

# EUROPEAN PARLIAMENT

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**A5-0021/2004**

26 January 2004

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## **REPORT**

on the proposal for a European Parliament and Council regulation amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency  
(COM(2003) 440 – C5-0393/2003 – 2003/0159(COD))

Committee on Regional Policy, Transport and Tourism

Rapporteur: Emmanouil Mastorakis

### ***Symbols for procedures***

- \* Consultation procedure  
*majority of the votes cast*
- \*\*I Cooperation procedure (first reading)  
*majority of the votes cast*
- \*\*II Cooperation procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\* Assent procedure  
*majority of Parliament's component Members except in cases  
covered by Articles 105, 107, 161 and 300 of the EC Treaty and  
Article 7 of the EU Treaty*
- \*\*\*I Codecision procedure (first reading)  
*majority of the votes cast*
- \*\*\*II Codecision procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\*III Codecision procedure (third reading)  
*majority of the votes cast, to approve the joint text*

(The type of procedure depends on the legal basis proposed by the Commission)

### ***Amendments to a legislative text***

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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## PROCEDURAL PAGE

By letter of 6 August 2003 the Commission submitted to Parliament, pursuant to Articles 251(2) and 80(2) of the EC Treaty, the proposal for a European Parliament and Council regulation amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency (COM(2003) 440 – 2003/0159(COD)).

At the sitting of 1 September 2003 the President of Parliament announced that he had referred the proposal to the Committee on Regional Policy, Transport and Tourism as the committee responsible and the Committee on Budgets and the Committee on the Environment, Public Health and Consumer Policy for their opinions (C5-0393/2003).

The Committee on Regional Policy, Transport and Tourism appointed Emmanouil Mastorakis rapporteur at its meeting of 10 September 2003.

The committee considered the Commission proposal and draft report at its meetings of 25 November 2003 and 20-21 January 2004.

At the latter/last meeting it adopted the draft legislative resolution by 45 votes to 1, with 0 abstentions.

The following were present for the vote: Paolo Costa (chairman), Rijk van Dam (vice-chairman), Gilles Savary (vice-chairman), Helmuth Markov (vice-chairman), Emmanouil Mastorakis (rapporteur), Sylviane H. Ainardi, Pedro Aparicio Sánchez (for Garrelt Duin), Rolf Berend, Graham H. Booth (for Alain Esclopé), Philip Charles Bradbourn, Felipe Camisón Asensio, Luigi Cocilovo, Christine de Veyrac, Jan Dhaene, Den Dover (for James Nicholson), Jacqueline Foster, Mathieu J.H. Grosch, Konstantinos Hatzidakis, Ewa Hedkvist Petersen, Juan de Dios Izquierdo Collado, Georg Jarzembowski, Dieter-Lebrecht Koch, Ioannis Koukiadis (for Danielle Darras pursuant to Rule 153(2)), Constanze Angela Krehl (for Giovanni Claudio Fava), Giorgio Lisi, Sérgio Marques, Erik Meijer, Rosa Miguélez Ramos, Bill Miller (for John Hume), Enrique Monsonís Domingo, Francesco Musotto, Josu Ortuondo Larrea, Peter Pex, Wilhelm Ernst Piecyk, Samuli Pohjamo, Alonso José Puerta, Reinhard Rack, Carlos Ripoll y Martínez de Bedoya, Dana Rosemary Scallon, Ingo Schmitt, Elisabeth Schroedter (for Nelly Maes), Brian Simpson, Renate Sommer, Ulrich Stockmann, Herman Vermeer and Brigitte Wenzel-Perillo (for José Javier Pomés Ruiz).

The opinion of the Committee on Budgets is attached. The Committee on the Environment, Public Health and Consumer Policy decided on 9 September 2003 not to deliver an opinion.

The report was tabled on 26 January 2004 .

## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a European Parliament and Council regulation amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency (COM(2003) 440 – C5-0393/2003 – 2003/0159(COD))

(Codecision procedure: first reading)

*The European Parliament,*

- having regard to the Commission proposal to the European Parliament and the Council (COM(2003) 440)<sup>1</sup>,
  - having regard to Articles 251(2) and 80(2) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C5-0393/2003),
  - having regard to Rule 67 of its Rules of Procedure,
  - having regard to the report of the Committee on Regional Policy, Transport and Tourism and the opinion of the Committee on Budgets (A5-0021/2004),
1. Approves the Commission proposal as amended;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council and Commission.

Text proposed by the Commission

Amendments by Parliament

### Amendment 1 RECITAL 4

***(4) The Commission Communication of 2 May 2003 to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on enhancing maritime transport security includes a proposal for a European Parliament and Council Regulation which implements the above international instruments in the Community. The proposed Regulation on ship and port facility security assigns to the Agency an***

***(4) Regulation (EC) No xxxx/2003 of the European Parliament and of the Council on enhancing ship and port facility security assigns to the Commission certain inspection tasks in relation to the checking of the implementation of these security measures by Member States, in the performance of which the Agency could provide useful technical assistance. These tasks shall cover inspections of ships and related companies, as well as Recognised***

<sup>1</sup> OJ C ... / Not yet published in OJ.

***important task concerning the implementation of these security measures by Member States.***

***Security Organisations authorised to undertake certain security related activities in this context.***

*Justification*

*This amendment is tabled following consultation with the Presidency of the Council and is designed to facilitate the completion of the legislative procedure at first reading.*

Amendment 2  
RECITAL 8

(8) The Agency should be provided with the appropriate ***structure to undertake*** pollution response ***actions which will supplement the pollution response mechanisms of the Member States.*** It should act in support of the Community mechanism in the field of civil protection.

(8) The Agency should be provided with the appropriate ***means to support on request the*** pollution response ***mechanisms of the Member States.*** ***The activities of the Agency in this field should not relieve coastal States of their responsibility to have appropriate pollution response mechanisms in place and should respect existing cooperation arrangements between Member States or groups of Member States in this field. In the event of a pollution incident, the Agency should assist the affected Member State under the authority of which the cleaning up operations will be conducted.*** ***The Agency*** should act in support of the Community mechanism in the field of civil protection.

*Justification*

*The primary responsibility for marine pollution response lies with the coastal Member States. It is also clear that pollution response steps are taken under the authority of the Member State concerned.*

Amendment 3  
RECITAL 10

(10) The Administrative Board of the Agency should have the competence, in agreement with the Commission, to define a policy plan with regard to the Agency's pollution response activities. In drawing up the plan, the Administrative Board should

(10) The Administrative Board of the Agency should have the competence, in agreement with the Commission, to define a policy plan with regard to the Agency's pollution ***preparedness and*** response activities. In drawing up the plan, the

take into account the added value which the Agency's pollution response activities involve for the activities of the Member States, as well as the best possible combination of cost and efficiency.

Administrative Board should take into account the added value which the Agency's pollution response activities involve for the activities of the Member States, as well as the best possible combination of cost and efficiency.

*Justification*

*This amendment is tabled following consultation with the Presidency of the Council and is designed to facilitate the completion of the legislative procedure at first reading.*

Amendment 4  
RECITAL 10 A (new)

***(10a) Regard should be had to the existing agreements on accidental pollution, such as the Bonn Co-operation Agreement<sup>1</sup>, which facilitate mutual assistance and co-operation between Member States in this field, as well as to the relevant international conventions and agreements for the protection of European maritime areas from pollution incidents, such as the OPRC Convention<sup>2</sup> developed under the auspices of the IMO, OSPAR Convention<sup>3</sup>, the Barcelona Convention, the Helsinki Convention and the Lisbon Agreement.***

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<sup>1</sup> *Agreement for co-operation in dealing with pollution of the North Sea by oil and other harmful substances, 1983.*

<sup>2</sup> *International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990.*

<sup>3</sup> *Convention for the Protection of the Marine Environment of the North-East Atlantic of 22 September 1992.*

*Justification*

*The existing international regional agreements on marine pollution response must be referred to in order to make it clear that the Agency's assistance is provided subject to the application of the above-mentioned agreements.*

Amendment 5  
ARTICLE 1, POINT 1, POINT (A)  
Article 1, paragraph 1 (Regulation (EC) No 1406/2002)

1. This Regulation establishes a European Maritime Safety Agency (the "Agency") for the purpose of ensuring a high, uniform and effective level of maritime safety, maritime security, prevention of pollution and response to pollution by ships within the Community.

1. This Regulation establishes a European Maritime Safety Agency (the "Agency") for the purpose of ensuring a high, uniform and effective level of maritime safety, maritime security ***within the limits of the tasks defined in Article 2(b)(iia)***, prevention of pollution and response to pollution by ships within the Community.

*Justification*

*The subject of security is particularly sensitive. Consequently, the regulation ought to define clearly the limits of the technical assistance which the Agency will provide to the Commission.*

Amendment 6  
ARTICLE 1, POINT 1, POINT (A)  
Article 1, paragraph 2 (Regulation (EC) No 1406/2002)

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 Community 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.

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 Community legislation properly in the field of maritime safety, maritime security ***within the limits of the tasks defined in Article 2(b)(iia)***, prevention of pollution caused by ships, to monitor its implementation and to evaluate the effectiveness of the measures in place.

*Justification*

*The subject of security is particularly sensitive. Consequently, the regulation ought to define clearly the limits of the technical assistance which the Agency will provide to the Commission.*

Amendment 7  
ARTICLE 1, POINT 1, POINT (B)  
Article 1, paragraph 3 (Regulation (EC) No 1406/2002)

3. The Agency shall provide Member States and the Commission with technical and scientific assistance in the field of accidental

3. The Agency shall provide Member States and the Commission with technical and scientific assistance in the field of accidental



or deliberate pollution by ships and **supplement** with **appropriate** means the pollution response mechanisms of Member States. It shall act in support of the Community framework for co-operation in the field of accidental or deliberate marine pollution established by Decision 2850/2000/EC of the European Parliament and of the Council and of the Community mechanism in the field of civil protection established by Council Decision 2001/792/EC.

or deliberate pollution by ships and **support on request** with **additional** means **in a cost-efficient way** the pollution response mechanisms of Member States, **without prejudice to the responsibility of coastal States to have appropriate pollution response mechanisms in place and respecting existing cooperation between Member States in this field**. It shall act in support of the Community framework for co-operation in the field of accidental or deliberate marine pollution established by Decision 2850/2000/EC of the European Parliament and of the Council and of the Community mechanism in the field of civil protection established by Council Decision 2001/792/EC.

#### *Justification*

*This amendment is tabled following consultation with the Presidency of the Council and is designed to facilitate the completion of the legislative procedure at first reading.*

#### Amendment 8

#### ARTICLE 1, POINT 2

Article 2, point (b), point (iii) (Regulation (EC) No 1406/2002)

(iii) assist the Commission in the performance of any task assigned to the Commission by existing and future Community legislation on maritime safety, ship pollution prevention and ship pollution response, notably legislation applicable to classification societies, the safety of passenger ships, as well as that applicable to the safety, training, certification and watchkeeping of ships' crews, including the **evaluation** of compliance of third countries with the requirements of the STCW Convention.

(iii) assist the Commission in the performance of any task assigned to the Commission by existing and future Community legislation on maritime safety, ship pollution prevention and ship pollution response, notably legislation applicable to classification societies, the safety of passenger ships, as well as that applicable to the safety, training, certification and watchkeeping of ships' crews, including the **verification** of compliance of third countries with the requirements of the STCW Convention **and of the measures taken to prevent fraud involving certificates of competency**.

#### *Justification*

*Addition necessitated by Amendment 32 of the Poignant report on the minimum level of training of seafarers (A5-0152/2003).*

Amendment 9  
ARTICLE 1, POINT 2  
Article 2, point (b), point (iii a) (new) (Regulation (EC) No 1406/2002)

***(iiia) provide the Commission with technical assistance in the performance of the inspection tasks assigned to it pursuant to Article 10.4 of Regulation (EC) No xxxx/2003 of the European Parliament and of the Council on enhancing ship and port facility security. This assistance of EMSA to the Commission will be restricted to ship and relevant companies and Recognised Security Organisations authorised to undertake certain security-related activities in this context.***

*Justification*

*This amendment is tabled following consultation with the Presidency of the Council and is designed to facilitate the completion of the legislative procedure at first reading.*

Amendment 10  
ARTICLE 1, POINT 2  
Article 2, point (c), point (iii) (Regulation (EC) No 1406/2002)

(iii) ***supplement*** with ***appropriate*** means, via the Community mechanism in the field of civil protection established by Council Decision 2001/792/EC, their pollution response actions in case of accidental or deliberate pollution caused by ships;

(iii) ***support*** with ***additional*** means ***in a cost efficient way***, via the Community mechanism in the field of civil protection established by Council Decision 2001/792/EC, their pollution response actions in case of accidental or deliberate pollution caused by ships, ***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;***

*Justification*

*The primary responsibility for marine pollution response lies with the coastal Member States. It is also clear that pollution response steps are taken under the authority of the Member State concerned.*

*This addition is needed to make it clear that in the field of marine pollution response the principle of subsidiarity applies. See also the justification to Amendment 3.*

Amendment 11  
ARTICLE 1, POINT 2 A (new)  
Article 10, paragraph 2, point (d) (Regulation (EC) No 1406/2002)

***(2a) In Article 10, point (d) of paragraph 2 is replaced by the following:***

***(d) adopt, by 30 November each year, and taking the opinion of the Commission into account, the work programme of the Agency for the coming year and forward it to the Member States, the European Parliament, the Council and the Commission; this work programme shall be adopted without prejudice to the annual Community budgetary procedure. In the event that the Commission expresses, within 15 days from the date of adoption of the work programme, its disagreement with the said programme, the Administrative Board shall re-examine the programme and adopt it, possibly amended, within a period of two months, in second reading either with a two-thirds majority, including the Commission representatives, or by unanimity of the representatives of the Member States;***

*Justification*

*The amendment is simply intended to put back the deadline for adoption of the Agency's work programme from 31 October to 30 November. This gives the Agency a chance to adjust its work programme to the Commission's work programme.*

Amendment 12  
ARTICLE 1, POINT 3  
Article 10, paragraph 2, point (k) (Regulation (EC) No 1406/2002)

(k) adopt, following ***a proposal by the Executive Director and in agreement with the Commission***, a detailed plan for the Agency's pollution response activities, aiming at the optimum use of the financial means available to the Agency.

(k) adopt, following ***the procedures set out in (d)***, a detailed plan for the Agency's pollution ***preparedness and*** response activities, aiming at the optimum use of the financial means available to the Agency.

*Justification*

*A similar procedure applies to the Agency's plan for marine pollution response as that described in Article 10(2)(d) concerning the Agency's work programme.*

Amendment 13

ARTICLE 1, POINT 4 A (new)

Article 15, paragraph 2, point (a) (Regulation (EC) No 1406/2002)

***(4a) In Article 15, paragraph 2, point (a) is replaced by the following:***

***(a) he/she shall prepare the 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. He/she shall take the necessary steps for their implementation. He/she shall respond to any requests for assistance from the Commission or from a Member State in accordance with Article 10(2)(c). For information purposes, he/she shall transmit the plan to the Committee established by Article 4 of the Decision 2850/2000/EC as well as to the Committee established by Article 9 of the Decision 2001/792/EC;***

*Justification*

*It is necessary to change the wording of Article 15(2)(a) to make it consistent with the new wording of the provisions of Article 10(2)(d) (see Amendment 10). The amendment also ensures that the committees are kept informed, as stipulated by Decisions 2850/2000/EC and 2001/792/EC.*

Amendment 14

ARTICLE 1, POINT 6 A (new)

Article 22, paragraph 2 (Regulation (EC) No 1406/2002)

***(6a) In Article 22, paragraph 2 is replaced by the following:***

***2. The evaluation shall assess the impact of this Regulation, the Agency and its working practices. The Administrative Board shall issue specific terms of reference in agreement with the***

***Commission, following consultations with  
the parties involved.***

*Justification*

*This adjustment is needed because of the extension of the Agency's duties.*

## EXPLANATORY STATEMENT

### A. BACKGROUND TO THE PROPOSAL

In 2001, after the *Erika* tanker disaster, the Commission put forward a regulation to establish a European Maritime Safety Agency, a technical body with the objective of ensuring a high, uniform and effective level of maritime safety and prevention of pollution by ships within the Community. Regulation No 1406/2002, which established the agency, was adopted by the European Parliament and the Council on 27 June 2002 and came into force following its publication in the Official Journal, in August 2002. This new Community body is responsible for providing the Member States and the Commission with technical and scientific assistance to help them to apply Community legislation properly in the field of maritime safety and the prevention of pollution by ships, to monitor its implementation and to evaluate the effectiveness of the measures in place.

### B. CONTENT OF THE PROPOSAL

#### 1. Marine pollution response

Prompted by the wreck of the *Prestige* tanker in open seas off Galicia in November 2002, the Commission decided to put forward the amendments under discussion to the regulation in force, citing the following reasons.

The wreck demonstrated the lack of coordination between the actions of the Member States, which were first called upon to prevent the wreck from polluting the marine environment and subsequently to restrict its impact.

For this reason, the Commission is proposing to expand the jurisdiction of the agency, so that it can support the existing Community framework and mechanism in the area of accidental or deliberate marine pollution and civil protection. It should be noted that Community jurisdiction in these fields is based on the following Community instruments:

(a) Decision No 2850/2000/EC<sup>1</sup> of the European Parliament and of the Council setting up a Community framework for cooperation in the field of accidental or deliberate marine pollution and

(b) Council Decision 2001/792/EC<sup>2</sup> of 23 October 2001 establishing a Community mechanism to facilitate reinforced cooperation in civil protection assistance interventions. In line with the above instruments Community action aims to: support and supplement Member States' efforts; contribute to improving the response capabilities of the Member States in the event of incidents; strengthen the conditions for and facilitate efficient mutual assistance and cooperation; promote cooperation among Member States in order to provide for compensation for damage in accordance with the 'polluter pays' principle.

There are also various regional agreements operating in parallel with the existing Community

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<sup>1</sup> OJ L 332, 28.12.2000, p. 1.

<sup>2</sup> OJ L 297, 15.11.2001, p. 7.

framework, which govern cooperation between countries on pollution incidents in the North Sea, the Baltic and the Mediterranean.

Under this proposal, the agency will have the requisite financial resources to intervene, including by providing specialised pollution response ships, in the event that this is requested by a Member State, and it will act under the latter's authority. The relevant decision is in any case left to the agency's administrative board, following the Commission's agreement. It should also be pointed out that it has not yet been decided whether ships will be chartered as need arises or on a permanent basis. The Commission has asked for an independent study to be carried out, the conclusions of which will enable the agency to formulate a detailed action plan.

## **2. Dealing with terrorist acts targeting ships and port facilities**

The expansion of the agency's jurisdiction to cover the field of dealing with malicious acts (terrorist acts) is the most contentious objective in the proposal. On the basis of the proposal for a regulation on the improvement of ships and ports security (also currently under discussion in our committee), the Commission considers that the agency ought to assist it in the tasks assigned to the Commission by the regulation. Specifically, the proposed regulation introduces a process whereby inspections supervised by the Commission are put in place to check the effectiveness of procedures for monitoring the implementation of the Member States' security systems on ships and port facilities. Under the Commission's proposals, these inspections are to be carried out by the agency.

## **3. Training of seafarers**

Finally, the Commission proposes that the agency be involved in procedures with regard to the recognition of certificates of competency of seafarers issued by countries outside the EU. Specifically, the proposal to amend Regulation 2001/25/EC provides for a centralised and harmonised procedure for a Community-wide recognition of certificates of competency, to be entrusted to the Commission. The Commission, in turn, proposes that this procedure should form part of the agency's duties.

## **4. Financial means**

The Commission proposes that €60 million be made available to the agency for the 2004-2006 period in order for it to meet its obligations arising from its duty of prevention and response to marine pollution by ships.

## **C. OBSERVATIONS**

The proposal under consideration ought in principle to be viewed positively by our committee. The *Prestige* disaster demonstrated dramatically how vital it is to coordinate the activities of the Member States, so that they can deal with similar events in the future. There was also a firm request by the Parliament following the *Prestige* disaster that Community responsibilities in responding to marine pollution and for maritime safety more generally should be extended. On this point, it should be borne in mind that in its recent resolution on the disaster (Sterckx report), Parliament welcomed the Commission's proposal to provide the agency with special anti-pollution vessels.

It is also clear that the measures proposed by the Commission ought to be examined in conjunction with the Commission's proposals under consideration for dealing with malicious acts in ships and port facilities on the one hand and the recognition of certificates of competency of seafarers issued by countries outside the EU on the other hand. And in both cases our committee has opted for the granting of responsibilities to the agency. As a result, and in order to ensure that Parliament adopts consistent positions on these topics, the Commission's proposal ought to be viewed in a favourable light.

Individual consideration of each point in the proposed additional duties of the agency prompts the following reflections:

- Undoubtedly, of the proposed new responsibilities the one which does not cause any problem is the reference to the recognition of certificates of competency of seafarers issued by countries outside the EU. The agency is certainly (or will be) the Community body with the requisite expertise to assist the Commission in checking that third countries are complying with their obligations flowing from the International Convention on Standards of Training, Certification and Watchkeeping (STCW Convention).

- On the other hand, the extension of the agency's jurisdiction in the security field gives rise to questions. The first question is the extent to which the agency, which is clearly a Community body, will acquire third-pillar responsibilities (combating terrorism). The answer should be given in conjunction with the proposal, previously referred to, for a regulation on ship and port facility security. This proposal seeks to transfer to Community law the international measures designed to combat terrorist acts and other types of illegal act, on the basis of the amendments to the SOLAS convention and the approval of the International Ship and Port Facility Security Code. In so far as the proposed regulation gives the Commission responsibility for checking on the correct implementation of these measures at Community level and in so far as Parliament endorses this proposal, as was clearly demonstrated in voting on the report by Rosa Miguélez Ramos on ship and port facility security, it is obvious that the proposed jurisdiction of the agency to assist the Commission in this duty ought also to be accepted, with certain changes to clarify the technical and supporting nature of this duty.

- Finally, the proposal for granting the agency responsibility for prevention and combating of pollution from ships leaves many questions hanging. This is partly due to a lack of clarity in the proposal's wording and a lack of detail with regard to the manner in which use will be made of the means made available to the agency for combating pollution. The Commission says in its explanatory memorandum that these means will include special ships, which will be made available to the Member State affected by pollution in the event that it requests this. In its explanatory memorandum the Commission says throughout that these ships will be chartered. In the legislative text, however, the question of whether the ships will be leased or bought remains open. The question also remains as to whether chartering would take place as the need arises or on a permanent basis. Undoubtedly, the Commission is seeking to ensure that the agency has flexibility, by entrusting to the administrative board the drafting of 'a detailed plan for the Agency's pollution response activities, aiming at the optimum use of the financial means available to the Agency' (Article 10(2)(k)). The Commission ought nevertheless to furnish the Parliament with more comprehensive details on this issue.



Despite the reservations expressed above, your rapporteur takes the view that the Commission's proposal ought to be backed, as it contributes to the enhancing of shipping security. However, by tabling various amendments he will seek to make the proposal's text clearer. Specifically, the amendments tabled make it clear that the Agency provides only technical assistance to the Commission, so that the latter can fulfil the duties conferred on it by the regulation on ship and port facility security. In addition, because of the sensitive nature of this sector, the Agency's responsibilities are clearly defined. It is also made clear that in the field of marine pollution response, primary responsibility lies with the coastal Member States and relevant action is taken under their authority and only at their request. This ensures that the subsidiarity principle is applied.

20 January 2004

## **OPINION OF THE COMMITTEE ON BUDGETS**

for the Committee on Regional Policy, Transport and Tourism

on the proposal for a European Parliament and Council regulation on amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency (COM(2003) 440 – C5-0393/2003 – 2003/0159(COD))

Draftsman: Wilfried Kuckelkorn

### **PROCEDURE**

The Committee on Budgets appointed Wilfried Kuckelkorn draftsman at its meeting of 11 September 2003.

It considered the draft opinion at its meeting of 20 January 2003.

At this meeting it adopted the following amendments unanimously.

The following were present for the vote: Terence Wynn (chairman), Reimer Böge (vice chairman), Wilfried Kuckelkorn (rapporteur), Ioannis Averoff, Joan Colom i Naval, Den Dover, Catherine Guy-Quint, Jutta D. Haug, Jan Mulder, Esko Olavi Seppänen (for Francis Wurtz), Kyösti Tapio Virrankoski and Ralf Walter.

## AMENDMENTS

The Committee on Budgets calls on the Committee on Regional Policy, Transport and Tourism, as the committee responsible, to incorporate the following amendments in its report:

Text proposed by the Commission<sup>1</sup>

Amendments by Parliament

### Amendment 1

#### ARTICLE 1, POINT 1

Article 1, paragraph 3 a (new) (Regulation (EC) 1406/2002)

***The location of the agency is established in Lisbon. The host Member State should provide a financial contribution to the setting up of the Agency in accordance with the joint statement as agreed during the negotiations on the Financial Regulation.***

### *Justification*

*The Brussels European Council of 12 December 2003, has decided that the seat of the centre would be in Lisbon. The Parliament has always asked for a decision on the seat of new agencies to be taken in parallel to the adoption of the following regulation. In this case, it is feasible. Moreover, both EP and Council agreed in the context of the new Financial regulation that the Member States should facilitate the installation of new agencies on their territories.*

### Amendment 2

#### ARTICLE 1, POINT 2 A (new)

Article 6, paragraph 3 (Regulation (EC) 1406/2002)

The Agency's staff shall consist of officials ***assigned or seconded by*** the Commission ***or*** Member States on a temporary basis and of other servants recruited by the Agency as necessary to carry out its tasks.

The Agency's staff shall consist of officials ***transferred from*** the Commission ***consequently suppressing the posts from the Commission's establishment plan, or seconded from the*** Member States on a temporary basis and of other servants recruited by the Agency as necessary to carry out its tasks.

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<sup>1</sup> OJ C ....., ....., p. ....

*Justification*

*There should be compensation of human resources between the Commission and the Agency in order to avoid additional costs.*