shall inform the European Parliament about its intention to extend the Executive Director's term of office. Within a month before the extension of his/her term of office, the Executive Director may be invited to make a statement before the competent committee of the European Parliament and answer questions put by its members. ***Its opinion, if any, shall be considered before formal reappointment.*** If the term of office is not extended, the Executive Director shall remain in office until the appointment of his/her successor.

#### *Justification*

*The renewal of the Director's mandate should be for the same duration as for the first mandate. Any opinion given by Parliament on the selected candidate shall be taken into consideration before its appointment.*

## Amendment 73

### 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

#### *Amendment*

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.

skills, as well as professional competence and experience relevant for maritime safety, maritime security, prevention of pollution 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 74**

##### **Proposal for a regulation – amending act**

##### **Article 1 – point 6 a (new)**

Regulation (EC) No 1406/2002

Article 18 – paragraph 3

*Text proposed by the Commission*

*Amendment*

***(6a) In Article 18, paragraph 3 is replaced by the following:***

**"3. The Executive Director shall draw up a draft statement of estimates of the Agency's revenues and expenditure for the following financial year, *on the basis of activity-based budgeting*, and shall forward it to the Administrative Board, together with a draft establishment plan."**

*Justification*

*In line with the principles of Activity based management and Activity based budgeting (ABM-ABB), the Agency's budget should explicitly be based on the Agency's objectives and activities, making the link between the Agency's mission and objectives and its activities and resources.*

#### **Amendment 75**

##### **Proposal for a regulation – amending act**

##### **Article 1 – point 6 b (new)**

Regulation (EC) No 1406/2002

Article 18 – paragraphs 7 and 8

*Text proposed by the Commission*

*Amendment*

***(6b) In Article 18, paragraphs 7 and 8 are replaced by the following:***

**"7. The statement of estimates shall be forwarded by the Commission to the**

European Parliament and the Council (hereinafter referred to as the budgetary authority) together with the [...] draft general budget of the European Union.

**8. On the basis of the statement of estimates, the Commission shall enter in the [...] draft general budget of the European Union the estimates it deems necessary for the establishment plan and the amount of the subsidy to be charged to the general budget, which it shall place before the budgetary authority in accordance with Article 314 of the TFEU, together with a description of and justification for any difference between the Agency's statement of estimates and the subsidy to be charged to the general budget."**

*Justification*

*The first part of the amendment refers to the application of Lisbon Treaty nomenclature. The second aims at providing the budgetary authority with adequate information where the Agency's estimates have been modified by the Commission.*

**Amendment 76**

**Proposal for a regulation – amending act**

**Article 1 – point 6 c (new)**

Regulation (EC) No 1406/2002

Article 18 – paragraph 10

*Text proposed by the Commission*

*Amendment*

***(6c) In Article 18, paragraph 10 is replaced by the following:***

**"10. The budget shall be adopted by the Administrative Board. It shall become final following final adoption of the general budget of the European Union. Where appropriate, it shall be adjusted accordingly, *together with the annual work programme.*"**

*Justification*

*This aims at preventing that, in case of significant budgetary cuts, the Agency finds itself having to carry out the same tasks and activities with significantly reduced resources.*

## Amendment 77

### Proposal for a regulation – amending act

#### Article 1 – point 7

Regulation (EC) No 1406/2002

Article 22 – paragraph 1

#### *Text proposed by the Commission*

1. At regular intervals and at least every five years, the Administrative Board shall commission an independent external evaluation on the implementation of this Regulation. The Commission shall make available to the Agency any information the latter considers relevant to that evaluation.

#### *Amendment*

1. At regular intervals and at least every five years, the Administrative Board shall commission an independent external evaluation on the implementation of this Regulation, ***assessing its relevance, effectiveness and cost-efficiency***. The Commission shall make available to the Agency any information the latter considers relevant to that evaluation.

## Amendment 78

### Proposal for a regulation – amending act

#### Article 1 – point 7a (new)

Regulation (EC) No 1406/2002

Article 22 – paragraph 2

#### *Text proposed by the Commission*

#### *Amendment*

***(7a) In Article 22, paragraph 2 is replaced by the following:***

***"2. That evaluation shall assess the utility, relevance, achieved added value and effectiveness of the Agency and its working practices. The evaluation shall take into account the views of stakeholders, at both European and national level. It shall, in particular, address the possible need to modify or extend the Agency's tasks or to put an end to its activities in the event of its role having become superfluous."***

#### *Justification*

*It should be mentioned that regular evaluations may also result in the reconsideration of the Agency's tasks or existence, should this prove necessary.*

## Amendment 79

**Proposal for a regulation – amending act**  
**Article 1 – point 7 b (new)**  
Regulation (EC) No 1406/2002  
Article 22 a (new)

*Text proposed by the Commission*

*Amendment*

**(7b) The following article shall be inserted:**

**"Article 22a**

***Feasibility Study***

***Within one year of the date of entry into force of this Regulation the Commission shall submit a feasibility study on a national coastguard coordination system, making clear the costs and the benefits, to the European Parliament and the Council.***

***The report shall, if appropriate, be accompanied by a legislative proposal."***

**Amendment 80**

**Proposal for a regulation – amending act**  
**Article 1 – point 7 c (new)**  
Regulation (EC) No 1406/2002  
Article 22 b (new)

*Text proposed by the Commission*

*Amendment*

**(7c) The following article shall be inserted:"**

**"Article 22b**

***Progress Report***

***Within [three] years of the date of entry into force of this Regulation the Commission shall submit a report to the European Parliament and the Council setting out how the Agency has undertaken the additional responsibilities assigned by this Regulation and the case for further extending its objectives or tasks. In particular, this report shall include:***

*(a) an analysis of the gains in effectiveness that have been realised through greater integration of the Agency and the Paris Memorandum of Understanding on Port State Control;*

*(b) information about the effectiveness and consistency of Member States' enforcement of Directive 2005/35/EC and detailed statistical information about the penalties that have been applied.*

*The report shall, if appropriate, be accompanied by a legislative proposal."*

*Justification*

**It is important to provide a review point to analyse how the revised Regulation is working and whether further adjustments would be appropriate.** Amendment 81

**Proposal for a regulation – amending act**

**Article 1 – point 8**

Regulation (EC) No 1406/2002

Article 23 – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. The Commission *shall be assisted by the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) set up under Article 3 of Regulation (EC) No 2099/2002 of the European Parliament and of the Council.*

1. The Commission *shall be empowered to adopt delegated acts in accordance with Article 23a concerning the operational working methods of the Agency for conducting the inspections referred to it in Article 3 paragraph 1.*

*Justification*

*Updating to take account of the entry into force of the Treaty of Lisbon. The Szájer report (adopted by Plenary on 5 May 2010) says Parliament should be on an equal footing with the Council with respect to all aspects of the power of legislative delegation. It also calls for an alignment of existing legislation to reflect the new Treaty provisions.*

**Amendment 82**

**Proposal for a regulation – amending act**

**Article 1 – point 8**

Regulation (EC) No 1406/2002

Article 23 – paragraph 2



*Text proposed by the Commission*

*Amendment*

**2. Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.**

**deleted**

### **Amendment 83**

**Proposal for a regulation – amending act**

**Article 1 – point 8 a (new)**

Regulation (EC) No 1406/2002

Article 23 a (new)

*Text proposed by the Commission*

*Amendment*

**(8a) The following article shall be inserted:**

**"Article 23a**

***Exercise of the delegation***

- 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.**
- 2. The power to adopt the delegated acts referred to in Article 23(1) shall be conferred on the Commission for a period of 5 years from date of entry into force. The Commission shall draw up a report in respect of the delegation of powers no later than 6 months before the end of the 5-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**
- 3. The delegation of power referred to in Article 23 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in**

*force.*

***4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.***

***5. A delegated act adopted pursuant to Article 23 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council."***

*Justification*

*This amendment and the following two adopt the same approach as the Sterckx report on reporting formalities (Directive 2010/65/EU). At a later stage, the amendments concerning delegated acts will be aligned to the Common Understanding on delegated acts.*